

**JUDICIAL NOMINATING COMMISSION
SEVENTH JUDICIAL CIRCUIT OF FLORIDA**

**CIRCUIT & COUNTY COURT
APPLICATION**

OF

K. MARK JOHNSON



APPLICATION FOR NOMINATION TO THE SEVENTH JUDICIAL CIRCUIT COURT

Instructions: Respond fully to the questions asked below. Please make all efforts to include your full answer to each question in this document. You may attach additional pages, as necessary, however it is discouraged. In addition to the application, you must provide a recent color photograph to help identify yourself.

Full Name: Kenneth Mark Johnson **Social Security No.:** [REDACTED]

Florida Bar No.: 0378320 **Date Admitted to Practice in Florida:** 10/2/2000

1. Please state your current employer and title, including any professional position and any public or judicial office you hold, your business address and telephone number.

Employer	Office of the State Attorney, Seventh Judicial Circuit
Position	Assistant State Attorney, Homicide Investigations Unit
Business Address	2446 Dobbs Rd., St. Augustine, FL 32086
Business Phone No.	(904) 209-1300

2. Please state your current residential address, including city, county, and zip code. Indicate how long you have resided at this location and how long you have lived in Florida. Additionally, please provide a telephone number where you can be reached (preferably a cell phone number), and your preferred email address.

Residential address	[REDACTED]
Length of time	Since August of 2009
Florida residence	Since 1979 (45 years)
Cell number:	[REDACTED]
Email address:	[REDACTED]

3. State your birthdate and place of birth.

Date of birth:	March 30, 1974
Place of birth:	Murfreesboro, TN

4. Are you a registered voter in Florida (Y/N)?

Yes

5. Please list all courts (including state bar admissions) and administrative bodies having special admissions requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have ever been suspended or resigned. Please explain the reason for any lapse in membership.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>	<i>Suspension / Resignation</i>
The Florida Bar	October 2, 2000	No
U.S. Court of Appeals, 11th Circuit	December 6, 2001	No
U.S. District Court, M.D. Florida	December 14, 2001	No

I have continuously maintained my membership with The Florida Bar since the date of my admission. I allowed my membership with the U.S. Court of Appeals for the 11th Circuit and the U.S District Court for the Middle District of Florida to expire when my legal practice transitioned to focus exclusively on state court cases.

6. Have you ever been known by any aliases? If so, please indicate and when you were known by such alias.

No.

EDUCATION:

7. List in reverse chronological order each secondary school, college, university, law school or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, the date the degree was received, class standing, and graduating GPA (if your class standing or graduating GPA is unknown, please request the same from such school).

<i>Schools</i>	<i>GPA / Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Stetson University College of Law Gulfport, Florida	71/133 2.815 GPA	8/1997 – 5/2000	Juris Doctor May 5, 2000
Florida State University Tallahassee, Florida	3.20 GPA	1-1995 – 12/1996	Bachelor of Science Criminology Dec. 14, 1996
Pensacola State College Pensacola, Florida	3.43 GPA	8/1992 – 12-1994	Associate of Arts Criminal Justice Dec. 15, 1994
Faith Christian School Milton, Florida	Valedictorian 4.0 GPA	8/1988 – 5/1992	High School Diploma May 22, 1992

8. List and describe any organizations, clubs, fraternities or sororities, and extracurricular activities you engaged in during your higher education. For each, list any positions or titles you held and the dates of participation.

<i>Name</i>	<i>School</i>	<i>Position / Title</i>	<i>Dates</i>
Phi Alpha Delta Law Fraternity	Florida State University	Member	1995-96
Pi Gamma Mu Social Science Honor Society	Florida State University	Member	1996
Moot Court Board	Stetson University College of Law	Associate Justice	1998-2000
Christian Legal Society	Stetson University College of Law	Member	1998-2000

EMPLOYMENT:

9. List in reverse chronological order all full-time jobs or employment (including internships and clerkships) you have held since the age of 21. Include the name and address of the employer, job title(s) and dates of employment. For non-legal employment, please briefly describe the position and

provide a business address and telephone number.

<i>Date</i>	<i>Title</i>	<i>Employer</i>	<i>Address / Phone No.</i>
1/2009 – Present	Assistant State Attorney	Office of the State Attorney, Seventh Judicial Circuit	251 N. Ridgewood Ave. Daytona Beach, FL 32114 Phone: (386) 239-7710
1/2004 – 1/2009	Assistant State Attorney	Office of the State Attorney, Second Judicial Circuit	301 S. Monroe St., Ste. 475 Tallahassee, FL 32301 (850) 606-6000
9/2000 – 11/2003	Associate Attorney	Gibbs Law Firm, P.A.	13790 Roosevelt Blvd., Ste. A Clearwater, FL 33762 (727) 362-3700
1/2000 – 5/2000	Certified Legal Intern	Office of the State Attorney, Sixth Judicial Circuit	14250 49th St. N. Clearwater, FL 33762 (727) 464-6221
6/1999 – 8/1999 6/1998 – 8/1998	Law Clerk/Intern	Gibbs Law Firm, P.A.	13790 Roosevelt Blvd., Ste. A Clearwater, FL 33762 (727) 362-3700
6/1997 – 7/1997 6/1996 – 7/1996 6/1995 – 8/1995	Lifeguard	Georgia FFA-FCCLA Center	720 FFA-FHA Rd. Covington, GA 30014 (770) 786-6926

10. 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.

For over 21 years, I have had the privilege to serve as a prosecutor in the State Attorney's Offices for the 7th and 2nd Judicial Circuits. For almost 17 years, I have worked in the Homicide Investigations Unit with a team of dedicated attorneys, investigators and support staff who focus on investigating and prosecuting homicides and suspicious deaths within Putnam, St. Johns and Flagler County. During that term, I also served as the managing attorney of our office in Putnam Co., supervising approximately 20 staff, including attorneys, secretaries, victim advocates and investigators. Prior to working as a prosecutor, I spent three years in private practice with a firm that specialized in representing churches, schools, non-profit organizations and individuals in areas such as tax, zoning, contract, employment and constitutional law.

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

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

State Trial	<u>100</u> %	Other	<u> </u> %
State Administrative	<u> </u> %		
State Other	<u> </u> %		
 TOTAL	 <u>100</u> %	 TOTAL	 <u>100</u> %

If your appearance in court the last five years is substantially different from your prior practice, please provide a brief explanation:

12. In your lifetime, how many (number) of the cases that you tried to verdict, judgment, or final decision were:

Jury?	<u>150+</u>	Non-jury?	<u>20+</u>
Arbitration?	<u> </u>	Administrative Bodies?	<u> </u>
Appellate?	<u> </u>		

13. Please list every case that you have argued (or substantially participated) in front of the United States Supreme Court, a United States Circuit Court, the Florida Supreme Court, or a Florida District Court of Appeal, providing the case name, jurisdiction, case number, date of argument, and the name(s), e-mail address(es), and telephone number(s) for opposing appellate counsel. If there is a published opinion, please also include that citation.

None

14. 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.

No.

15. 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 full.

No.

16. For your last six cases, which were tried to verdict or handled on appeal, either before a jury, judge, appellate panel, arbitration panel or any other administrative hearing officer, list the names, e-mail addresses, and telephone numbers of the trial/appellate counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

1. **State v. Edarian Price, Putnam Co. Circuit Court Case No. 2023-0362-CF**

Charge: Second Degree Murder with a Firearm

- a. Defense counsel: Brian Smith [REDACTED]
- b. State counsel: Mark Johnson & Alexander Gilewicz [REDACTED]

2. **State v. Stephen Monroe, Flagler Co. Circuit Court Case No. 2022-0618-CF**

Charge: First Degree Murder

- a. Defense counsel: Terence Lenamon [REDACTED]
- b. State counsel: Mark Johnson & Jason Lewis [REDACTED]

3. **State v. Eldridge Griner, Putnam Co. Circuit Court Case No. 2021-1039-CF**

Charge: First Degree Murder

- a. Defense counsel: Doug Dorsey [REDACTED]
- b. State counsel: Mark Johnson & Alexander Gilewicz [REDACTED]

4. **State v. Marcus Chamblin, Flagler Co. Circuit Court Case No. 2021-0023-CF**

Charges: First Degree Murder, Attempted First Degree Murder & Shooting into an Occupied Vehicle

- a. Defense counsel: Terence Lenamon [REDACTED]
- b. State counsel: Mark Johnson & Jason Lewis [REDACTED]

5. **State v. Anthony Foxx, Putnam Co. Circuit Court Case No. 2020-0423-CF**

Charge: First Degree Murder

- a. Defense counsel: Refik Eler [REDACTED]
- b. Defense counsel: Mark Johnson

6. **State v. Timothy Fletcher, Putnam Co. Circuit Court Case Nos. 2009-0648-CF**

Charge: First Degree Murder (death penalty resentencing due to *Hurst*)

- a. Defense counsel: Garry Wood [REDACTED]
- b. State counsel: Mark Johnson & Jennifer Dunton [REDACTED]

17. For your last six cases, which were either 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). *This question is optional for sitting judges who have served five years or more.*

1. **State v. Tykidra Leonard, Putnam Co. Circuit Court Case No. 2022-1174-CF**

Charge: Second Degree Murder with a Weapon

- a. Defense counsel: Doug Dorsey [REDACTED]
- b. State counsel: Mark Johnson

2. **State v. Kim Zaheer, Flagler Co. Circuit Court Case No., 2021-0336-CF**

Charge: Aggravated Manslaughter of an Elderly or Disabled Person

- a. Defense counsel: Brian Smith [REDACTED]
- b. State counsel: Mark Johnson

3. **State v. Christian Wilkinson, Putnam Co. Circuit Court Case No. 2023-0321-CF**

Charge: Second Degree Murder with a Firearm

- a. Defense counsel: Thomas Edwards [REDACTED]
- b. State counsel: Mark Johnson

4. **State v. Derrius Bauer, Flagler Co. Circuit Court Case No. 2021-0024-CF**

Charges: Principal to First Degree Murder, Attempted First Degree Murder & Shooting into an Occupied Vehicle

- a. Defense counsel: Wayne Henderson [REDACTED]
- b. State counsel: Mark Johnson & Jason Lewis [REDACTED]

5. **State v. Devandre Williams, Flagler Co. Circuit Court Case Nos. 2022-619-CF & 2022-620-CF**

Charge: First Degree Murder (2022-620-CF) & Second Degree Murder (2022-619)

- a. Defense counsel: Doug Williams [REDACTED]; Kim Heller [REDACTED]
- b. State counsel: Mark Johnson

6. **State v. Tyrese Patterson, Flagler Co. Circuit Court Case No.**

Charge: First Degree Murder & Possession of Firearm by In-State Delinquent

- a. Defense counsel: Tim Pribisco [REDACTED]
- b. State counsel: Mark Johnson

18. During the last five years, on average, how many times per month have you appeared in Court or at administrative hearings? If during any period you have appeared in court with greater frequency than during the last five years, indicate the period during which you appeared with greater frequency and succinctly explain.

During the last five years, I have worked in a special unit prosecuting exclusively homicide cases. These cases bring me to appear in court on average about 2-3 times per month. Several years prior to that, I worked as a felony line prosecutor, handling a much larger caseload. In that role, I appeared in court on a near-daily basis.

19. If Questions 16, 17, and 18 do not apply to your practice, please list your last six major transactions or other legal matters that were resolved, listing the names, e-mail addresses, and telephone numbers of the other party counsel.

N/A

20. During the last five years, if your practice was greater than 50% personal injury, workers' compensation or professional malpractice, what percentage of your work was in representation of plaintiffs or defendants?

N/A

21. List and describe the five most significant cases which you personally litigated giving the case style, number, court and judge, the date of the case, the names, e-mail addresses, and telephone numbers of the other attorneys involved, 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.

1. <i>State of Florida v. Quentin Truehill, Kentrell Johnson & Peter Hughes</i>	
Case Nos.	2010-0763-CF; 2010-0764-CF & 2010-0765-CF (St. Johns Co.)
Judge	Raul Zambrano
State Counsel	Mark Johnson Jason Lewis, [REDACTED]
Defense Counsel	Truehill: Jim Valerino [REDACTED] Ray Warren, [REDACTED] Rosemarie Peoples, [REDACTED] Johnson: Junior Barrett; [REDACTED] Hughes: Sung Lee; [REDACTED] Richard Kuritz, Phone: [REDACTED]
Trial Dates	February 3 – March, 2014 (Truehill) June 9-24, 2014 (Johnson)

Client	State of Florida
Appellate case(s)	<i>Truehill v. State</i> , 211 So.3d 930 (Fla. 2017). <i>Johnson v. State</i> , 238 So.3d 726 (Fla. 2018).

Following their escape from a Louisiana jail, Quentin Truehill, Kentrell Johnson and Peter Hughes started a crime spree that extended from Louisiana all the way to Miami. They committed several robberies, including one in which they chopped a Pensacola woman's fingers off during the crime. As they made their way through Tallahassee, they encountered and kidnapped Vincent Binder, a graduate student at FSU. After robbing him of his credit cards, they drove him to St. Augustine where they brutally hacked him to death with a large knife. They fled all the way to Miami, where they continued to use Binder's credit card. They were eventually caught, but Binder's body was not found until almost a full month after his disappearance. Once his body was found in St. Augustine, the defendants were charged here with his murder.

This case was significant to me on several fronts. First, I personally connected with the case because I had worked for the State Attorney's Office in Tallahassee for several years and had attended FSU. The brutal murder in our jurisdiction of a student from there struck me in a profound way. Second, the case was, by far, the most extensive and complicated murder case I had handled up to that point. It involved approximately 10 different crime scenes from Louisiana to Miami; numerous law enforcement agencies from both federal and state jurisdictions; and hundreds, if not thousands, of pieces of evidence. At trial, we called 50-60 witnesses, who lived in jurisdictions as far away as Montana, Louisiana, Alabama and several counties within the State of Florida. Moreover, each defendant had to be tried separately since their trials were severed. The juries in both Truehill's and Johnson's trials convicted both of first-degree murder and unanimously returned death recommendations before the *Hurst* decision required it. Hughes eventually entered a guilty plea in exchange for a life sentence. Johnson's death sentence was later overturned by the Florida Supreme Court, which held that he was entitled to be sentenced to life due to negotiations that he had engaged in with the Tallahassee State Attorney's Office prior to Binder's body being discovered in St. Augustine. Truehill's death sentence was upheld by the Florida Supreme Court.

2. <i>State of Florida v. Sean Bush</i>	
Case No.	2011-1604-CF (St. Johns Co.)
Judge	Howard Maltz
State Counsel	Mark Johnson (applicant) Jennifer Dunton, [REDACTED]
Defense Counsel	Rosemarie Peoples, [REDACTED] Ray Warren, [REDACTED]
Trial Dates	October 2 – November 3, 2017
Client	State of Florida
Appellate case(s)	<i>Bush v. State</i> , 295 So.3d 179 (Fla. 2020).

On May 31, 2011, Nicole Bush, a single mother, was found in her home shot, stabbed and severely beaten. She had recently separated from the defendant and had purchased her own home, which she moved into with her two young sons. In the days leading to her murder, she had informed the defendant that she intended to file for a divorce and had begun filling out the paperwork to do so. The defendant began planning to murder Nicole by asking for help to find a gun and conducting internet research on how to build a suppressor for the handgun he eventually obtained. He decided to carry out his plan on the Memorial Day weekend when he had custody of his two sons. In the early morning hours of May 31, he left his home, drove to Nicole's house, turned off her alarm system, then put a pillow over her head as she slept, and shot her multiple times in the head. When the shots did not kill her, he then stabbed her several times, then brutally beat her with an aluminum baseball bat. He then attempted to hide the baseball bat in the living room couch before leaving. Nicole eventually managed to call a friend, who then contacted law enforcement. She later died at the hospital, leaving behind her two boys.

This case was significant to me because it involved a single mother, who was attempting to separate herself from an abusive husband and make a better life for herself and her two sons. The defendant had a violent past, including an unsuccessful attempt to murder his previous wife in New Jersey. It was especially important to me to be sure that he was finally held accountable for his horrible crimes. Also, this case wound up being one of the first death penalty cases to be tried in the State of Florida following the *Hurst* decision and then, later on appeal, established major precedent when the Florida Supreme Court used the circumstances of the case to abolish the confusing special circumstantial evidence standard for criminal cases within the State of Florida.

3. *State of Florida v. James Colley*

Case No.	2015-1248-CF (St. Johns Co.)
Judge	Howard Maltz
State Counsel	Jennifer Dunton, [REDACTED] Mark Johnson (applicant)
Defense Counsel	Terry Shoemaker, [REDACTED] Garry Wood, [REDACTED]
Trial Dates	July 9-25, 2018
Client	State of Florida
Appellate case(s)	<i>Colley v. State</i> , 310 So.3d 2 (Fla. 2020)

On August 27, 2015, James Colley obtained multiple firearms, drove to his estranged wife's home, broke in, and executed his wife and her best friend. Minutes before, he had left court in St. Johns County where he had entered a plea agreement on a violation of injunction charge his wife had filed against him. The murders were captured in their entirety by the recorded 911 calls made by each one of the victims. After the murders, the defendant fled to Virginia where he was arrested and taken into custody.

This case highlighted the significant problem of domestic violence-related homicides that is not unique to our jurisdiction. The Colley case was the fourth consecutive case I was involved in trying between 2016

and 2018 that involved a husband killing his wife. In the end, the jury convicted Colley of the premeditated murders and returned a unanimous verdict in favor of the death penalty.

4. *State of Florida v. Timothy Fletcher*

Case No.	2009-0648-CF (Putnam Co.)
Judge	Wendy Berger (original trial) Howard McGillin (<i>Hurst</i> resentencing trial)
State Counsel	Mark Johnson Jason Lewis, [REDACTED] Jennifer Dunton, [REDACTED]
Defense Counsel	Garry Wood, [REDACTED]
Trial Dates	May 21 – June 12, 2012 (original trial) April 18-27, 2022 (<i>Hurst</i> resentencing trial)
Client	State of Florida
Appellate case(s)	<i>Fletcher v. State</i> , 168 So.3d 186 (Fla. 2015) <i>Fletcher v. State</i> , 415 So.3d 147 (Fla. 2025)

In April of 2009, Timothy Fletcher and Doni Ray Brown escaped from the Putnam Co. Jail using a hydraulic jack that Fletcher had obtained from a jail transport van, hid in a leg cast, and smuggled into his cell. After stealing a nearby truck, they drove to the home of Helen Googe, Fletcher’s step-grandmother. They then broke into her house and forced Mrs. Googe to open a safe in which Fletcher believed she held a large sum of money. When Fletcher discovered that there was nothing of value in the safe, he strangled Mrs. Googe to death with his bare hands, stole her credit cards and car, and fled to Kentucky. At trial, a jury found Fletcher guilty of first-degree murder and recommended a death sentence by an 8-4 vote.

This case was significant in that it involved a significantly appalling and personal crime. The idea of someone strangling their grandmother with their bare hands over so little was incomprehensible. These facts and the “Escape from Alcatraz”-like breakout also attracted national media attention. Immediately after the escape, the case was featured on “America’s Most Wanted” and then was later the subject of an episode on the Discovery Channel’s “I (Almost) Got Away With It.”

Fletcher’s original death sentence was initially upheld by the Florida Supreme Court in 2015. But it was later vacated due to *Hurst*, which was decided the following year. A resentencing trial was held in 2022, and a jury unanimously ruled in favor of a death sentence. That sentence was affirmed earlier this year.

5. *State of Florida v. Luis Toledo*

Case No.	2013-102888-CFDL (Volusia Co. Circuit Court)
Judge	Raul Zambrano
State Counsel	Mark Johnson (applicant) Ryan Will, [REDACTED]

Defense Counsel	Jeffrey Dean, [REDACTED] Michael Nielsen, [REDACTED] Michael Nappi, [REDACTED]
Trial Dates	October 2 – November 3, 2017
Client	State of Florida
Appellate case(s)	<i>Toledo v. State</i> , 280 So.3d 76 (Fla. 5th DCA 2019) (PCA)
<p>Luis Toledo, a former leader in the Latin Kings gang, was charged with murder following the disappearance of his wife, Yessenia Suarez, and her two young children, Michael and Thalia Otto. On the day they were last seen alive, Toledo discovered that his wife was having an affair with a co-worker and confronted them at their job site. Despite this tension, Yessenia made the decision later that evening to leave her mother's home and return to her own with her children. During the night, Toledo killed them and disposed of their bodies in an unknown location. They were never seen again.</p> <p>This case involved the rare murder prosecution where the victims' bodies were never recovered. As a result, it presented unique and challenging legal issues, such as establishing <i>corpus delicti</i> and the cause and manner of death. The case also generated heavy media coverage in the Orlando and Daytona Beach area, which forced a change of venue to St. Johns County. Finally, the U.S. Supreme Court issued its opinion in <i>Hurst v. Florida</i>, striking down Florida's death penalty, just days before the <i>Toledo</i> trial was set to begin. This caused the trial to be delayed until the establishment of new procedures were established. The trial was extensive, lasting a full month. The jury found the defendant guilty of murder of his wife and her children, and 10 of the 12 jurors voted in favor of the death penalty. However, since the penalty verdict was not unanimous (which was required during that period), the defendant received a life sentence.</p>	

22. Attach at least two, but no more than three, examples of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach a writing sample for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

1. State's Sentencing Memorandum, *State v. Timothy Wayne Fletcher*, Putnam Co. Circuit Court Case No. 2009-0648-CF (Dec. 12, 2022) (sole author).
2. State's Response to Defendant's Motion to Suppress Illegally Seized Evidence, *State v. Marcus Avery Chamblin*, Flagler Co. Circuit Court Case No. 2021-0023-CF (Mar. 18, 2024) (sole author).
3. State's Sentencing Memorandum, *State v. Norman Blake McKenzie*, St. Johns Co. Circuit Court Case No. 2006-1864-CF (Dec. 6, 2019) (sole author).

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

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

No.

24. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor's Office for consideration.

Date	Commission	Judicial Seat	Certification to Governor
Aug. 2018	7th Judicial Circuit	Circuit court seat vacated by removal of Judge Scott Dupont	Yes
Nov. 2018	7th Judicial Circuit	Circuit court seat vacated due to death of Judge Clyde Wolfe	No
Aug. 2019	7th Judicial Circuit	Flagler Co. court seat created by Florida legislature	No
Oct. 2020	7th Judicial Circuit	Circuit court seat vacated by retirement of Judge Patti Christensen	Yes
Aug. 2021	7th Judicial Circuit	St. Johns Co. court seat created by Florida legislature	No

25. List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard.

None.

26. If you have prior judicial or quasi-judicial experience, please list the following information:

- (i) the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance;
- (ii) the approximate number and nature of the cases you handled during your tenure;
- (iii) the citations of any published opinions; and
- (iv) descriptions of the five most significant cases you have tried or heard, identifying the citation or style, attorneys involved, dates of the case, and the reason you believe these cases to be significant.

N/A

27. Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions.

N/A

28. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, attach copies of the opinions.

N/A

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

N/A

30. Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances.

N/A

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

No.

NON-LEGAL BUSINESS INVOLVEMENT

32. 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.

N/A

33. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received.

No.

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.

None.

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

35. List the titles, publishers, and dates of any books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials published only on the Internet. Attach a copy of each listed or provide a URL at which a copy can be accessed.

None.

36. List any reports, memoranda or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. Provide the name of the entity, the date published, and a summary of the document. To the extent you have the document, please attach a copy or provide a URL at which a copy can be accessed.

None.

37. List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place they were delivered, the sponsor of the presentation, and a summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.

Johnson, M. & Ferebee, C. (2018). *Search Warrant Issues*. Lecture presented at a detectives training course that was hosted by the St. Johns Co. Sheriff's Office for law enforcement agencies in St. Johns, Putnam, and Flagler counties.

Lewis, J., Johnson, M., & Dunton, J. (2018). *Homicide Investigative Strategies for Overdose-Related Deaths*. Lecture presented at a symposium hosted by the St. Johns Co. Sheriff's Office for law enforcement agencies in St. Johns, Putnam, and Flagler counties.

Johnson, M. (2017). *4th Amendment Issues*. Lecture presented at a detectives training course that was hosted by the St. Johns Co. Sheriff's Office for law enforcement agencies in St. Johns, Putnam, and Flagler counties.

Johnson, M. & Lewis, J. (2015). *Traffic Homicide Legal Issues*. Lecture presented at a training hosted by the State Attorney's Office for the Seventh Judicial Circuit for traffic homicide investigators with the Florida Highway Patrol.

Johnson, M. & Dunton, J. (2015). *Legal Issues: Body Cameras, Social Media & Technology*. Lecture presented at the New Detectives College hosted by the Daytona State Advance Technology College.

Johnson, M. & Dunton, J. (2014). *Legal Issues: Body Cameras, Social Media & Technology*. Lecture presented at the New Detectives College hosted by the Daytona State Advance Technology College.

Johnson, M. (2014). *Closing Arguments: Legal & Ethical Considerations*. Lecture to new prosecutors hosted by the State Attorney's Office for the Seventh Judicial Circuit.

Johnson, M. (2013). *Closing Arguments: Legal & Ethical Considerations*. Lecture to new prosecutors hosted by the State Attorney's Office for the Seventh Judicial Circuit.

Johnson, M. (2013). *Case Handling; Miranda Issues; Report Writing & Testimony Preparation; Search & Seizure Issues; Joint & Constructive Possession Issues*. Organized a series of lectures on these topics to be presented to deputies with the Putnam Co. Sheriff's Office.

38. Have you ever taught a course at an institution of higher education or a bar association? If so, provide the course title, a description of the course subject matter, the institution at which you taught, and the dates of teaching. If you have a syllabus for each course, please provide.

None other than those listed above in response to Question 38.

39. List any fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement. Include the date received and the presenting entity or organization.

None.

40. Do you have a Martindale-Hubbell rating? If so, what is it and when was it earned?

No.

41. List all bar associations, legal, and judicial-related committees of which you are or have been a member. For each, please provide dates of membership or participation. Also, for each indicate any office you have held and the dates of office.

The Florida Bar, member (2000-present)
Putnam Co. Bar Association, member (2009-present)
St. Johns Co. Bar Association, member (2009-present)

42. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of office.

Federalist Society, member (2000-03; 2018-present)
St. Augustine Inn of Court, member (2020-present)
Boy Scouts of America (2019-present), Committee Chair, Pack 249 & Asst. Scoutmaster, Troop 345
Rotary Club of Palatka, member (2013-2023)
SMA Healthcare Foundation, Board of Directors (2015-2023)
Turning Point at Calvary Church, member (2021-present)
Crescent Beach Baptist Church, member (2009-2021) & Deacon (2011-2021)
Maranatha Baptist Church (Tallahassee), member (2004-08) & Trustee (2007-08)
Westgate Baptist Church (Tampa), member (2001-03)
Bible Baptist Church (St. Petersburg), member (2000-01)

43. Do you now or have you ever belonged to a 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 (other than a church, synagogue, mosque or other religious institution), national origin, or sex (other than an educational institution, fraternity or sorority)? If so, state 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.

44. Please describe any significant pro bono legal work you have done in the past 10 years, giving dates of service.

My employment with the State of Florida has precluded me from performing any legal pro bono work. However, I have donated to the Jacksonville Area Legal Aid for the many pro bono services they provide to the public.

45. Please describe any hobbies or other vocational interests.

I enjoy spending time with family. In the past, that included watching my children participate in organized sports, theater productions, and other school activities. Now that my oldest two children are in college, I spend a lot of time serving as a scoutmaster for a Boy Scout troop in which my youngest son is a scout. I assist the troop in organizing campouts and other activities. I also personally enjoy hiking, camping, and reading.

46. Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge.

N/A

47. Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

Facebook: [facebook.com/mark.johnson.577434](https://www.facebook.com/mark.johnson.577434)
LinkedIn: [linkedin.com/in/mark-johnson-453660231](https://www.linkedin.com/in/mark-johnson-453660231)
X: @KMarkJohnson

FAMILY BACKGROUND

48. Please state your current marital status. If you are currently married, please list your spouse's name, current occupation, including employer, and the date of the marriage. If you have ever been divorced, please state for each former spouse their name, current address, current telephone number, the date and place of the divorce and court and case number information.

Marital status	Married
Spouse's name	Ralenda Thornton Johnson
Date of marriage	December 29, 2001
Spouse's occupation:	Stay-at-home mom & part-time front service clerk for Publix

49. If you have children, please list their names and ages. If your children are over 18 years of age, please list their current occupation, residential address, and a current telephone number.

Name	Age	Occupation	Address	Phone Number
Lillian Grace Johnson	20	Full-time college student Part-time Team Member at Chick-fil-a	Same as applicant	[REDACTED]
Benjamin Mark Johnson	18	Full-time college student Part-time Team Member at Chick-fil-a	[REDACTED]	[REDACTED]
Maxwell Alexander Johnson	13	N/A	Same as applicant	N/A

CRIMINAL AND MISCELLANEOUS ACTIONS

50. Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No.

51. Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No.

52. Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction.

No.

53. Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.

No.

54. To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part?

No.

55. To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved.

No.

56. 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, provide the particulars of each finding or investigation.

No.

57. To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior against you with any regulatory or investigatory agency or with your employer? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition.

No.

58. 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.

59. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy.

No.

60. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No.

61. Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status.

I have annually filed all legally required tax returns with the IRS. I have never been required to pay any tax penalty or had a tax lien filed against me.

HEALTH

62. Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol?

No.

63. 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? 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.

No.

64. 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 two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering 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. If yes, please explain.

No.

65. 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? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed.

No.

66. 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, provide full details as to court, date, and circumstances.

No.

67. 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 or State law provisions.)

No.

68. 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 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.

69. 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.

70. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No.

SUPPLEMENTAL INFORMATION

71. Describe any additional education or experiences you have which could assist you in holding judicial office.

During my career as a prosecutor, I have personally tried over 100 cases. As a result of this experience, I have developed a strong working knowledge of the Florida Evidence Code and case law that would well serve the parties and counsel that would appear before me. Also, my tenure as a Division Chief, overseeing all office operations and managing a staff of approximately 20 individuals has equipped me with many of the leadership and organizational skills that are necessary for a judge to manage a docket and move cases efficiently and fairly toward a resolution.

72. Explain the particular contribution you believe your selection would bring to this position and provide any additional information you feel would be helpful to the Commission and Governor in evaluating your application.

For 25 years, I have enjoyed a balanced career, working in government and private practice. I have handled cases involving the most complex issues and consequential decisions in criminal law. While I've had the honor to help many victims see justice realized, I've also had the duty to explain to others that the evidence did not support a particular charge or sentence. This experience has taught me that my primary duty is to the law, wherever it leads. I believe that a judge should follow the law, not popular sentiment. A judge must always interpret the enacted law as written by the legislature and never substitute the words of a statute for his feelings or personal policy preferences. I have approached my career, not simply as a job, but as a calling, and I believe that serving as a judge is the highest calling of the legal profession. While a judge can never be an advocate of a particular party or issue, he can make a difference by simply being a humble student and diligent applicator of the law. This is both the opportunity and challenge to which I aspire.

REFERENCES

73. List the names, addresses, e-mail addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for a judicial position and of whom inquiry may be made by the Commission and the Governor.

<i>Name</i>	<i>Address</i>	<i>Telephone Number</i>	<i>Email Address</i>
Hon. R.J. Larizza State Attorney, 7th Judicial Circuit			
Hon. Howard Maltz Circuit Judge, 7th Judicial Circuit			
Hon. Edward Hedstrom Circuit Judge (ret.), 7th Judicial Circuit			
Hon. Alicia Washington Circuit Judge, 7th Judicial Circuit			
Hon. Frank Allman Chief Circuit Judge, 2nd Judicial Circuit			
Jason Lewis, Esq. Managing ASA, 7th Judicial Circuit			
Jennifer Dunton, Esq.			
Steve Watkins LCDR, U.S. Navy (ret.)			
Dr. Richard Perallon			
Trinisha Austin Deputy Clerk, St. Johns Co. Clerk of Court			

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: [REDACTED]

Last Three Years: [REDACTED]

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: [REDACTED]

Last Three Years: [REDACTED]

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: \$0.00

Last Three Years: \$0.00 \$0.00 \$0.00

4. State the amount you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: \$0.00

Last Three Years: \$0.00 \$0.00 \$0.00

5. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current Year-To-Date: \$0.00

Last Three Years: \$0.00 \$0.00 \$0.00

**FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST**

PART A – NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of October 4, 2025 was \$ [REDACTED]

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ [REDACTED]

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)

VALUE OF ASSET

<div style="background-color: black; width: 100%; height: 100%;"></div>	

PART C – LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

<div style="background-color: black; width: 100%; height: 100%;"></div>	

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

None	

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: 10/4/25

JNC Submitting To: Seventh Judicial Circuit

Name (please print): Kenneth Mark Johnson

Current Occupation: Assistant State Attorney

Telephone Number: [REDACTED] Attorney No.: 0378320

Gender (check one): Male Female

Ethnic Origin (check one): White, non-Hispanic
 Hispanic
 Black
 American Indian/Alaskan Native
 Asian/Pacific Islander

County of Residence: St. Johns

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.

Kenneth Mark Johnson

Printed Name of Applicant

Signature of Applicant

Date: 10/4/25

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 4th day of October, 2025.

Kenneth Mark Johnson
Printed Name

[Handwritten Signature]
Signature

State of Florida
County of St. Johns

Sworn to (or affirmed) and subscribed before me by means of

physical presence OR online notarization

this 4 day of October, 2025.

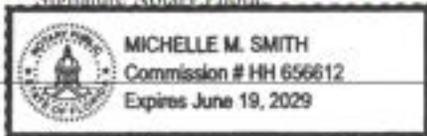
By Mark Johnson

Personally known _____

Produced ID _____

Type of Identification _____

Michelle M. Smith
Signature Notary Public



Printed name of Notary Public

(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.

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: [REDACTED]

Last Three Years: [REDACTED]

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: [REDACTED]

Last Three Years: [REDACTED]

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: \$0.00

Last Three Years: \$0.00 \$0.00 \$0.00

4. State the amount you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: \$0.00

Last Three Years: \$0.00 \$0.00 \$0.00

5. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

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Last Three Years: \$0.00 \$0.00 \$0.00

**FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST**

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Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of October 4, 2025 was \$ [REDACTED]

PART B - ASSETS

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Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ [REDACTED]

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)

VALUE OF ASSET

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
[REDACTED]	

PART C – LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

[REDACTED]	

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

None	

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: 10/4/25

JNC Submitting To: Seventh Judicial Circuit

Name (please print): Kenneth Mark Johnson

Current Occupation: Assistant State Attorney

Telephone Number: XXXXXXXXXX Attorney No.: 0378320

Gender (check one): Male Female

Ethnic Origin (check one): White, non-Hispanic
 Hispanic
 Black
 American Indian/Alaskan Native
 Asian/Pacific Islander

County of Residence: St. Johns

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DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

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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.

Kenneth Mark Johnson

Printed Name of Applicant

Signature of Applicant

Date: 10/4/25

PART D - INCOME

You may ***EITHER*** (1) file a complete copy of your latest federal income tax return, *including all W2's, schedules, and attachments*, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.
 (if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT

SECONDARY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6)

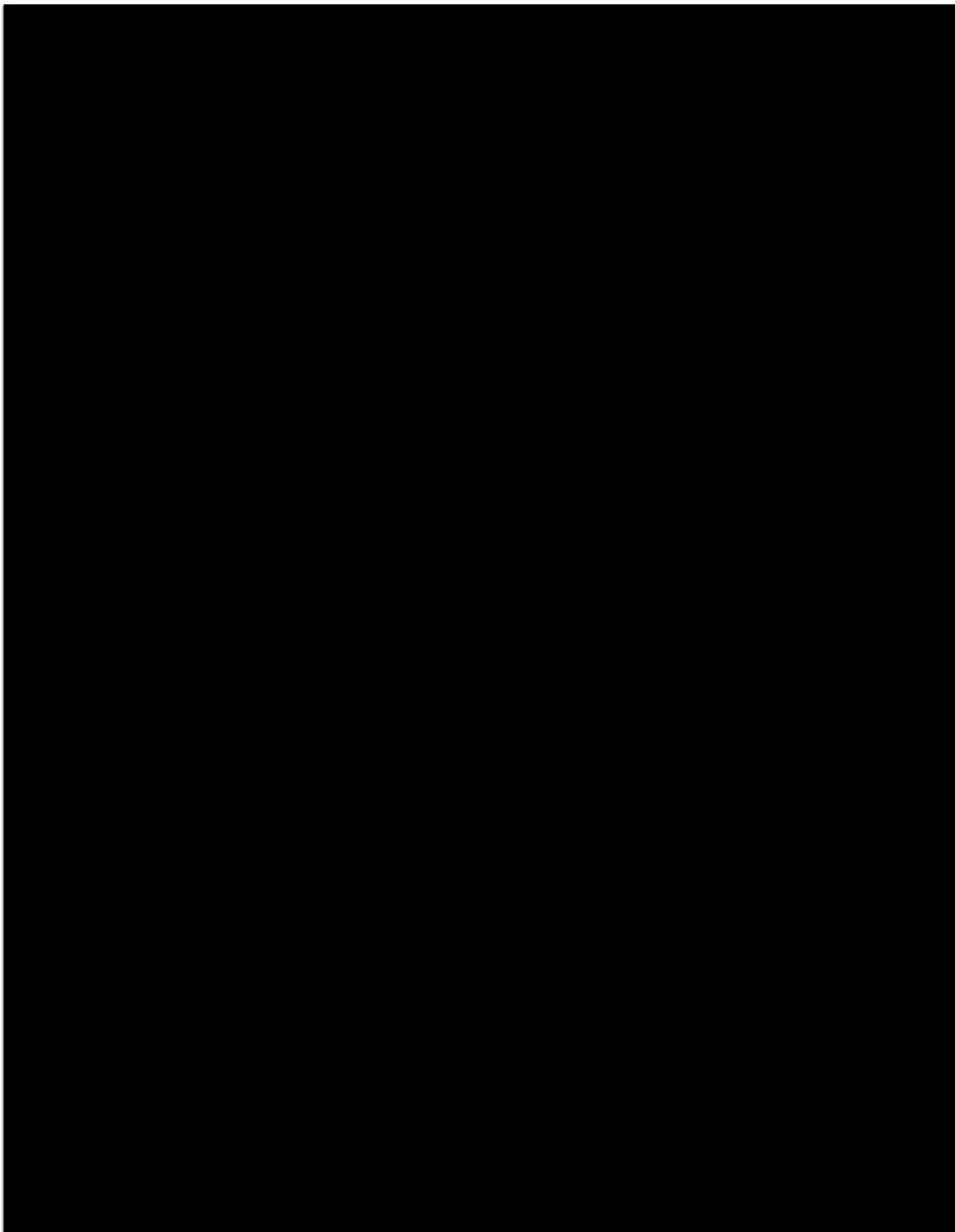
NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

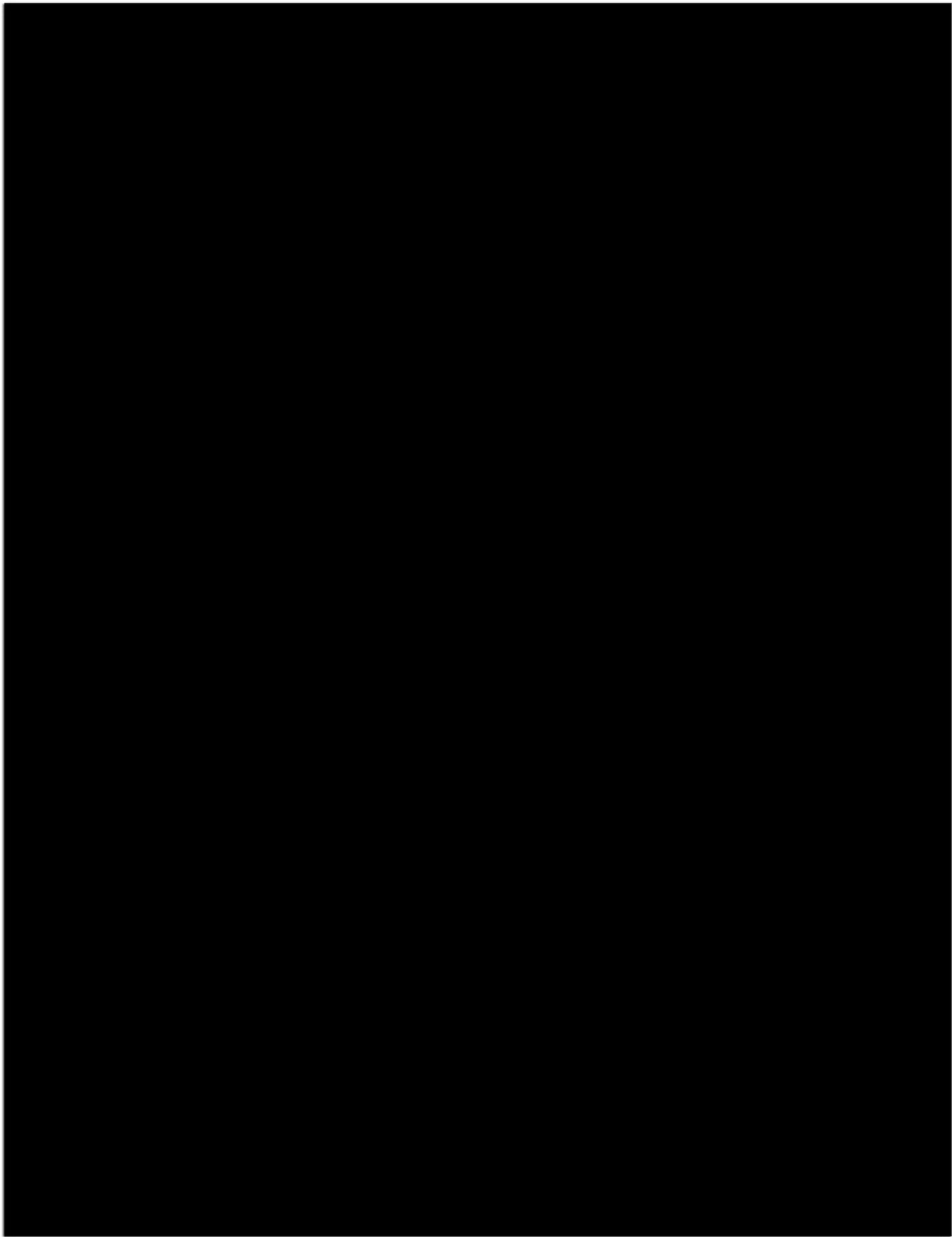
PART E – INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]

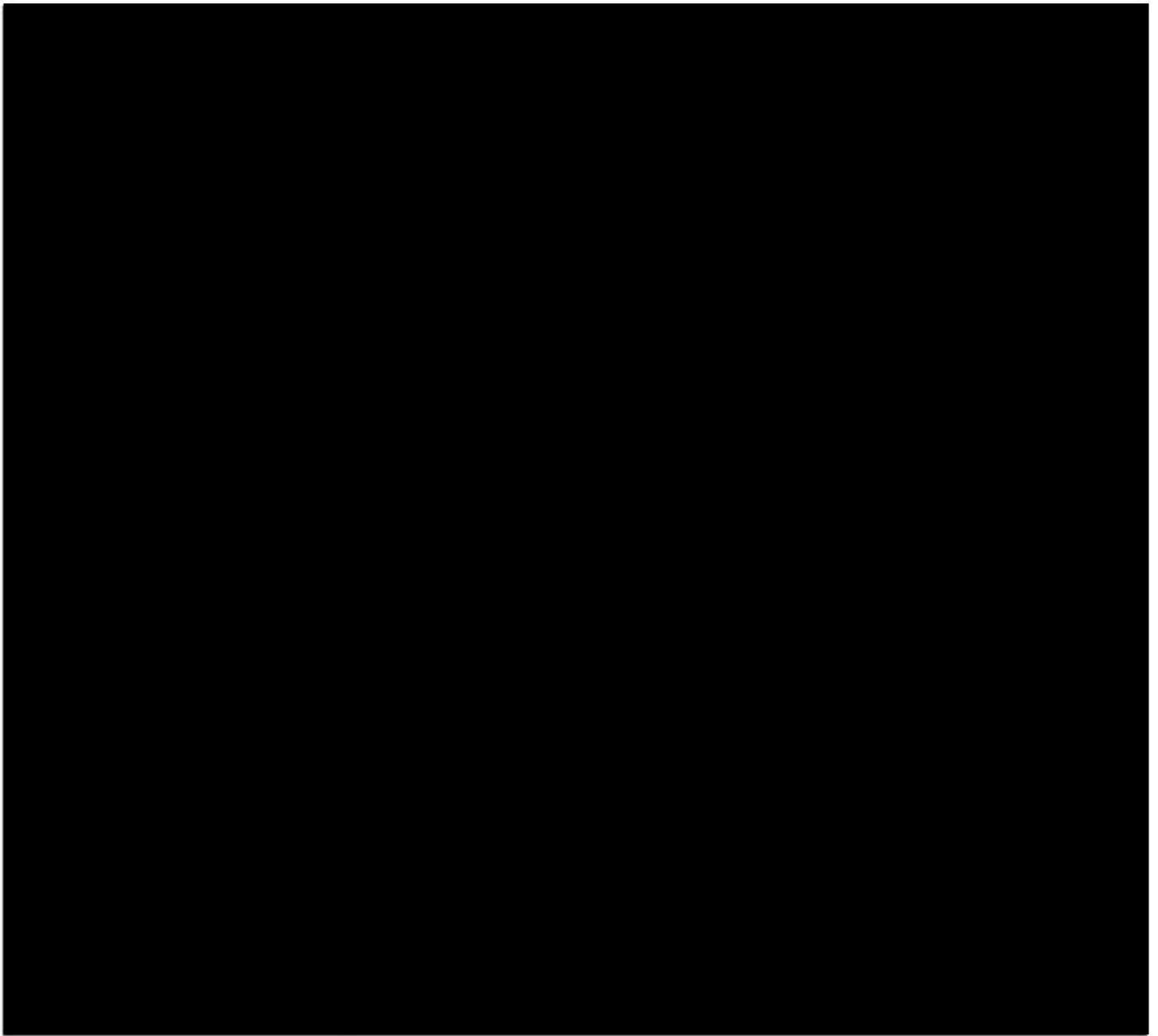
	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

<p align="center">OATH</p> <p>I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.</p>	<p align="center">STATE OF FLORIDA</p> <p>COUNTY OF _____</p> <p>Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____ by _____</p>
	<p>(Signature of Notary Public—State of Florida)</p>
	<p>(Print, Type, or Stamp Commissioned Name of Notary Public)</p> <p>Personally Known _____ OR Produced Identification _____</p>
	<p>Type of Identification Produced _____</p>
<p align="center">SIGNATURE</p>	







IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
PUTNAM COUNTY, FLORIDA

CASE NO: 2009-0648-CF

STATE OF FLORIDA

VS.

TIMOTHY WAYNE FLETCHER,
DEFENDANT.

STATE'S SENTENCING MEMORANDUM

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney, and files this sentencing memorandum to present the State's legal authority, facts and argument supporting the imposition of the death penalty in this case as follows:

CASE HISTORY

On April 15, 2009, Helen Googe was murdered by strangulation within her home at 315 Bardin Road in Putnam County. The defendant, Timothy Wayne Fletcher, was arrested and charged with her murder three days later. The Office of the State Attorney submitted the case to a Putnam Co. grand jury, which returned an indictment charging the defendant, *inter alia*,¹ with one count of First Degree Murder, a capital felony.

Voir dire for the original trial because on Monday, May 21, 2012. Four days later, the jury returned verdicts of guilty as charged on all counts. The penalty phase commenced on June 11, 2012, and during that phase the State presented evidence as to four aggravating circumstances.

¹ Other charges returned by the grand jury were Escape, Home Invasion Robbery, and two separate counts of Grand Theft of Motor Vehicle. Two additional charges of Burglary of a Conveyance were brought forth by the State by separate Informations and were consolidated with the indictment for trial.

At the conclusion of the penalty phase on June 12, 2012, the jury retired and returned with an advisory verdict recommending the death penalty by an 8-4 vote. On July 25, 2012, the State and the defendant were permitted to offer additional evidence to the Court at a *Spencer*² hearing.

On October 12, 2012, the Court conducted a sentencing hearing during which it sentenced the defendant to death. Contemporaneous with the proceeding, the Court filed an order making the requisite findings in support of its sentence.

On June 25, 2015, the defendant's convictions and death sentence were affirmed by the Florida Supreme Court. *Fletcher v. State*, 168 So.3d 186 (Fla. 2015). A Mandate was issued on July 24, 2015.

On January 18, 2017, the defendant filed a motion for post-conviction relief under Rule 3.851 of the Florida Rules of Criminal Procedure. In Claim 2 of that motion, the defendant argued that his death sentence should be vacated as a result of the U.S. Supreme Court decision in *Hurst v. Florida*, 577 U.S. 92 (2016), and the Florida Supreme Court's interpretation of that opinion in *Hurst v. State*, 202 So.3d 40 (Fla. 2016). The post-conviction court agreed and vacated the defendant's death sentence on that basis on August 23, 2017. The original guilty verdicts remained undisturbed.

On August 28, 2017, the State filed a Renewed Notice of Intent to Seek the Death Penalty and List of Aggravating Factors.

On April 18, 2022, jury selection began for a new penalty phase trial. During the trial, the State presented testimony and evidence concerning the circumstances of Helen Googe's murder

² 615 So.2d 688 (Fla. 1993).

and the subsequent investigation. It also presented evidence concerning the same four aggravating circumstances as pursued in the original trial:

1. The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment.
2. The capital felony was committed while the defendant was engaged, or an accomplice, in the commission of, or an attempt to commit a robbery.
3. The capital felony was committed for financial gain.
4. The capital felony was especially heinous, atrocious or cruel.

The jury heard additional evidence from witnesses called by the defendant relating to his troubled childhood, drug use and alleged mental disorders in an effort to establish mitigating circumstances for the jury's consideration.

At the conclusion of the presentation of evidence and closing arguments on April 27, 2022, the second penalty phase jury retired and returned with a verdict that found that (1) the State had proven all four aggravating factors beyond a reasonable doubt, (2) the aggravating factors were sufficient to warrant a sentence of death, (3) no mitigating circumstances were established by the greater weight of the evidence, and (4) the aggravating factors outweighed the mitigating circumstances. The jury concluded its verdict by unanimously finding that the defendant should be sentenced to death for the First-Degree Murder of Helen Googe.

This Court must now consider the evidence and argument presented at the penalty phase trial and at the Spencer hearing that was conducted on November 22, 2022, to determine whether the appropriate sentence in this case is life without the possibility of parole or death.

AGGRAVATING FACTORS

As the penalty phase verdict in this case reflects, the jury found that the State proved all four aggravating factors beyond a reasonable doubt. The State will examine the evidence supporting each of these factors and explain the factual and legal basis for each herein. These factors will be discussed in the order of their appearance in Florida Statutes § 921.141(6).

1. **Florida Statutes § 921.141(6)(a): The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment.**

The existence of this aggravating factor was proven by the introduction of the certified copy of the defendant's conviction and sentence for four counts of Burglary in Clay County, Florida on March 3, 2009. The defendant escaped from Putnam Co, Jail and murdered Helen Googe on April 15, 2009. At the time, he was serving concurrent sentences of 10 years imprisonment for each of those burglary convictions. The jury found that the State had proven the existence of this aggravating factor beyond a reasonable doubt. The evidence in this case demonstrated that the defendant murdered Helen Googe, his step-grandmother, to finance his escape from custody and thereby avoid serving this lawfully imposed sentence for crimes he was found to have committed. For this reason, this aggravating factor should be given great weight.

2. **Florida Statutes § 921.141(6)(b): The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of a robbery.**

The history of this case shows that this aggravating factor was essentially proven twice. It was first proven by virtue of the original guilt phase jury's verdict finding the defendant guilty of Home Invasion Robbery. Evidence supporting this factor was presented to the second penalty phase jury, who unanimously agreed that it had been proven beyond a reasonable doubt. Such

evidence showed that the defendant entered the home of Helen Googe without permission, woke her up in the middle of the night, and forced her to open a safe where the defendant believed she kept thousands of dollars in cash. Photographs from the scene showed the victim's eyeglasses and a broken chain near the safe, showing that a struggle had taken place there. After the victim finally opened the safe, the defendant discovered that there was no money there. He then strangled Helen Googe and then ransacked her house for valuables such as jewelry and credit cards.

The most condemning evidence that the defendant's murder of Helen Googe occurred during the course of a home invasion robbery was a recorded interview of him following his arrest on April 18, 2009. In that interview, the defendant admitted several times that in order to finance his escape from custody he planned to rob the victim of several thousands of dollars that he believed she kept in a closet safe. He admitted to breaking into her home, waking her up, threatening her with a gun, and forcing her to open the safe in an attempt to obtain the money. The defendant also admitted to stealing the victim's purse, which contained \$37.00 in cash, credit cards and keys to her Lincoln Town Car. Once he learned that the safe contained no money, he admitted to attempting to force the victim to provide the PIN number to her credit card. During the course of this robbery, the defendant murdered the victim. He then admitted that afterward, he stole rings from a jewelry box as well as the victim's car, which he used to flee to the State of Kentucky.

The penalty phase jury found that this evidence proved the existence of this felony murder aggravator beyond a reasonable doubt. The evidence supporting this aggravating factor demonstrates that the defendant was victim was nothing more than someone who had something that he wanted and that he was willing to brutally murder her to obtain it for his own selfish purposes. For this reason, this aggravator factor should be given great weight.

3. Florida Statutes § 921.141(6)(f): The capital felony was committed for financial gain.

During the penalty phase retrial, the jury found that the State had proven beyond a reasonable doubt that the defendant's murder of Helen Googe was for financial gain. This verdict was supported by the same evidence that demonstrated that the defendant murdered the victim during the course of a robbery. As such, this factor "doubles" with the felony murder aggravating factor. Therefore, these factors merge and the Court may only consider them together in its determination of the appropriate sentence.

4. Florida Statutes § 921.141(6)(h): The capital felony was especially heinous, atrocious or cruel.

The jury's verdict and the evidence presented during the penalty phase retrial leaves this Court with no reasonable doubt that the murder of Helen Googe was especially heinous, atrocious or cruel. The HAC aggravating factor is among "the most weighty in Florida's sentencing calculus," *Sireci v. State*, 825 So.2d 882, 887 (Fla. 2002), and has been considered sufficient by itself to sustain a death sentence, *Butler v. State*, 842 So.2d 817 (Fla. 2003).

In *Rogers v. State*, the Florida Supreme Court held:

In order for the HAC aggravating factor to apply, the murder must be conscienceless or pitiless and unnecessarily tortuous to the victim. A finding of HAC is appropriate only when a murder evinces extreme and outrageous depravity as exemplified either by the desire to inflict a high degree of pain or utter indifference to or enjoyment of the suffering of another.

783 So.2d 980, 994 (Fla. 2003) (citations omitted). HAC concentrates "on the means and manner in which the death is inflicted and the immediate circumstances surrounding the death, rather than the intent and motivation of a defendant, where a victim experiences the torturous anxiety and fear of impending death. Thus, there does not need to be a showing that the defendant intended or

desired to inflict torture; the torturous manner of the victim's death is evidence of a defendant's indifference. *Russ v. State*, 73 So.3d 178, 196 (Fla. 2011).

Applying this standard to strangulation murder cases, the Court has repeatedly and consistently held that strangulation of a conscious victim constitutes *prima facie* evidence of HAC because it can be inferred that such circumstances involved both the victim's torture through the extreme anxiety of impending death and the defendant's utter indifference to that suffering. *Bowles v. State*, 804 So.2d 1173, 1178 (Fla. 2002); *Orme v. State*, 677 So.2d 258, 263 (Fla. 1996); *Sochor v. State*, 580 So.2d 595, 603 (Fla. 1991), *vacated in part on other grounds*, *Sochor v. State*, 504 U.S. 527 (1992). *See also*, *Zommer v. State*, 31 So.3d 733, 746 (Fla. 2010); *Francis v. State*, 970 So.2d 806, 815 (Fla. 2007); *Johnson v. State*, 969 So.2d 938, 957 (Fla. 2007); *Hoskins v. State*, 965 So.2d 1, 21 n.6 (Fla. 2007); *Belcher v. State*, 851 So.2d 678, 684 (Fla. 2003); *Conde v. State*, 860 So.2d 930, 955 (Fla. 2003); *Barnhill v. State*, 834 So.2d 836, 850 (Fla. 2002); *Ocha v. State*, 826 So.2d 956, 963 (Fla. 2002); *Overton v. State*, 801 So.2d 877, 901 (Fla. 2001); *Blackwood v. State*, 777 So.2d 399, 409 (Fla. 2000); *Hildwin v. State*, 727 So.2d 193, 196 (Fla. 1999)

During the trial, Medical Examiner Dr. Predrag Bulic testified that Helen Googe died as a result of manual strangulation. He observed fingertip contusions to the victim's upper neck, which was consistent with being strangled by hand. As a result, the victim had suffered hemorrhaging on both sides of her larynx, which had also been crushed.

Dr. Bulic also testified that it was his opinion that Helen Googe was conscious at the time she began to be strangled to death. The only other injuries that raised the question of the victim's consciousness at the time were some blunt force injuries she had suffered to the right side of her head and face. However, Dr. Bulic observed that these injuries were superficial contusions without

any underlying skull fracture or brain hemorrhaging, which would cause a person to lose consciousness.

Dr. Bulic's testimony on this issue was also consistent with the defendant's own statements and other evidence admitted at trial. During his interview with law enforcement, the defendant stated numerous times that Helen Googe fought against him and his co-defendant, Doni Brown. He told investigators that, at one point, the victim attempted to lock herself in a bathroom. When Brown prevented her from doing so, she struck him in the head with a hairdryer. The defendant continued to describe his and Brown's efforts to strangle the victim on three separate occasions, taking turns doing so. During his account of the robbery and murder, he further described the victim's actions in the moments leading up to her death as follows:

- She was "kicking and clawing and screaming."
- "She wouldn't quit fighting. She wasn't going to cooperate."
- "She was fighting and kicking the whole time."
- "She knew – she was fighting and kicking the whole time."
- "She was fighting. She was fighting. She never did quit fighting."

Helen Googe's struggle to preserve her life was furthermore proven at trial by the presence of scratches on the defendant's arms and the defendant's DNA under the victims' fingernails. See *Francis*, 970 So.2d at 816 (observing that scratch marks on the defendant and the defendant's DNA under the victim's fingernails in a strangulation murder supported a finding of HAC).

While the evidence showed that the defendant's story that it was Doni Brown who strangled Helen Googe was false, his description of the events further showed that Helen Googe was conscious and aware of her impending death. The defendant stated that as Brown began to

strangle Googe for the final time, she "started kicking her legs," . . . [so] I held her legs down." When asked if the victim said anything, the defendant responded that she was trying to say something but could not because she was being choked. He again admitted to grabbing the victim's legs with his hand, pushing her knees to the floor and holding her down as she was being strangled to death. He confessed that he held Helen Googe's legs down for at least one minute until she quit fighting and went limp. There could not be more conclusive evidence that Helen Googe was conscious during the last moments of her life.

Even though the law allows in these cases for an inference to be made that the victim, in the moments before her death, had the opportunity to contemplate her death and suffer extreme anxiety and fear as a result, the evidence presented at trial showed that no such inference is necessary. In this vein, the Florida Supreme Court has held that "in determining whether the HAC factor was present, the focus should be upon the victim's perceptions of the circumstances as opposed to those of the perpetrator. *Reynolds v. State*, 934 So.2d 1128, 1155 (Fla. 2006) (citing *Lynch v. State*, 841 So.2d 362, 369 (Fla. 2003) and *Farina v. State*, 801 So.2d 44, 53 (Fla. 2001).

The evidence presented at trial clearly shows that the victim was in extreme fear of her life in the moments before her death. In his statement to law enforcement, the defendant described the victim screaming repeatedly that she was frightened. At one point, this fear drove her to unsuccessfully seek refuge in a locked bathroom. During the time that he was forcing Helen Googe to open her safe, the defendant said he could tell that the victim was scared because "she was shaking real bad." Moreover, the fact that the victim was so brutally attacked within the supposed safety of her own home only "adds to the atrocity of the crime." *See Zommer*, 31 So.3d at 746 (citing *Williams v. State*, 967 So.2d 735, 763 (Fla. 2007). *See also Francis*, 970 So.2d at 816.