

APPLICATION FOR NOMINATION TO THE COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: August 8, 2019 Florida Bar No.: 027450

GENERAL: Social Security No.:

1. Name Craig R. Atack E-mail: craigatack@gmail.com

Date Admitted to Practice in Florida: 2006

Date Admitted to Practice in other States: Not Applicable

2. State current employer and title, including professional position and any public or judicial office.

Assistant Public Defender, Appellate Division / Civil Commitment

3. Business address: 444 Seabreeze Blvd

City Daytona Beach County Volusia State FL ZIP 32118

Telephone (386) 254-3758 FAX () -

4. Residential address:

City F County State ZIP :

Since 2014 Telephone () -

5. Place of birth: Orlando, Florida

Date of birth: 4/14/1976 Age: 43

6a. Length of residence in State of Florida: Lifetime

6b. Are you a registered voter? [X] Yes [] No

If so, in what county are you registered? Flagler

7. Marital status: Married

If married: Spouse's name Michelle Atack

Date of marriage 2/21/15

Spouse's occupation Lawyer

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

8. Children

Name(s)	Age(s)	Occupation(s)	Residential address(es)
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9. Military Service (including Reserves)

Service	N/A	Branch	Highest Rank	Dates
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Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

Service	Branch	Highest Rank	Dates
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Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s). No

11a. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism?

Yes No

If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.]

Please describe such treatment or diagnosis.

11b. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner?

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite
- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes No

If yes, please explain.

12a. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

Yes No

12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes No

Describe such problem and any treatment or program of monitoring or counseling.

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, give full details as to court, date and circumstances. No

14. During the last ten years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.) No
15. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action. No
16. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test. No
17. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full. No

EDUCATION:

18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Please see addendum			

18b. List and describe academic scholarships earned, honor societies or other awards.
Please see addendum

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
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See Addendum

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned. The Florida Bar

LAW PRACTICE: (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
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See Addendum

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

See Addendum

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court		Area of Practice	
Federal Appellate	_____ %	Civil	<u>40</u> %
Federal Trial	_____ %	Criminal	<u>60</u> %
Federal Other	_____ %	Family	_____ %
State Appellate	<u>60</u> %	Probate	_____ %
State Trial	<u>40</u> %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
	_____ %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury? 40 Non-jury? 50

25. Arbitration? _____ Administrative Bodies? _____

26. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.
Not Applicable

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

See Addendum

27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

Not Applicable

27c. During the last five years, how frequently have you appeared at administrative hearings?
0 average times per month

27d. During the last five years, how frequently have you appeared in Court?
2-3 average times per month

27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? 0 %
Defendants? 100 %

28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

See Addendum

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases. Not Applicable

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved. See Addendum

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached. Please find attached. I am solely responsible for the attached brief

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

Not Applicable

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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Not Applicable

Types of issues heard:

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

Please see addendum

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

Not Applicable

(ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

Not Applicable

(iii) List citations of any opinions which have been published.

Not Applicable

(iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

Not Applicable

(v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

Not Applicable

(vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

Not Applicable

(vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

Not Applicable

BUSINESS INVOLVEMENT:

33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

Not Applicable

33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

In 2008, I was an adjunct instructor at Daytona State College where I taught the topic: "Legal Social and Ethical Issues in Business"

33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

Not Applicable

POSSIBLE BIAS OR PREJUDICE:

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

Not Applicable

MISCELLANEOUS:

35a. Have you ever been convicted of a felony or a first degree misdemeanor?

Yes _____ No If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?

Yes _____ No If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?

Yes _____ No If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

- 36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition. Please see addendum
- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part? No
- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved. No
- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you? No
- 37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition. No
38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition. No
39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars. No
40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v). No
41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation. No

42. In the past ten years, have you been subject to or threatened with eviction proceedings?
If yes, please explain. No

43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes No If no, please explain. _____

43b. Have you ever paid a tax penalty?

Yes No If yes, please explain what and why. _____

43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.

Not Applicable

45. List any honors, prizes or awards you have received. Give dates.

"Capture the Flag" 2007

46. List and describe any speeches or lectures you have given.

No

47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No

PROFESSIONAL AND OTHER ACTIVITIES:

48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged. The Florida Bar

48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization. Not Applicable

48c. List your hobbies or other vocational interests.

I am the father of a 2 year old, and therein now lie all my current interests. Before he was born I enjoyed kayaking, surfing, hiking, reading, basketball, and current events.

48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench. No

48e. Describe any pro bono legal work you have done. Give dates. I have not done pro bono legal work aside from the last 13 years service as an Assistant Public Defender,

SUPPLEMENTAL INFORMATION:

49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas? Criminal Appellate and Criminal Trial

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas? I was an adjunct professor at Daytona State College for two semesters and taught "Legal Social, and Ethical Issues in Business"

50. Describe any additional education or other experience you have which could assist you in holding judicial office. Please see adendum

51. Explain the particular potential contribution you believe your selection would bring to this position. Please see adendum

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission. Not Applicable

53. Give any other information you feel would be helpful to the Commission in evaluating your application. Please see adendum

REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission. Please see adendum

CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 9 day of August, 2019.

Craig R. Atack

Printed Name



Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: 8-9-19

JNC Submitting To: _____

Name (please print): CRAIG R. ATACK

Current Occupation: Assistant Public Defender

Telephone Number: 386-503-6164 Attorney No.: 00 27450

Gender (check one): Male Female

Ethnic Origin (check one): White, non Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: FLAGLER

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

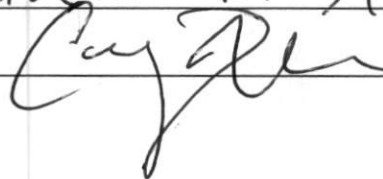
CONSUMER'S AUTHORIZATION FOR FDLE
TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of
Applicant:

CRAIG R. ATACK

Signature of Applicant:



Date:

8-9-19

18a/b.

Flagler Palm Coast High School, 1990-1994, Honors

University of Florida, 1994-1998, B.A. History, minors in English and Education

University of Florida, 1999-2000, M.Ed, Secondary Education

Florida International University, 2002-2005, Juris Doctorate

19.

May 1997 - August 1997. Dishwasher. Denny's Restaurant. 7 Kings Hwy, Palm Coast, FL

August 1998 - December 1998. Retail. Border's Books and Music. Richmond, VA

January 1999- June 1999. Food Service. Hop's Restaurant. Daytona Beach, FL

May 1999 - August 1999. Hospitality. Yosemite National Park. Yosemite, CA

August 2000 - June 2001. Public School Teacher. Chamblee High School. Atlanta, GA

December 2001 - June 2002. Construction/Labor. The Pentagon. Washington, DC

September 2005 - May 2006. Substitute Teacher. St. Augustine, FL

21.

Assistant Public Defender:

Misdemeanor Division 2006-2008, Daytona Beach

Felony Division 2008-2010, Daytona Beach

Felony Division 2010-2013, St. Augustine

Appellate Division / SVP Docket 2013- Present, Daytona Beach

22.

For the last 5 years, I have served as appellate counsel for indigent clients in the Fifth District Court of Appeal, while also representing indigent clients in the Seventh Judicial Circuit facing involuntary civil commitment, as well as those already involved in Florida's involuntary civil commitment treatment program. Persons facing involuntary civil commitment are often indigent and require a lawyer to navigate the complex path before them. I was hand-picked for this unique assignment because of my office-wide trial experience and have since become fluent in mental health issues, specifically those involving mental abnormalities and personality disorders, and the evidence code as applied in a civil context. Handling both an appellate and civil commitment trial docket simultaneously requires a heightened responsibility to manage scheduling and logistical issues involving everything from deposing expert witnesses to meeting appellate deadlines and staying informed of new caselaw.

In contrast, my prior experience was handling both a felony and misdemeanor trial docket. Those responsibilities involve handling a case from start to finish, including bond hearings, motion practice, plea negotiations, trials and sentencing.

27a.

SVP CASES:

Thomas Schaffer- 2000-32453-CICI
Dustin Havens
386-239-7710

John Beck - 1999-31659-CICI
Dustin Havens
386-239-7710

Jack Newsome - 2006-41-C A
Kenny Janesk
386-326-7720

DCA CASES:

Marquis Hayward - 5D18-3305
Pam Koller
386-238-4490

Nathan Nussbaumer - 5D18-2118
Nora Hall
386-238-4490

Leangelo Mulligan - 5d18-2176
Nora Hall
386-238-4490

28.

I moved from the trial division to the appellate division almost exactly 5 years ago. While in the trial division, I think a conservative estimate would be an average of 2-3 court appearances per week. As an Assistant Public Defender in the trial division, I was accustomed to at least an arraignment and a pretrial hearing every week, and usually at least one other reason to appear in court. This does not account for trials, or motion practice, as those appearances may be numerous but are less regular.

I spent approximately 7 years as an Assistant Public Defender in the trial division. During that time I completed approximately 40-50 jury trials and numerous non-jury trials, as well as assorted hearings. During my tenure in the St. Augustine office, between 2010-2013, I was the Public Defender's Office Drug Court representative, an assignment that added at least one additional day per week of court appearance.

30. I feel I need to preface this list by reminding the audience that my choice to be an Assistant Public Defender entails the lofty goal of providing excellent legal representation to whomever I am assigned to represent. One can imagine, this is easier said than done as the vast majority of indigent defendants may have difficult personalities, face repulsive charges and, quite often, are presented to me with some combination of the two. When I compiled the list of cases I am most proud of, I found they were cases I have not necessarily shared with my friends or family as most people would find the charges, or the client, or both, categorically repugnant. It is for that very reason I am most proud to have fulfilled my goal and responsibility as an Assistant Public Defender in representing them. Judges have a similar responsibility to ensure every person that comes before them will be treated fairly as a human being, equal under the law.

1.

Robert Larquan Collins 2010-00949-CF

Facing life in prison, Mr. Collins insisted on having a jury trial. His alleged co-defendant testified against him and his cell phone records placed his cell phone near the shooting during the time the shooting took place. Both co-defendants were masked and one of the shots fired entered the home and struck a pregnant woman. The jury acquitted. I list this case not because Mr. Collins was facing life in prison, but because the State's plea offer guaranteed he would spend less than 10 years prison had he not exercised his right to a trial. This case is a constant reminder of the pressure both the State and defense face when a case goes to trial, and that the jury's verdict can surprise everyone in the courtroom.

Judge Wendy Berger
Assistant State Attorney Jenny Dunton and Joshua Alexander

2.

Since 2014, I have split my time between writing appeals in the 5th District and handling the Sexually Violent Predator (SVP) docket for the 7th circuit. The SVP docket is similar to a felony trial docket in that the Detainees are entitled to a jury trial, and if committed, Respondents are entitled to a series of evidentiary hearings. The nature of these cases can confuse jurors, judges, lawyers and clients alike. Uniquely, the SVP docket involves regular trips to the Florida Civil Commitment Center in Arcadia, Florida, extensive depositions and questioning of mental health experts and the application of civil rules. Inapposite to trial work, the lawyer assigned to the SVP docket is in communication with his clients for the duration of their commitment, treatment and eventual release, regardless of how long that process takes to complete.

Facing a jury trial, every Detainee I've represented expressed a feeling of helplessness. Two juries have decided clients of mine did not meet the criteria to be committed as Sexually Violent Predators.

Jose Gonzalez (2014-31375-CICI) and Travis Griest (2015-10174-CIDL) were two Detainees facing civil commitment. The State made no "offers" to incentivize them to self-commit to treatment as SVP's. Mr. Gonzalez had an expert who opined he did not meet criteria for commitment but Mr. Griest had no expert to testify on his behalf. Their respective juries found neither of them met the criteria to be SVP's. These cases fine-tuned my appreciation for voir dire and jury selection and helped me to be conversant in the rules of evidence in the civil law context and apply them during a jury trial.

Judge Randall Rowe
Assistant State Attorney Dustin Havens

3.

Thomas Schaffer - 2000-32453-CICI

Mr. Schaffer entered into a plea agreement with the State to serve 365 days in prison with credit for time served. Instead of being released in 2000, he was subsequently found to meet the criteria to be a Sexually Violent Predator. He spent the next 19 years in the Florida Civil Commitment Center. As the judge noted in his order, much of that time was due to his refusal to participate in treatment, also making it difficult to find an expert to advocate for his release. Mr. Schaffer's case seemed hopeless, and stands as a reminder that each and every person in our legal system has a unique story that often falls on deaf ears. After years of encouraging him to do more to help himself, an expert finally opined he was safe to be at large. Since his release, Mr. Schaffer has become employed and, thus far, avoided our criminal justice system.

Judge Randall Rowe
Assistant State Attorney Dustin Havens

4. In St. Johns County, I truly appreciated being a member of the Drug Court team and participating in the weekly team conferences regarding what to do with the people struggling in Drug Court. Not one of the participants stands out specifically, but I felt like that population appreciated our encouraging them, and there is a real sense of satisfaction seeing them graduate and tell their story. As a trial attorney with that office, I was able to get some of my own clients into Drug Court, and the successful graduates truly turned their lives around.

Judge Wendy Berger
Assistant State Attorneys Richard Price and Diana Christenson

5. Kenneth Somers. 5D13-4160

On appeal, the 5th District Court of Appeal found a retired trial judge had been vindictive in sentencing. On re-sentencing, a different judge imposed a sentence of approximately 30 fewer years in prison than the first sentence. Every appellate case requires the attorney to become an expert in some minutia of the law, and this was one of my first cases where I was suspicious the original trial judge imposed a vindictive sentence. Not only did I learn that particular area of the law, but I gained some confidence in my ability to spot issues on appeal. Finally, the new sentence was a tangible relief I am sure my client appreciated. I attached the brief as my writing sample for question 31.

5th District Court of Appeals Judges Lawson, Berger and Cohen
Assistant Attorney General Charlene Matthews

6. Zarkee Sessions. 2008-35114-CFAES

One of my first felony trials, Mr. Sessions presented with a very difficult personality and a couple of facts that did not make sense. His case was a Capital Sexual Battery that appeared to be in the vein of trading the use of the victim's vehicle for drugs. Mr. Sessions faced life in prison and adamantly refused the State's offer. Our office investigated the case and thoroughly prepared for a two-day trial. Sometimes a defense victory is one in which the jury takes 6 hours to convict. In the end they returned with a guilty verdict and after a dramatic sentencing hearing involving just fewer than 10 witnesses the judge imposed a life sentence.

Judge David Walsh
Assistant State Attorney Jackie Royce and Brian Feiganebam

I honestly do not remember my misdemeanor cases as there have been so many faces since my assignment to that division in 2006-2009. During that time, specifically 2007, I won an office-wide award in titled "Capture the Flag." As a kudos, our office hangs an American flag on the lawyer's door after a jury acquittal.

32a.

I was a candidate in the 2012 election for Flagler County Judge. I earned the most votes in the seven-candidate primary election with 24.59% of the votes. I then lost the general election 48.85% to 52.48%.

36a.

Just this month I was sued, for the first time ever, by a Respondent residing at the Florida Civil Commitment Center. Our office filed a Motion to Dismiss and hearing is set for August 15, 2019. Please find said motion attached.

50.

My experience teaching at all grade levels, including college, has provided me with the confidence to prepare and present information to a group, and to communicate with an audience in a group setting. I've also held a number of jobs across a wide-range of occupations, including retail, food service, and manual labor. Many lawyers's paths are insulated from the "real world" in that they go from high school to college to law school. I believe my various job experiences have helped round out my life-experience.

51.

I am the son of two Flagler County Judges, and a life-long, dedicated member of this community. I was raised in Flagler County neighborhoods, and educated in Flagler County schools. Following in my parents' footsteps, I returned to Flagler County to serve my community as a career public servant, and to raise my family in the place that has given me so much.

I grew up watching both parents serve Flagler County from the bench. Through their example, I learned from an early age just how important it is to our community to have a County Judge who treats every person with respect, who considers every argument with objectivity, and who presides over every case with undivided attention. I had the honor in 2012 of running for Flagler County Judge on these principles, and despite losing that election (48.85% -52.48%), the fact that nearly half of the voters in Flagler County chose me to be their Flagler County Judge left no doubt in my mind that the example of my parents set was the right one, and that I can run a successful campaign in the future.

Unlike most, my legal career has provided me with both extensive trial and extensive appellate experience, and I am confident that this experience, if I have the honor of being appointed, would lead to greatly improved judicial economy. I am equally confident that my technological expertise and intimate familiarity with the Florida Court System's evolving digital infrastructure would prove invaluable to this end as well.

In sum, I know I have the legal knowledge required to preside over County Court cases, the judicial experience required to manage them efficiently and effectively, the professional temperament required to address each party fairly, and the personal commitment to this community required to keep the public's trust.

53.

I do not know who the other candidates are, but I am guessing none of them grew up in Flagler County. I did. My home and my family are here. Growing up here in the 80's, everyone in the county attended Bunnell Elementary, Buddy Taylor Middle and Flagler Palm Coast High Schools, as these were the only public schools in the county. There are people all over this county I have known since I was 5 or 6 years old. When my parents moved here in 1978, Flagler County was home to about 10,000 people. Today over 110,000 people call this county their home. I grew up around the legal community here, and remain friends with people that practiced with and in front of both of my parents. My roots in this county are deep, and even deeper with respect to the position of Flagler County Judge.

You may know my father was the County Judge from 1981 till his death in 1994, and my mother was appointed to the same seat that year and presided until her retirement in 2012. To be clear, I am proud of that legacy, but I have never felt entitled to be our next County Judge.

The Commission should instead consider what kind of impact that legacy might have on me as a candidate for the position both my parents held. Children invariably learn from their parents. In my parents' footsteps, my career has been one dedicated to public service. I have spent the last 13 years as an Assistant Public Defender, and before that I was a public school teacher. Lots of colleagues have suggested I enter private practice, as my skill set and name recognition would almost guarantee a steady stream of clients. Every time I consider such a move, I am reminded of the satisfaction I get from being a public servant. Before taking the bench, my father was an Assistant State Attorney, and my mother was an Assistant Public Defender. They each spent some time in private practice, but my memories of their careers are those where they are each in a black robe. As a child, I watched my father on the bench and as an

adult, I watched my mother in the same honorable position.

54.

References:

Honorable James Purdy, Public Defender	386-239-7730
Honorable Judge Raul Zambrano	386-239-7791
Honorable Judge Wendy Berger	386-947-1546
Honorable Judge Randal Rowe	386-736-5946
Honorable Judge Chris France	386-313-4515
Honorable Judge Chris Ferebee	386-329-0471
Honorable Judge Judy Campbell	386-257-6060
George Burden, Capital Appeals Division Chief	386-254-3758
Norma Wendt	904-827-5699
John Tanner	386-214-2068