

**Application for Nomination to the  
Circuit Court of the  
Seventh Judicial Circuit**



**Hunter Blaze Morrill**

## APPLICATION FOR NOMINATION TO THE 7<sup>th</sup> 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:** Hunter Blaze Morrill

**Social Security No.:** [REDACTED]

**Florida Bar No.:** 0118431

**Date Admitted to Practice in Florida:** 9/28/2015

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.

**Smith, Bigman, Brock**  
**Associate Attorney**  
**444 Seabreeze Blvd. Suite 900**  
**Daytona Beach, Florida 32118**  
**(386) 254-6875**

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.

[REDACTED]  
**Ormond Beach, Florida 32174**

**I have lived at this address since December 2015**

**Florida Resident since birth – 36 years**

**Cell phone:** [REDACTED]

**Email:** HMorrill@daytonalaw.com

3. State your birthdate and place of birth.

**September 24, 1989**  
**Deland, Florida**

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.

**Florida Bar, admitted September 28, 2015**

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

**Yes, my maiden name was Hunter Smith from birth until marriage. I formally changed my last name in 2021.**

#### **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).

**Florida Coastal School of Law**

**August 2012 to May 2015**

**Juris Doctor**

**Family Law Certificate**

**GPA 2.69**

**Class rank unknown, not listed on transcript and the school has since closed**

**University of Auvergne in Clermont-Ferrand, France**

**Summer 2013**

**Study Abroad Program while in law school**

**Semester GPA 3.17**

**Florida State University**

**Summer 2009 to Spring 2012**

**Bachelor of Science**

**Marketing/Marketing Management**

**GPA 3.112**

**Class rank not given by institution**

**Tallahassee Community College**

**Fall 2008 to Spring 2009**

**College Credits**

**GPA 3.232**

**Daytona State University**

**Fall 2007**

**Dual Enrollment earning college credits while in high school**

**Semester GPA 3.3**

**Seabreeze High School**

**2004-2008**

**High School Diploma**

**GPA: 3.7**

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.

**Florida State University:**

**Phi Alpha Delta Pre-Law Fraternity, 2011**

**Intramural Flag Football, 2011**

**Golden Key National Honour Society, 2010**

**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.

**Smith Bigman Brock**

**Horace Smith, Jr., PA**

**Family Law and Criminal Defense**

**Associate Attorney**

**June 2021 – Present**

**444 Seabreeze Blvd., Suite 900**

**Daytona Beach, Florida 32118**

**386-254-6875**

**Office of the State Attorney, 7<sup>th</sup> Judicial Circuit**

**State Attorney R.J. Larizza**

**Assistant State Attorney**

**December 2015- June 2021**

**251 N. Ridgewood Ave.  
Daytona Beach, Florida 32114  
386-239-7710**

**Office of the State Attorney, 7<sup>th</sup> Judicial Circuit  
State Attorney R.J. Larizza**

**Sworn attorney internship  
September 2015-December 2015**

**251 N. Ridgewood Ave.  
Daytona Beach, Florida 32114  
386-239-7710**

**Department of Children and Families, 4<sup>th</sup> Circuit (Duval County)  
Legal Externship  
2015**

**921 N. Davis St. Suite B360  
Jacksonville FL 32209  
(904) 359-2541**

**Bright Star Kid Care**

**Daycare teacher: supervised and managed children under the age of 4.  
Created and implemented weekly lesson plans, compiled and demonstrated  
activities/crafts.  
2010**

**2920 Old Bainbridge Rd  
Tallahassee, FL 32303  
(850) 224-7827**

- 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.**

**My current practice focuses primarily on martial and family law. Specifically, my family law practice includes the handling of dissolutions of marriage, paternity establishment, child custody disputes, modifications/post judgment actions, contempt motions and enforcement motions regarding timesharing, child support, alimony, equitable distribution, and more. With family law, there is often a lot of cross over into other courtrooms.**

Therefore, I have also expanded into dependency cases, Marchman + Baker Acts, risk protection orders, guardianships, adoptions, and some probate.

The other main area of my practice is criminal defense where my clients include juveniles and adults charged with crimes ranging from misdemeanors to 1<sup>st</sup> degree felonies punishable by life. My representation of these defendants includes the filing of any motions to suppress, motions to dismiss, taking depositions, plea negotiation and trial. I also handle injunctions, sealing and expungement, traffic tickets and administrative DMV hearings.

I am also on the 7<sup>th</sup> circuit list for Guardian ad Litem work at a reduced or pro bono rate and I have been assigned as GAL in one case thus far.

My practice now is substantially different since I transitioned to private practice in 2021. I began my legal career as an assistant state attorney where I prosecuted misdemeanor and felony crimes in the various stages of trial posture. My cases included, but were not limited to, DUIs, domestic violence, criminal traffic crimes, felony drug charges, firearms crimes, burglary, aggravated assault with deadly weapon, child abuse, failure to register as sex offender, fleeing and eluding, and financial fraudulent activity.

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	_____	5 %
Federal Trial	_____ %	Criminal	_____	20 %
Federal Other	_____ %	Family	_____	65 %
State Appellate	_____ %	Probate	_____	5 %
State Trial	<u>99</u> %	Other	_____	5 %
State Administrative	<u>1</u> %			
State Other	_____ %			
TOTAL	_____ 100 %	TOTAL	_____ 100	%

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

**My appearance in court in the last four years is substantially different from my prior practice since I was previously a felony trial attorney at the State Attorney’s office tasked with the prosecution of criminal defendants. As an ASA, I appeared in court almost daily.**

**Now, I primarily handle family law clients and have switched to representing criminal defendants as a defense attorney.**

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

Jury?	<u>15</u>	Non-jury?	<u>8</u>
Arbitration?	<u>                    </u>	Administrative Bodies?	<u>5</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.

N/A

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.*

**Dalton Vondran-Turner v. Cirstin Johnson  
2023 12983 FMDL**

**Opposing Counsel: Jarett A dePaula, Counsel for Respondent/Mother\***  
**\*final hearing with Pro Se Respondent**  
**[jdepaula@communitylawfirm.com](mailto:jdepaula@communitylawfirm.com)**  
**(386) 255-1400**

**Samantha Volpe, et al v. Terry McMillon III**  
2025 12257 FMDL (began with 2025 11595 FMDL)  
Opposing Counsel: Matthew Maguire  
[matthewm@maguire-legal.com](mailto:matthewm@maguire-legal.com)  
(386) 439-2332

**Diana Otero v. Jordan Jackson**  
2025 11361 FMCI  
Petitioner was Pro Se  
Phone and email are unknown

**James Giel v. Department of Highway Safety and Motor Vehicles**  
Kyan M. Ware, Assistant General Counsel Bureau of Administrative  
Reviews  
[kyanware@flhsmv.gov](mailto:kyanware@flhsmv.gov)  
(904) 777-2132

**State of Florida v. Zachary Shropshire**  
2017 300650 CFDB  
Opposing Counsel: Brian Hyer, Assistant Public Defender  
[Hyer.Brian@pd7.org](mailto:Hyer.Brian@pd7.org)  
(609) 468-0269

**State of Florida v. Enik Punchy Hall**  
2018 306372 CFDB  
Opposing Counsel: Cassie Rex, Assistant Public Defender  
[crex@childsmccune.com](mailto:crex@childsmccune.com)  
(407) 595-1652

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.*

**Mary Ralph v. Troy Ralph**  
2022 10040 FMDL  
Barry Hughes, Counsel for Respondent/Former Husband  
[barry@barryhugheslaw.com](mailto:barry@barryhugheslaw.com)  
(386) 788-9667

**John Pieczonka v. Maria Pieczonka v. Mona Wagner**  
**2024 DR 00649**

**Amanda Kazzi, Counsel for Petitioner/Husband**  
[amanda@kazzilaw.com](mailto:amanda@kazzilaw.com)

**(407) 900-3054**

**Jared Frankel, Counsel for Third Party Respondent**

[jfrankel@frankelfamilylaw.com](mailto:jfrankel@frankelfamilylaw.com)

**386-317-4641**

**State of Florida v. Adam Crouch**

**2025 105064 MMDB**

**Charles Anasagasti, Assistant State Attorney**

[AnasagastiC@sao7.org](mailto:AnasagastiC@sao7.org)

**(386) 239-7710**

**Michelle Macchiarella v. Richard Tierney**

**2025 11851 FMCI**

**Respondent was Pro Se**

**Phone and email are unknown**

**State of Florida v. Andrea Dowlat**

**2025 102739 CFDL**

**Philip Dunlop, Assistant State Attorney**

[dunlopp@sao7.org](mailto:dunlopp@sao7.org)

**(386) 822-6400**

**Andrew Larsen v. Lauren Perry**

**2024 15509 FMDL**

**Respondent/Mother was Pro Se**

**Phone and email are unknown**

- 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.

**I am in court approximately 7-10 times per month in my current practice. Prior to June 2021, as an assistant state attorney I was in court significantly more and averaged 15-20 court appearance per month.**

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.

**Kelvin Diaz v. Heath Czochara, et al.**

**2022 12259 FMDL**

**Judge Matt Foxman**

**Opposing Counsel: Lori Durham**

**[ldurham@durhamlegalgroup.com](mailto:ldurham@durhamlegalgroup.com)**

**(407) 956-2900**

**Guardianship Attorneys: Heidi Isenhardt and Alyse Verner**

**[hisenhardt@shuffieldlowman.com](mailto:hisenhardt@shuffieldlowman.com) [averner@shuffieldlowman.com](mailto:averner@shuffieldlowman.com)**

**(407) 581-9800**

**This case started as a Petition for Temporary Custody by Extended Family which was filed by the live-in boyfriend of the children's deceased mother. Upon the death of the children's mother, the children's maternal aunt and maternal grandmother hired an attorney to file for guardianship of the minor children and probate their deceased sister/daughter's property/house. Judge Hudson entered an order appointing guardian of person and property as to both children to the aunt. Unbeknownst to the family, Judge M. Foxman had previously entered an order granting the boyfriend temporary custody of just the minor daughter. This gave way to a perplexing legal question as to which order should be followed since there were now two competing custody orders in place. I was hired to set aside the temporary custody order in the family law case. This case was further complicated by the fact that the daughter wished to remain with the boyfriend as he was the only "father" she had ever known but he had no "legal right" to custody. The boyfriend also had no legal right to remain in the deceased mother's home, but he refused to vacate. The brother, who turned 18 during the pendency of the case, had already been living with**

the grandmother because he indicated that the boyfriend was abusive and potentially grooming the daughter. The boyfriend did not include the brother, nor did he make the court aware that the brother existed in his petition for temporary custody, even though he was also a minor at the time. In his petition, the boyfriend claimed he was the “only identifiable adult in the child’s life” despite his knowledge that the daughter had many blood relatives alive, including her grandmother who had always been a significant part of her life and with whom he was also in contact. I filed an Emergency Motion to Vacate the Temporary Custody Order, and the boyfriend then hired private counsel who then filed motions to set aside the guardianships. At the hearing, I was successful in arguing that the order should be dismissed, and the Court entered an order dissolving the temporary custody and recognizing the appointment of the aunt as the legal guardian.

When I first became involved in this case, I searched the 7<sup>th</sup> Circuit Administrative Orders to find a local order that would provide direction as to precedent for one court’s order over another (such as Guardianships over Temporary Custody orders), but one did not exist. This case highlighted the importance of the unified family court system which assigns all related cases to be placed in front of the same judge who can hear all the issues related to a family and thereby ensuring consistency in the rulings. I also conducted extensive research to determine what, if any, rights a person with no marriage or blood relation to a child may have regarding custody. I learned a lot from this case that continues to help me throughout my family law practice. I greatly enjoyed working with the guardianship attorneys and learning more about that area of law. The family, having already retained the guardian attorneys, were struggling financially; so, I took the case at a reduced rate with the agreement that the family could pay me once they were in a better financial position.

**State of Florida v. Adam Raits**

**2018 306083 CFDB**

**Judge Dennis Craig – heard and ruled on the Motion to Dismiss**

**Judge Matthew Foxman – took plea and pronounced sentence**

**Opposing Counsel: Steve Kerestes**

**[skerestes@sao9.org](mailto:skerestes@sao9.org)**

**352-284-3968**

The Defendant in this case was charged with Armed Burglary, punishable by life. I was the Assistant State Attorney on the case. This case has stayed with me because of the intensity of the 911 call and circumstances. On the morning of trial, the Judge advised the Defendant that he would take life off the table if he entered an open plea, which he did. The victim was a female in her 20s who was very small in stature, standing at five foot and two inches tall and weighing only 90 pounds. She lived alone in the home she had purchased when she was 23 years old. She was awoken in the middle of the night to the sound of someone breaking into her house at midnight and observed two grown men walking around inside. She testified at the sentencing hearing that she “crawled into the smallest possible ball” beside

her bed to hide and call 911. I will never forget the first time I heard the 12-minute-long 911 call in which you hear the entire event unfold. You could hear the pure terror in her voice as she whispers to the operator that she is not in a safe place and begs them to “hurry, hurry.” She tells the operator that she can hear them going through things and details how she hears them coming down the hall (in all whispers). The operator asks, “is that them banging in the back,” and the victim states “they are in here now” as the Defendant enters her bedroom where she is hiding. Eventually, you hear law enforcement force entry into her home and her call out, “I’m here, I’m here,” as she runs to them. When law enforcement first searched her house, they could not find either Defendant. Upon a more thorough search, they found the co-defendant hiding in the boxspring of the guest bed and the Defendant, hiding in the victim’s closet with a knife, flashlight and glove on his person. Another knife was found outside the window which they shattered and made entry into the house. The Officer who found the Defendant testified at sentencing that even after 32 years of being a law enforcement officer, it was a scary incident for him. At sentencing, the victim’s mother testified that her daughter lost weight, lost confidence and lost security. As the prosecutor, my goal was to ensure the victim could feel safe in her house again for as long as possible. Previously, the Defendant filed a Motion to Dismiss regarding the knife not being large enough to be labeled a deadly weapon, which I successfully argued against. The Defendant had two prior home invasion charges in his criminal history and he scored 61.36 months as the lowest permissible sentence. The Defendant was sentenced to 20 years in prison. The Defendant appealed his sentence twice, and it was affirmed both times by the 5<sup>th</sup> District Court of Appeal.

At the time, it was the longest prison sentence I had obtained as a prosecutor. This case will always remind me of the importance of our justice system for victims and how it can make our community a safer place.

**Christine McDonald v. Thomas Carboni & Amy Kemper**  
**2023 DR 001059**

Judge Christopher France  
Opposing Counsel: Jennifer McGee  
[jennifer@mcgeelawfl.com](mailto:jennifer@mcgeelawfl.com)  
(386) 320-7300  
Guardian ad Litem: Rachael W. Greene, Esq.  
[rgreene@sjlawgroup.com](mailto:rgreene@sjlawgroup.com)  
(904) 495-0400

I represented the Respondent/Mother, Amy Kemper, in this matter where the paternal grandmother filed a Petition for Temporary Custody by Extended Family to gain custody of my client’s three youngest children. My client had limited funds and had attempted to handle the matter pro se before eventually contacting and hiring me. By the time I came onto the case, Ms. Kemper had not seen nor spoken with her children in almost 3 months.

**The Court granted the Petition without ever holding a hearing contrary to Section 751.04 Fla. Stat., which explicitly requires biological parents to have reasonable notice and an opportunity to be heard. Additionally, the Court’s Order used the “best interest of the child” standard in granting the paternal grandmother’s Petition. Section 751.05 (3)(b) Fla. Stat. requires that there must be a finding, by clear and convincing evidence, that the parent is unfit to provide care and control based on abuse, abandonment, or neglect, as defined in Chapter 39. In an effort to avoid prolonging litigation, we proceeded with mediation, the appointment of a Guardian ad Litem and obtaining a psychological evaluation of my client. When it was clear that the paternal grandmother had no intention of returning the children to my client, despite all the positive efforts on my client’s part to make improvements, I filed a Motion to Set Aside Temporary Order Granting Petition for Temporary Custody by Extended Family. My motion laid out the legal issues of how the Petition was improperly entered and documented the extensive work my client had been doing to better her life. Five days before the hearing on my Motion to Set Aside, opposing counsel filed a Notice of Voluntary Dismissal, and my client was fully reunited with her children.**

**This case made such an impact on me because my client had struggled to find relief from the court system because she could not afford an attorney, and the paternal grandmother had counsel. Upon hearing her story, I knew I had to help so I took the case at a reduced rate. There was nothing my client wouldn’t do to have her kids returned to her, and I was elated on the day I got to make the call to her advising she could bring them home for good. To this day, I check in with her and her family, and she continues to thrive. It shed light on the importance for courts to follow statutes as written because swift decisions can have profound effects on the people before them.**

**State of Florida v. Brian Bernard Harris, Jr.  
2017 301707 CFDB**

**Judge Karen Foxman  
Opposing Counsel: Matthew Thompson  
[matt@centralflalaw.com](mailto:matt@centralflalaw.com)  
(386) 279-8923  
Larry Avalone  
[avallone.larry@pd7.org](mailto:avallone.larry@pd7.org)  
386-239-7730**

**This case was a jury trial in which I was the prosecutor. The Defendant was originally arrested for Robbery with Firearm, Accessory to 1<sup>st</sup> Degree Felony and Possession of Firearm by Convicted felon. A shooting had taken place but the victims were uncooperative, so our office filed on only the Possession of Firearm. This case was a great lesson in finding the balance as a prosecutor between making your community safe and getting justice but also ensuring that you have enough evidence to prove each crime**

charged beyond a reasonable doubt. The Defendant's scoresheet did not have him scoring mandatory prison, as charged. Prior to trial, I filed an amended information charging the Defendant with "actual" care, custody or control of a firearm pursuant to Section 775.087(2)(a) Fla. Stat., often referred to as the 10-20-Life statute, which then required a mandatory minimum 3-year sentence, if convicted. The Defendant had a prior conviction for possession of a firearm by convicted felon. If that prior possession of firearm had been charged as actual possession, then this subsequent possession would have secured a 10-year mandatory minimum. I also filed a Motion requesting the Defendant to submit to fingerprints so they could be compared by an expert, a Notice of Intent to Introduce Self Authenticating Records to introduce the Defendant's prior certified judgement and sentences which I had obtained, and a Notice of Intent to Introduce and Rely on Certified Business Records relating to the "gold seal"/clemency letter which I had requested from the Office of Executive Clemency. At trial, I suspected that the Defense attorneys would assume that I would introduce the Defendant's statements through the law enforcement officer because he admitted to having the firearm on him. However, the Defendant's statements to the law enforcement officer were coupled with a self defense argument. Therefore, I made a strategic legal decision to not solicit any of the Defendant's statements from the law enforcement officer, because if I did not "open the door," the defense would not then be able to get his statements in through their case without placing the Defendant on the stand and subjecting him to cross-examination. The Defendant did take the stand, and after deliberating for under 30 minutes, the jury returned a verdict for guilty as charged. The Defendant was sentenced to 42 months in prison with a 3-year mandatory minimum, meaning he must serve day for day and does not receive gain time. This trial developed my knowledge with FDLE fingerprint experts and strengthened my understanding of the "necessity" jury instruction. The case was also tried against two seasoned defense attorneys which is always an enriching experience.

State of Florida v. Noah Cabiatic  
2024 101764 CFDB

Judge Kathy Weston

Opposing Counsel: Kevin Sullivan, Assistant State Attorney

[sullivank@sao7.org](mailto:sullivank@sao7.org)

(386) 239-7710

My client in this case was a teacher at a local high school who had been charged with Offense Against Students by Authority Figure due to his relationship with one of his adult students. Based on the nature of the charge, the case drew media attention from several local news sources. After researching, I found case law that stated if the inappropriate relationship had taken place when the teacher was not in his official capacity, such as not on school property and not while he was acting as her teacher, it may undermine the charge. In this instance, the victim was 18 years old at all times during their relationship, and the two never engaged in any type of sex. They also never exchanged any type of sexual

messages. The relationship was also completely consensual. This case was significant to me because I was trying to obtain a result for my client that did not completely ruin his life while balancing the State and victim seeking consequences and the media watching closely. After a year of working on mitigation, taking depositions of the lead investigator, and presenting argument to the ASA, I was able to secure a plea agreement that kept my client from becoming a convicted felon and allowed him the option to early terminate probation after just 2.5 years. This case is meaningful because it demonstrated that presenting mitigation can sometimes garner better results for a client than immediately attacking with motion practice.

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.

**See attached:**

- A. Motion to Set Aside Temporary Order Granting Petition for Temporary Custody by Extended Family Member, 2023 DR 001059. Exhibits filed with the original document have been omitted.**
- B. State's Traverse to Defendant's Motion to Dismiss, 2020 303305 CFDB.**
- C. Memorandum of Law in Support of Plaintiff's Motion to Strike and Notice of Filing Case Law, 2024 30166 COCI. Case law and statutory authority filed with the original document have been omitted.**

#### **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.

**N/A**

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.

**N/A**

**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.

**I am the registered agent and a 50% shareholder of RUDD-HUNT, LLC, which is a limited liability company established for the sole purpose of owning property. Upon appointment or election to judicial office I would immediately resign, if required.**

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.

**There are no classifications of cases or litigants to which I believe it would be difficult for me to sit as the presiding judge. If appointed, I would recuse myself on any case containing any of the grounds for disqualification cited in Rule 2.330, Fla. R. Gen. Prac. & Jud. Admin., including any cause relating to or represented by individual members of my family. My brother, Ruddy Smith, and my father, Horace Smith, are both practicing attorneys who take cases in the 7<sup>th</sup> Circuit. I would recuse myself in these situations. I would be unable to preside over any matters in which a party is represented by Smith Bigman Brock (where I am currently employed) for at least two years due to the conflict or appearance of conflict from a financial relationship.**

#### **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.

N/A

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.

**I have contributed to the Volusia County Bar Association Newsletter as the current President for the Young Lawyer's Division. You can find a copy of my contribution in the August 2025 newsletter at:**

**<https://www.volusiabar.org/zupload/site-options/newsletter-aug2025.pdf>**

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.

**2025 Volusia County Bar Association Bench and BBQ (April 16, 2025)– spoke as the President Elect of the Young Lawyers Division. I provided a recap of the YLD's year of events including our Bowling for Backpacks school supplies donation, our Annual Foster Child toy drive fulfilling the Christmas wish lists for children in foster care during the holidays and our awarded grant money used to purchase the graduation gowns for the Chiles Academy.**

**Volusia County Bar Association Annual Meeting (August 1, 2025) – presentation of plaque and remarks to our out going YLD President, upcoming event reminder and introduction of Flager Bar President.**

**While an assistant state attorney, I presented a lecture and Q-and-A on DUI procedure and law to law enforcement officers during one of their “wet lab” training sessions at the Ormond Beach Police Department.**

**As a felony attorney with the State Attorney's Office, we were on a rotation to present Florida Law Weekly case law updates to our colleagues. Additionally, we were on a rotation to have the “warrant phone” which was available after hours for law enforcement to call for various legal issues and to review and approve search warrants and arrest warrants.**

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.

No

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.

**State Attorney's Office, 7<sup>th</sup> Judicial Circuit  
Top Gun Trial Award 2019**

**Dunn-Blout American Inn of Court, 2018 – Present**

**Book Award: Alternative Dispute Resolution**

**Golden Key Honor Society, 2004-2008**

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.

**Volusia County Bar Association, 2015 – Present**

**Young Lawyer's Division of the Volusia County Bar Association, 2015 - Present**

- **President, 2025 - Present**
- **President Elect, 2024**
- **Treasurer, 2023**
- **Secretary, 2022**
- **Board Member, 2018 – 2022**

**Volusia Flagler Association for Women Lawyers, 2015 – Present**

- **Board Member, 2018 – Present**

**Dunn-Blount American Inn of Court, 2018 – Present**

**Federalist Society (Florida), 2024 – Present**

**Florida Association of Criminal Defense Attorneys, 2020 – Present**

- **Member of both statewide and local Volusia County chapters**

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.

**Women United (United Way of Volusia-Flagler Counties)**

- **Committee Member, 2023-Present**

**Rocky Mountain Elk Foundation, Lifetime Member**

- **Committee Member for Daytona Beach Chapter, 2015-Present**

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.

**While practicing with my father at Smith Bigman Brock, I have provided consultations and assistance to those without means to obtain representation. I have prepared wills, represented clients in divorces and child custody matters and given general legal advice without charging a fee. Often, when an individual cannot afford to hire me, I will assist them with the forms available from the Clerk's office and walk them through the process. I have done this numerous times with injunctions and dissolutions of marriage. A couple instances stand out for me personally. I represented the wife in Lona Oxford v. Brian Oxford, 2023 11159 FMDL. Ms. Oxford reached out to me asking for help obtaining a divorce from her husband. She had suffered from a stroke 5 years earlier which left her partially paralyzed, unable to use her right arm and had trouble walking. Due to her disability, she could not work and could not afford an attorney. She reached out to numerous attorneys, but none would take the case without a fee. I agreed to help Ms. Oxford at no charge, and we filed and finalized her divorce shortly thereafter. Her appreciation has stayed with me as a constant reminder that kindness feels and does good. Another instance, case 2024 10486 FMCI, I helped a family at no charge, obtain legal custody of their previous foster daughter who was temporarily placed with them when the biological mother was arrested. The biological mother did not return for the child, and they became the full-time guardians of the little girl who they are now hoping to adopt.**

**I am also on the local list for Guardian ad Litem appointment at a reduced and/or pro bono rate. I have been appointed in one case in which I have dedicated over 30 hours of work at no charge to the parties.**

45. Please describe any hobbies or other vocational interests.

**Spending time with my family is my primary focus. I am an avid inshore fisher and enjoy taking out our boat. I have grown up hunting and love exploring State and National Parks.**

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.

**I have not served in the military.**

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: <https://www.facebook.com/huntermorill>

Instagram: <https://www.instagram.com/huntblaze/>

## **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.

I am married to Dean Morrill and we have been married since December 12, 2020. Dean is the Logistics Manager for Q-PAC Systems Inc.

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.



## **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 complied with all legally required tax return filings.**

## **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.

**I have had a number of varying experiences, both small and large, that have significantly impacted me as an attorney and would remain with me as a judge. As a prosecutor practicing in my hometown, I would encounter people that I went to school with or knew of. It really put into perspective that Defendants were more than just police reports and criminal histories. They were people with stories who needed help. At one point, I was the assigned prosecutor to Volusia's Eastside DUI Court. There was a participant in the program from my high school. He was there on his 4<sup>th</sup> DUI and had lost his driver's license for life. Judge Campbell (retired) treated all the DUI court participants with such respect. Even when they were at their lowest point, she made them feel equal to every single person in that room. It was really inspiring to see the State Attorney's Office, Public Defender's Office, Probation, treatment providers and judges come together to implement and run such an amazing program. Later, I was able to get involved with Veteran's Court, another specialty program designed to help criminal defendants. I value my experiences with these programs, and they provided me such perspective to see the impact they make on my own community. I would carry my experiences with me to the bench to serve with a focus on continuing this type of community impact.**

**As a law student, I completed my externship at the Department of Children and Families. I was specifically assigned to the extended foster care program. Many foster children are never adopted, and once they turn 18, their State resources and housing are significantly cut. The extended foster care program provides additional support until the age of 21, if the participant continues to live in approved housing and remain in school or work at least 80 hours a month, among other requirements. Many of the kids did not have the stability to meet all the requirements necessary to remain eligible and ended up homeless without much help. It was a stark realization to learn the realities of foster care. Almost every adult I met working at DCF had adopted a child out of the system. I was invited to attend a Termination of Parental Rights trial where DCF was successful in terminating the father's parental rights due to his current incarceration for drug possession. The mother previously had died of cancer, which triggered the father's relapse. The father testified about all the things he had done to fight for his kids and trying to comply with the case plan. He cried and begged for another shot. It was clear he did love his children, but that was not the legal standard the judge had to apply. The children were entered into foster care. I remember having conflicting feelings afterwards. It was certainly no easy task for the judge that day, but she followed her oath and the law. I use this experience as a reminder that legal rulings must be made in accordance with the law and not based on emotion.**

**I have attended numerous educational conferences that would assist me in judicial office.**

**As a prosecutor, I attended the Florida Prosecuting Attorney's Association educational conference. I attended the Martial Family Law Review Course for the last 5 years. During a brief stint in which I worked with the insurance defense section of our firm, I attended the Florida Liability Claims Conference. All of these conferences are days long educational events which offer extensive training materials and CLE credits.**

**I was appointed Guardian ad Litem on a family law matter, and it was incredibly illumination. I had represented many parents in divorce and custody cases, but I had never directly met with the children whose lives are being impacted. I had to ensure that when making suggestions, I was representing the best interest of the child and the child's wants and needs. This is consistent with how a court should review a case. As attorneys, our role is to advocate for our client, but the court's role is different.**

- 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.**

**I have profound respect for the rule of law and the role of the courts. I possess an expansive combination of legal knowledge from my diversity in legal practice, but I am humble with the understanding that a judge should always refer to the law before ruling on an issue and seek help when necessary. I recognize the importance of judicial efficiency, and I am committed to resolving matters expeditiously while maintaining the highest standards of legal reasoning and fairness.**

**As a lifelong resident of Volusia County, I value this community and its members, and I would serve with them in mind. Throughout my career, I have helped many people in different ways through the court system. As a prosecutor, I found great joy in helping victims and their families find some form of justice. Sometimes it was restitution for items stolen, getting drug or mental health treatment for their loved one, or even providing peace by ensuring a long prison sentence for a dangerous person. In family law, I have helped clients get their children back and ensured they were adequately protected during a divorce. Serving my community has always been at the heart of my career. It would be the highest honor to continue to serve the community that has always served me, in the role as judge.**

## **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.**

**R.J. Larizza, Esq.**  
**State Attorney 7<sup>th</sup> Circuit**  
**251 N. Ridgewood Avenue**  
**Daytona Beach, FL 32114**  
[larizzar@sao7.org](mailto:larizzar@sao7.org)  
**(386) 239-7710**

**The Honorable Jim Clayton**  
**Retired 7<sup>th</sup> Circuit Judge**



**The Honorable Dave Cromartie**  
**Volusia County Court Judge**  
**125 E. Orange Avenue**  
**Daytona Beach, FL 32114**  
[dcromartie@circuit7.org](mailto:dcromartie@circuit7.org)  
**(386) 257-6042**

**The Honorable Kathryn Weston**  
**7<sup>th</sup> Circuit Judge**  
**251 N. Ridgewood Ave.**  
**Daytona Beach, FL 32114**  
[kweston@circuit7.org](mailto:kweston@circuit7.org)  
**(386) 239-7791**

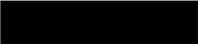
**Bill Voges, Esq.**  
**Chairman of the Board, Root Company**  
**275 Clyde Morris Blvd**  
**Ormond Beach, FL 32174-5977**  
[wvoges@rootorg.com](mailto:wvoges@rootorg.com)  
**(386) 212-6589**

**Gilbert Dannehower, IV**  
**General Manager Daytona Toyota and Deland Kia**  
**451 N Nova Road**  
**Daytona Beach, FL 32114**  
[Dannehowergib@gmail.com](mailto:Dannehowergib@gmail.com)  
**(386) 547-5294**

**Sarah Thomas, Esq.**  
**Managing Assistant State Attorney, St. Augustine 7<sup>th</sup> Circuit**  
**4010 Lewis Speedway #252**  
**St. Augustine, FL 32084**  
[ThomasS@sao7.org](mailto:ThomasS@sao7.org)  
**(904) 718-9007**

**Danny Hucks**  
**Founder Total Comfort Heat & Air**  
**President and Owner Total Comfort Gas & Propane**  
**1345 U.S. Rte 1**  
**Ormond Beach, FL 32174**  
[dan@totalcomfortfl.com](mailto:dan@totalcomfortfl.com)  
**(386) 547-5575**

**Robbie Coleman**  
**Owner Coleman Goodemote Construction**  
**619 N Beach St**  
**Daytona Beach, FL 32114**  
[rcoleman@colemangoodemote.com](mailto:rcoleman@colemangoodemote.com)  
**(386) 295-7881**

**Senior Deputy Randy Carlson**  
**K9 Bomb Handler, Volusia Sheriff's Office**  
**251 N Ridgewood Ave**  
**Daytona Beach, FL 32114**  
[RCarlson@volusiasheriff.gov](mailto:RCarlson@volusiasheriff.gov)  


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(1), 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 16<sup>th</sup> day of Oct, 2025.

Hunter Morrill

*[Handwritten Signature]*

Printed Name

Signature

State of Florida

County of Volusia

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

physical presence OR  online notarization

this 6 day of October, 2025.

By Hunter Morrill

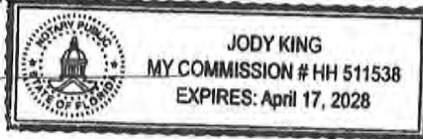
Personally known

Produced ID

Type of Identification

*[Handwritten Signature]*

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: \$45,161.67\***

\*current YTD is not reflective of previous years income due to annual end of year bonus due in December and not yet received

**Last Three Years: \$80,663.79 (2024) \$88,050.18 (2023) \$78,473.25 (2022)**

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: \$29,249.61**

**Last Three Years: \$76,542.86 (2024) \$83,742.02 (2023) \$73,911.38 (2022)**

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: \$60,986**

**Last Three Years: \$57,047\* (2024) \$45,723\* (2023) \$37,364\* (2022)**

*\*Dividends + Interest + capital gains*

Income derived from Hunter B. Smith Irrevocable Trust & separate Stock Portfolio

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: \$60,986**

**Last Three Years: \$54,047\* (2024) \$42,092\* (2023) \$34,364\* (2022)**

*\*Dividends + Interest + capital loss*

Income derived from Hunter B. Smith Irrevocable Trust & separate Stock Portfolio

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: \$51,986**

**Last Three Years: \$54,047\* (2024) \$38,792\* (2023) \$34,064\* (2022)**

*\*Dividends + Interest + capital gains less capital losses and commissions*

Income derived from Hunter B. Smith Irrevocable Trust & separate Stock Portfolio

**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 5, 2025 was \$2,994,537.93.

**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 \$10,000

**ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:**

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

VALUE OF ASSET

Home ( [REDACTED] ), Ormond Beach, FL 32174)	\$500,000.00
Real Property: ½ owner of 15 acres located S Tymber Creek Road	\$25,000.00 (my interest)
Real Property: 1/8 interest in 57 acres located on Bee Log Road in Yancey County, NC	\$32,000.00 (my interest)
Real Property: 53650 Rivertrace Road, Astor, Florida	\$25,000.00 (my interest)
2019 Tidewater Bay Max	\$20,000.00
2015 Stumpnocker Skiff	\$5,000.00
Morgan Stanley IRA	\$24,172.77
Morgan Stanley Portfolio (Comcast Stock)	\$13,363.39
John Hancock 401(k)	\$56,393.91
FRS Retirement	\$46,000.00
Truist Checking	\$5,031.60
Truist Savings	\$5,719.08
Stock Portfolio (AT&T, McDonalds, Pepsico, Coca-Cola, Warner Bros, Yum China, Yum! Brands)	\$425,857.18
Hunter B. Smith Irrevocable Trust (Morgan Stanley)	\$1,801,000.00

**PART C - LIABILITIES**

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

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

None	

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE: NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
None	

**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
Smith Bigman Brock	444 Seabreeze Blvd, Daytona Beach, Florida	\$76,542.86
Hunter B. Smith Irrevocable Trust	Morgan Stanley 285 Clyde Morris Blvd Ste 100 Ormond Beach, FL 32174	\$41,959.00
Stock Portfolio	218 Treeline Ln Ormond Beach, FL	\$11,328.00

**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	RUDD-HUNT, LLC		
ADDRESS OF BUSINESS ENTITY	218 TREELINE LN ORMOND BEACH, FL 32174		
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY	Manager, Registered Agent		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	Yes		
NATURE OF MY OWNERSHIP INTEREST	50% Shareholder		<input type="checkbox"/>

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

**OATH**

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.

*Hunter B. Smith*

SIGNATURE

**STATE OF FLORIDA**

**COUNTY OF Volusia**

Sworn to (or affirmed) and subscribed before me this 6 day of oct, 20 25 by Hunter Morrill

*Jody King*  
 (Signature of Notary Public—State of Florida)



(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

## 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: October 6, 2025

JNC Submitting To: 7<sup>th</sup> Judicial Circuit

Name (please print): Hunter Morrill

Current Occupation: Attorney

Telephone Number: [REDACTED]

Attorney No.: 118431

Gender (check one):  Male  Female

Ethnic Origin (check one):  White, non-Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Volusia

*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.

Hunter Merrill

Printed Name of Applicant

Hunter Merrill

Signature of Applicant

Date: 10/6/25

**Composite Exhibit to Question #22:**

**Legal Writing Samples**

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

**IN THE INTEREST OF:**

CASE NO.: 2023 DR 001059

DIVISION: 47

**THOMAS CARBONI JR, LOGAN CARBONI**  
**And OLIVIA CARBONI,**  
Children

**CHRISTINE MCDONALD,**  
Petitioners,  
and

**AMY KEMPER,**  
Respondent/Mother,

**THOMAS CARBONI,**  
Respondent/Father

---

**MOTION TO SET ASIDE TEMPORARY ORDER GRANTING PETITION FOR  
TEMPORARY CUSTODY BY EXTENDED FAMILY**

COMES NOW, Respondent/Mother, AMY KEMPER, by and through her undersigned counsel and files this *Motion to Set Aside Temporary Order Granting Petition for Temporary Custody By Extended Family* and will show as follows:

1. On or about November 13, 2023, Petitioner filed a Petition for Temporary Custody by Extended Family (Dkt 9).
2. On or about November 13, 2023, Petitioner also filed a "Motion for Emergency Full Custody" (Dkt 10) in the same matter.
3. On November 13, 2023, the Court entered an Order (Dkt 11) ruling that the Petitioner's Emergency Motion (Dkt 10) was **not** an emergency and that the matter may be called upon for hearing once service had been rendered.
4. Though the Petitioner never requested a summons and never properly served the Mother/Respondent, Respondent filed a Response on November 15, 2023, objecting to the Petition for Temporary Custody (Dkt 12).
5. Despite the Respondent's objection and previous Court ruling that the matter was not an emergency and shall be set for hearing, the Court then entered a Temporary Order Granting

Petition for Temporary Custody by Extended Family (Dkt 13), herein after referred to as “Temporary Order”, on November 16, 2023.

6. The Temporary Order states that this case came before the Court for review upon the Motion for Emergency Full Custody filed by Petitioner on November 13, 2023 and the Responses and Objections filed by the Respondent/Mother on November 12<sup>1</sup>, 2023 and that the Court reviewed the file and made the following findings (in part):

a. The Mother had not yet been served but filed a response, the Father currently resided in the Flagler County Jail and that it was “*in the best interest of the children*” for the Petitioner to have interim temporary custody until the parties have been served and this matter may be set for a final hearing. (emphasis added)

7. To date, the Mother/Respondent has still never been properly served in this matter.

8. Also, the UCCJEA Affidavit as filed by Petitioner, is insufficient as it does not reflect the dates, addresses and persons living with the children for the past 5 years and only provided a current address, that of the Petitioner.

9. Petitioner’s “Motion for Emergency Full Custody” (Dkt 10), which the Court relied on to award Petitioner temporary custody of the minor children, cites no legal statute or rule of procedure in which it seeks relief from the Court under. The “Motion for Emergency Full Custody” in itself does not authorize the Court jurisdiction over the parties and the subject matter therein. Further, the Court does not reference the Petitioner’s Petition for Temporary Custody by Extended Family Member in the Temporary Order as a basis for entering the Temporary Order.

10. Petitioner’s Petition for Temporary Custody by Extended Family is governed by Florida Statutes, Chapter 751 and has specific requirements that must be met and adhered to.

11. Specifically, Florida Statute 751.04 addresses notice and opportunity to be heard and states “[b]efore a decree is made under this chapter, reasonable notice and **opportunity to be heard** must be given to the parents of the minor child by service of process, either personal or constructive.” (emphasis added)

12. Florida Statute 751.05 (1) directly follows and states “[a]t the **hearing** on the petition for temporary or concurrent custody, the court must hear the evidence concerning a minor

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<sup>1</sup> It should be noted the Court’s Order inaccurately states the Respondent/Mother’s Responses and Objections were filed November 12, 2023, and that they were actually filed on November 15, 2023.

child's need for care by the petitioner, all other matters required to be set forth in the petition, and the objections or other testimony of the child's parents, if present." (emphasis added)

13. Florida Statute 751.05 (3)(b) further states if one of the minor child's parents objects to "[t]he petition for temporary custody, the court shall grant the petition **only upon a finding, by clear and convincing evidence**, that the child's parent or parents are unfit to provide for the care and control of the child. In determining that a parent is unfit, the court **must** find that the parent has abused, abandoned, or neglected the child, as defined in chapter 39." (emphasis added)

14. Though the Court acknowledged that Mother/Respondent objected to the Petition for Temporary Custody in her response filed November 15, 2023, and originally found that the matter was not an emergency and should be set for hearing, the Court then entered an Order just three days later granting Petitioner with temporary custody without holding a hearing and providing Mother/Respondent a full opportunity to be heard on the matter.

15. In Glockson v. Manna, 711 So.2d 1332 (Fla. 2d DCA1998), the appellate court reversed a trial court's award of temporary custody after an initial ex parte order was entered granting the aunt temporary custody over the objection of the father. The court noted the trial court's order **failed to include factual findings of any kind** and that the **sparse record provided no basis upon which a finding might be predicated**. It further stated **that the parents were not afforded a full opportunity to be heard on the matter** (despite a record of one hearing). The court then cautions that "[c]are should be taken by trial courts utilizing chapter 751 when entering custody orders over the objection of biological parents, or simply without their consent, to observe the fundamental procedural safeguards accorded biological parents in dependency proceedings, including, most critically, notice and an opportunity to be heard."

16. In the matter at hand, the Court entered an Order granting temporary custody to Petitioner, over Mother/Respondent's objection and without a hearing to be fully heard on that matter but also states no factual findings of any kind upon which the finding was predicated.

17. In Dubois v. Leon, 12 So. 3d 280, 281 (Fla. 5<sup>th</sup> DCA 2009), the court reversed a nonfinal order awarding temporary custody of the minor to the maternal grandparents because "it was apparent from the face of the order that the **trial court erroneously applied the best interests standard**, rather than the applicable clear and convincing standard, when reviewing the evidence." (emphasis added). The court notes that Florida Statute 751.05, specifically states that if one of the

minor child's parents objects to the granting of temporary custody to the petitioner, the court **shall only** grant the petition upon a finding, by clear and convincing evidence, that the parent or parents are unfit to provide the care and control of the child and that in determining that a parent is unfit, the court must find that the parent has abused, abandoned or neglected the child, as defined in chapter 39.

18. In the case at hand, the Court also erroneously only included that it was in the best interest of the children, sighted no findings of abuse, abandonment or neglect and made no rulings finding Mother/Respondent unfit as a parent.

19. Mother/Respondent motioned the Court to return her minor children on January 3, 2024 in her Amended Motion for Custody to be Returned (Dkt 30) which was set for a hearing February 2, 2024, along with Mother/Respondent's Motion for Supervised Visits and Phone Calls and a Motion for Grandparent Visits. This would have been the first hearing in which the Court would have given the Mother/Petitioner an opportunity to be heard.

20. After notice had been issued for Mother/Respondent's three (3) motions to be heard on February 2, 2024, Petitioner proceeded to file a Motion for Psychological Evaluation (Dkt 34) and Motion for Appointment of Guardian Ad Litem (Dkt 35). Petitioner then filed a Notice of Hearing unilaterally adding her motions to be heard at the already scheduled hearing date of February 2, 2024, yet Petitioner did not seek any additional time for the hearing from the Court.

21. On January 25, 2024, the Court then entered an Order on all matters set for the February 2 hearing and canceled the hearing. The Order stated and ruled (in part) as follows:

- a. The February 2, 2024 hearing was cancelled due to the time limitations of the Court.
- b. Immediate progress could be made on the motions without further court intervention.
- c. The parties needed to work together and communicate as this is not an action to terminate parental rights.
- d. Mother/Respondent's Motion for supervised visits and phone calls was granted.
- e. Mother/Respondent's Motion for grandparent visitation was granted.
- f. Mother/Respondent's Motion for custody to be returned was denied.
- g. Petitioner's Motion for to appoint a Guardian ad litem was granted.

- h. Petitioner's Motion for psychological evaluation was granted.
- i. The parties were referred to mediation.

22. A biological parent's rights to their children is one of, if not the, most highly protected areas in Florida law. Chapter 751 of Florida Statutes and all caselaw regarding temporary custody has strict procedures, none of which have been followed in this matter. It has been six (6) months since the Court entered an order removing Mother/Respondent's minor children from her care and control over her objection, and the Court has still held no hearing, heard no testimony, seen no evidence and made no findings that Mother/Respondent is unfit to provide for the care and control of her children due to abuse, abandonment, or neglect of the children, as defined in Chapter 39.

23. There has been no hearing held, no testimony and no evidence presented to the Court in which the Court could make a finding to support the granting of a psychological evaluation against Petitioner and imposing the costs of said evaluation on her. Further, the Court ruled that Mother/Respondent could not utilize an examiner at Project Warm, the inpatient treatment facility in which she was enrolled, and stated no basis or findings for such a ruling.

24. There has been no hearing held, no testimony and no evidence presented to the Court in which the Court could make a finding to support the granting of guardian ad litem to be appointed.

25. Despite the Court's rulings, Mother/Respondent has complied with the Orders in an attempt to gain back her custodial rights and show that she is a fit parent to care for her children.

26. Mother/Respondent *voluntarily* entered into an inpatient rehabilitation facility 2 months *prior* to the Petition for Temporary Custody being filed on September 25, 2023. In fact, Mother/Respondent specifically sought out and chose a rehab facility that catered to mothers with young children and which provides for and allows mothers to house their minor children with them at the facility. Project Warm, the inpatient rehab facility that Mother/Respondent attended, is highly regarded in the community and regularly utilized by the local courts for court-ordered treatment. Project Warm not only addresses substance abuse but also mental health and parenting/family strengthening, among others aspects of wellness. Mother/Respondent had already been sober, attending meetings and created a care plan for her children with Project Warm months before the Petition for Temporary Custody was even filed but was never afforded the opportunity

to be heard on her fitness as parent prior to the Court entering the Temporary Order. While at Project Warm, Mother/Respondent:

a. Was a “model participant” with zero (0) behavioral infractions and received 14 rewards. See attached Discharge Summary as Exhibit A and a few of the “Rewards” as Exhibit B.

b. Was Project Warm’s first participant to return to work and maintain her sobriety throughout treatment. She completed the program testing **negative on all her urinalysis.**

c. Joined the culinary team and was selected by the Chef to become one of two team leads.

d. Was attentive and actively engaged in all her individual and group counseling sessions, was receptive to therapeutic interventions and feedback from staff and was cooperative and compliant.

e. Phased up on all of her target dates, worked with a sponsor and spiritual advisor, attended AA and NA meetings on and off site and completed her offsite passes.

f. Demonstrated her ability to implement and utilize adaptive coping strategies and actively participated in “Kiddie Calls” with all four of her children.

g. Attended 27 individual counseling sessions, 88 drug screens, 9 parenting class groups, 10 relapse prevention groups, 45 AA/NA meetings, 47 life skill classes, 112 process groups, 148 recovery groups, 76 vocation groups, and 38 occupational therapy sessions among other classes. See attached Discharge Summary with list of services as Exhibit C.

h. Completed the following courses in the Living the Protective Framework (see attached certificate as Exhibit D:

- i. Introduction to the Protective Factors Framework
- ii. Parental Resilience
- iii. Social Connections
- iv. Knowledge of Parenting and Child Development
- v. Concrete Support in Times of Need
- vi. Social & Emotion Competence of Children
- vii. Bringing it All Together

i. Completed 3Ts Digital Tool course. See attached certificate as Exhibit E.

27. Mother/Respondent completed her residential treatment at Project Warm on April 2, 2024. See attached certificate as Exhibit F.

28. Mother/Respondent completed her evaluation with Dr. Riaz Rahman (selected by Petitioner's counsel) and within his report stated that "[a]s a mother, she does have the right to take care of her children, and she should be given that task and opportunity **as soon as possible.**" (emphasis added). The full evaluation report of Dr. Riaz Rahman was previously filed with the Court on April 4, 2024 and is docket number 48.

29. While enrolled in residential treatment, Mother/Respondent earned the ability to leave the facility and return to work. Mother/Respondent is a certified nail technician and has returned to her former employer Nail Bar 103, located at 50 Plaza Drive, Palm Coast, Florida, where she works full time and earns an income sufficient to support herself and her children and maintain their current daycare facility and needs.

30. Mother/Respondent continues to focus on maintaining her sobriety and voluntarily enrolled in outpatient treatment upon her release from Project Warm. She attends Stewart Marchman and sees a counselor once a week, per their recommendation. She has completed six (6) of her twelve (12) recommended sessions. She is drug tested every week during these sessions and has always tested negative. She is set to complete outpatient treatment next month in June. See attached Stewart Marchman records as Exhibit G.

31. Mother/Respondent also reports to probation once per month since October 2023 and has never once tested positive or violated in any way.

32. Mother/Respondent has no pending DCF case plans or safety plans involving her or any of her children.

33. Mother/Respondent actively participates in her three youngest children's lives as much as possible. She takes every opportunity for calls, facetimes, and visits. She sends diapers, wipes, clothes and food with the Petitioner when possible.

34. Mother/Respondent owns her own house located at 10 Richland Place, Palm Coast, Florida. It has 3 bedrooms. The children have their own space and bedrooms. There is backyard for the children to play. This is the only home the three minor children had lived at since birth. She is current in her mortgage on the home.

35. Mother/Respondent owns her own car and has sufficient car seats for all the children and took a class on proper installation of car seats.

36. Mother/Respondent does not diminish the severity of her actions which lead to her arrest in September 2023. However, she would point out that she had no prior criminal history, no prior substance abuse issues and has taken nothing but steps forward since that day. Additionally, it should be noted that the minor children in this matter were not involved nor present during that incident.

37. On the other hand, Petitioner has shown no efforts to move forward with supporting the reunification of Mother/Respondent and her minor children. Petitioner refused to allow Mother to have even supervised phone calls with the children until the Court ordered her to do so. Petitioner refused to allow the children's maternal grandparents, who have helped raise them and who have always maintained a close and continued relationship with them, to have any contact with the children until the Court ordered her to do. Petitioner has cancelled phone conferences or not answered timely despite the times being specified. Petitioner has cancelled visits and not offered additional make up days. Petitioner attempted to record supervised visits against Project Warm policy.

38. Petitioner has still not hired a Guardian ad Litem, despite her own request for such and stating that it would be in the children's best interest and the Court granting said request almost four (4) months ago. The Court did not order a timeframe or order coordination of GAL with Mother/Respondent despite giving Mother/Respondent only ten (10) days to find evaluator independent of Project Warm for her psychological evaluation (and coming up with the hundreds of dollars to pay for said evaluation) and ensuring that it was approved by Petitioner.

39. Thomas Carboni, the Petitioner's son and the Father/Respondent in this matter, lives with Petitioner and thereby the minor children. Father/Respondent consented to the temporary custody of Petitioner but was still ordered not to have any unsupervised contact with the minor children. Because Father/Respondent lives with Petitioner, his contact with the minor children is daily. The Court, however, only permitted Mother/Respondent to have a minimum of 2 supervised, 1 hour visits per week. This was a minimum requirement and Mother/Respondent has consistently asked to see the children more frequently but Petitioner has never once permitted additional visitation time or additional phone calls. Petitioner has also never allowed the maternal

grandparents additional visitation or time outside the minimum set by the Court and refused to facilitate the minor children having visits with their older sibling who is not a party to this suit.

40. Father/Respondent is currently on felony probation and sentenced to Drug Court because he previously violated the terms of his felony drug possession probation. Father/Respondent continues to fail his UA's in drug court and has been sanctioned, placed on "B Team" and even sentenced to jail time as a result. These violations have occurred while Father/Respondent has been living with Petitioner and the minor children having unlimited "supervised" contact. See attached court action forms from case 2021 CF 000980 as Exhibit H.

41. At the Petitioner's residence, none of the minor children involved in this case have their own room. A total of ten (10) people live in Petitioner's house, including seven (7) adults. The two youngest children sleep in the living room, one in a crib, one in a play pen, where Father/Respondent also sleeps on the couch. The 3 year old sleeps in a shared room with Petitioner and her husband, Brian.

42. Father/Respondent has also been seen alone with the minor children at the UA testing facility.

43. In the Court's December 5<sup>th</sup> Order (Dkt 22), the Court seemingly makes findings based on "facts" related to a criminal case of the Mother. However, the Court makes no reference to what criminal case, what facts or how those facts come to be presented to him since no hearing has ever been held. Mother/Respondent can only assume that the Court refers to her arrest in September 2023. What is important to note from that incident is that the child involved is not a party to this action and in fact this **same Court** had granted Mother/Respondent timesharing again with that child.

a. In case 2014 DR 000682, this Court had previously awarded the father of Mother/Respondent's oldest child (who is not part of this action), emergency temporary full custody on September 12, 2023.

b. On November 28, 2023, this Court adopted the recommendations of the General Magistrate in case 2014 DR 000682, which approved an Amended Parenting Plan and awarded Mother/Respondent timesharing with her oldest child (the only one involved in her arrest incident).

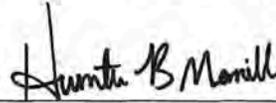
c. It should be noted that the timesharing with that child is unsupervised with no special requirements. Therefore, this Court has essentially already ruled that Mother/Respondent

is a fit enough parent to have timesharing with her eldest minor child in which she was charged with criminal neglect of.

WHEREFORE, Mother/Respondent respectfully requests the Court immediately enter an order setting aside the Temporary Order Granting Petition for Temporary Custody By Extended Family and set the Petition for Temporary Custody for a hearing as required by statute.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by eservice to Jennifer McGee at [jennifer@mcgeelawfl.com](mailto:jennifer@mcgeelawfl.com) on this 20 day of May 2024.



---

HUNTER MORRILL, ESQUIRE  
Fla. Bar No. 118431  
SMITH BIGMAN BROCK  
Post Office Box 15200  
Daytona Beach, Florida 32115  
[Eservice@daytonalaw.com](mailto:Eservice@daytonalaw.com)  
[Hsmith@daytonalaw.com](mailto:Hsmith@daytonalaw.com)  
[jking@daytonalaw.com](mailto:jking@daytonalaw.com)  
Attorney for Respondent/Mother

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

CASE NO: 2020 303305 CFDB

STATE OF FLORIDA

VS.

MARK LEONDRE PUGH,  
DEFENDANT.

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**STATE'S TRAVERSE TO DEFENDANT'S MOTION TO DISMISS**

COMES NOW, R.J. Larizza, State Attorney for the Seventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney files this traverse to Defendant's Motion to Dismiss requesting this Honorable court to summarily deny Defendant's motion pursuant to Florida Rule of Criminal Procedure 3.190(d), and as grounds therefore would show as follows:

**FACTS**

The "Facts" section of Opposing Counsel's Motion was not enumerated and as such the State will DENY line 3 of that paragraph and present additional facts. According to the report written by Deputy Leven, he "activated his emergency lights and siren on his marked VCSO patrol vehicle.." The patrol vehicle driven by Deputy Leven has reflective decals and insignia of Volusia County Sheriff's Office, includes lights and sirens and a county vehicle license plate.

**LEGAL ARGUMENT**

First, Opposing Counsel relied on case law for in his "Argument" section. The State would contend this section contains rules derived from an analysis of a case that cannot be taken as fact. Additionally, Opposing Counsel improperly defines the crime of "Fleeing or Attempting to Elude a Law Enforcement Officer" and as such the State denies this assertion.

As defined by Florida Statute 316.1935, "Fleeing or Attempting to Elude a Law Enforcement Officer" is broken down into multiple sections, each section indicating more elements that make the crime more severe. As explained in Gorsuch v. State, 797 So. 2d 649, 651 (Fla. Dist. Ct. App. 2001), the Court goes through the analysis of each section of the Fleeing/Attempting to Elude Florida Statute. In that case, the Court finds that the Defendant's argument for conviction under section 316.1935(3) should be reversed and the cause remanded with instructions to reduce that conviction to a violation of section 316.1935(1) because there was no evidence that the police vehicles had agency insignia and other jurisdictional markings. An identical ruling was made in Erskine v. State, 23 So. 3d 1207, 1208 (Fla. Dist. Ct. App.

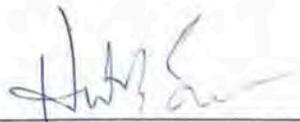
2009), where the Court again found that the conviction should be reduced to the 3<sup>rd</sup> degree felony under section 316.1935(1) rather than section 316.1935(3). See also Slack v. State, 30 So. 3d 684, 685 (Fla. Dist. Ct. App. 2010), where the Court remands the case for a conviction under section 316.1935(1) after a convicted under section 316.1935(2) where there was no evidence of agency insignia during a fleeing stop. The Court goes through an analysis of section 316.1935(1) being the lesser included offense of section 316.1935(2). This is a common theme throughout caselaw, see also: Sanner v. State, 63 So. 3d 934 (Fla. Dist. Ct. App. 2011).

Further, in the dissenting opinion of Ellis v. State, 258 So. 3d 491, 495 (Fla. Dist. Ct. App. 2018), the Court specifically states “The basic fleeing/eluding charge in subsection (1) of the statute does not require that the officer be in a law enforcement vehicle or that pursuit by such vehicle occur. Instead, it makes it unlawful “for the operator of any vehicle, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order” or “having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer[.]” § 316.1935(1), Fla. Stat. In contrast, subsections (2) and (3) limit themselves to fleeing/eluding law enforcement officers who are physically inside a specifically-defined subset of police vehicles. Under subsection (2), it is unlawful for a person to flee or attempt to elude a law enforcement officer while that officer is “in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed on the vehicle, with siren and lights activated,” which is a third degree felony. Id. § 316.1935(2). Similarly, subsection (3)(a)—under which Ellis was charged—makes it unlawful to engage in the criminal conduct defined in subsection (2), if the person “[d]rives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property[.]” Id. § 316.1935(3)(a). Such conduct is punishable as a second degree felony. A person who knowingly flees a police officer violates subsection (1), but not subsections (2) or (3), which require proof that the officer is in the statutorily-defined law enforcement vehicle.”

While the State contends that a Motion to Dismiss brought under Florida Rule of Criminal Procedure 3.190(c)(4) is not the proper vehicle to challenge the issue of Opposing Counsel's interpretation of the Florida Statute for Fleeing/Attempting to Elude, there are material factual allegations denied above to overcome the C4 standard. The State would also contend the argument presented would be with merit to survive any Motion to Suppress and/or Dismiss that should flow from such motion.

The State is prepared to present additional testimony and caselaw by way of oral argument.

**WHEREFORE**, the State moves this Honorable Court to deny the Defendant's Motion to Dismiss.



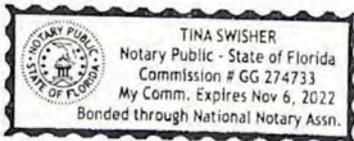
HUNTER SMITH  
ASSISTANT STATE ATTORNEY  
Florida Bar No.: 118431

215 N. RIDGEWOOD AVE.  
DAYTONA BEACH, FL 32114  
ESERVICEVOLUSIA@SAO7.ORG

Personally appeared before me Hunter Smith, Assistant State Attorney, for the Seventh Judicial Circuit of the State of Florida, known to me to be the foregoing prosecuting officer, who being duly sworn, says the allegations set forth in the foregoing traverse and demurrer are based upon facts that have been sworn to as true. Subscribed in good faith. Said facts based on testimony of material witnesses.

SWORN to and subscribed before me on this 5 day of January 2021

Tina Swisher



Tina Swisher  
NOTARY PUBLIC AT LARGE  
STATE OF FLORIDA

Nov 6, 2022  
MY COMMISSION EXPIRES:

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by mail/delivery to KIP MILLER, 400 NORTH HALIFAX AVENUE, DAYTONA BEACH, FL 32118, on January 5, 2021.

Hunter Smith  
HUNTER SMITH  
ASSISTANT STATE ATTORNEY  
Florida Bar No.: 118431  
251 N RIDGEWOOD AVENUE  
DAYTONA BEACH, FL 32114  
(386) 239-7710  
ESERVICEVOLUSIA@SAO7.ORG

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

CASE NO.: 2024 30166 COCI  
DIVISION: 84

HORACE SMITH, JR., P.A., a  
Florida Professional Association,  
444 Seabreeze Blvd., Suite 900  
Daytona Beach, FL 32118

Plaintiff,

v.

JOE LI,  
6 Edison Lane,  
Palm Coast, FL 32164,  
An Individual,

Defendant.

\_\_\_\_\_ /

**MEMORANDUM OF LAW IN SUPPORT OF**  
**PLAINTIFF'S MOTION TO STRIKE AND**  
**NOTICE OF FILING CASELAW**

COMES NOW, Plaintiff, HORACE SMITH, JR., P.A., by and through the undersigned counsel and files this *Memorandum of Law in Support of Plaintiff's Motion to Strike* and states as follows:

1. Defendant's affirmative defenses in paragraphs 18, 20, 23, and 25, should be stricken because they fail to meet the pleading requirements of Fla. R. Civ. P. 1.140, which requires the affirmative defenses to state "specific and with particularity" ... "the grounds on which the enumerated defenses are based and the substantial matters of law intended to be argued" or are otherwise legally insufficient as a matter of law.
2. "A properly pled affirmative defense includes ultimate facts sufficient to provide notice of the proof the defendant intends to rely upon to defeat the plaintiff's claim." *South*

*Florida Coastal Elec., Inc. v. Treasures on Bay II Condo Ass'n.*, 89 So.3d 264, 266 (Fla. 3d DCA 2012).

3. “As in plaintiff’s statement of claim, the requirement of certainty will be insisted upon the pleading of a defense; and the certainty required is that the pleader must set forth the facts in such a manner as to reasonably inform his adversary of what is proposed to be proved in order to provide the latter with a fair opportunity to meet it and prepare his evidence.” *Zito v. Washington Federal Sav. And Loan Ass’n of Miami Beach*, 318 So. 2d 175, 176 (Fla. 3d DCA 1975). *See also Walker v. Walker*, 254 So.2d 832 (Fla. 1<sup>st</sup> DCA 1971).
4. Because the affirmative defenses fail to assert any supporting facts and are therefore legally insufficient pure conclusions of law, and without the requisite facts to support these affirmative defenses, Plaintiffs must guess at the basis for these defenses and are not sufficiently on notice as to what Defendant proposes to prove. Therefore, Plaintiffs are unable to prepare an appropriate reply to the affirmative defenses.
5. Defendant’s affirmative defenses in paragraphs 19, 24, and 32, are legally insufficient where Defendant fails to articulate how Plaintiffs have breached the agreement and are rather a mere denial of facts contained within the complaint and are not affirmative defenses and should be stricken. *See Gatt v. Keyes Corp.*, 446 So.2d 211, 212 (Fla. 3d DCA 1984) (holding that an affirmative defense was properly stricken where it simply denied facts contained in the complaint and did not raise any new matters to defeat the complaint.). Further, Rule 1.140(f) supports a motion to strike should be granted “if material is wholly irrelevant, can have no bearing on the equities and no influence on the decision” *See Pentecostal Holiness Church, Inc. v. Mauney*, 270 So.2d 762, 769 (Fla. 4th DCA 1972).

6. It is unclear in paragraphs 22, 24, 27, 28, 29, 30, 31, 35, 36, what exactly Defendant's affirmative defenses are. Rather, Defendant merely states various complaints and an overall dissatisfaction of services; therefore, his "defenses" are inadequately pled and must be stricken. *See also Jelic v. CitiMortgage, Inc.*, 150 So.3d 1223 (Fla. 4th DCA 2014) (holding that generic claims which fail to allege any particularized conduct are insufficient to assert a claim.). Further, Rule 1.140(f) supports a motion to strike should be granted "if material is wholly irrelevant, can have no bearing on the equities and no influence on the decision" *See Pentecostal Holiness Church, Inc. v. Mauney*, 270 So.2d 762, 769 (Fla. 4th DCA 1972).
7. There are no facts alleged which would explain which, if any, duties Plaintiff allegedly failed to perform, how Plaintiff's conduct was allegedly misleading or what contractual or equitable precedent were unfulfilled. *Wells Fargo Bank, N.A. v. Williamson*, 199 So.3d 1031, 1035 (Fla. 4th DCA 2016).
8. Defendant fails to state with specificity what condition precedents may be unmet, should that be what his defense is attempting to purport. Therefore, any defenses where that is the alleged argument is waived. *See Saavedra v. Universal Property & Casualty Insurance Company*, 314 So. 3d 729, 731 (Fla. 5th DCA 2021).
9. Defendant's paragraphs 21 and 26, are merely general statements and not legal affirmative defenses. Similarly, paragraphs 33 and 34, are generalized unrelated hearsay or opinion and do not present a valid legal defense. Mere denial of facts contained within the complaint and are not affirmative defenses and should be stricken. *See Gatt v. Keyes Corp.*, 446 So.2d 211, 212 (Fla. 3d DCA 1984). Further, Rule 1.140(f) supports a motion to strike should be granted "if material is wholly irrelevant, can have no bearing on the

equities and no influence on the decision” See *Pentecostal Holiness Church, Inc. v. Mauney*, 270 So.2d 762, 769 (Fla. 4th DCA 1972).

10. Fla. R. Civ. P. 1.140 (f) provides that a motion to strike may be used to seek an order from the court striking any pleading, ‘any insufficient defense’ or ‘any redundant, immaterial, or impertinent, or scandalous matter’. See *Chris Craft Indus., Inc. v. Van Valkenberg*, 267 So. 2d 642, 645 (Fla. 4<sup>th</sup> DCA 1972).
11. Defendant’s affirmative defenses should be stricken as redundant or immaterial because they are wholly irrelevant and have no bearing on the equities and no influence at all on the decision in this matter. See *Bay Colony Office Bldg. Joint Venture v. Wachovia Mortg. Co.*, 342 So.2d 1005 (Fla. 4<sup>th</sup> DCA 1977).
12. In the course of all Defendant’s affirmative defenses, the Defendant fails to allege facts which meet any elements of a defense and therefore each of his defenses should be stricken. They do not constitute an affirmative defense under Rule 1.110, Rules of Civil Procedure.

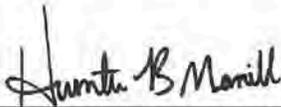
All supporting caselaw incorporated herein is further referenced below and attached hereto:

1. *South Florida Coastal Elec., Inc. v. Treasures on Bay II Condo Ass’n.*, 89 So.3d 264, 266 (Fla. 3d DCA 2012).
2. *Zito v. Washington Federal Sav. And Loan Ass’n of Miami Beach*, 318 So. 2d 175, 176 (Fla. 3d DCA 1975)
3. *Walker v. Walker*, 254 So.2d 832 (Fla. 1<sup>st</sup> DCA 1971).
4. *Gatt v. Keyes Corp.*, 446 So.2d 211, 212 (Fla. 3d DCA 1984)
5. *Pentecostal Holiness Church, Inc. v. Mauney*, 270 So.2d 762, 769 (Fla. 4th DCA 1972)
6. *Jelic v. CitiMortgage, Inc.*, 150 So.3d 1223 (Fla. 4th DCA 2014)

7. *Wells Fargo Bank, N.A. v. Williamson*, 199 So.3d 1031, 1035 (Fla. 4th DCA 2016)
8. *Sacavedra v. Universal Property & Casualty Insurance Company*, 314 So. 3d 729, 731 (Fla. 5th DCA 2021)
9. *Chris Craft Indus., Inc. v. Van Valkenberg*, 267 So. 2d 642, 645 (Fla. 4<sup>th</sup> DCA 1972)
10. *Bay Colony Office Bldg. Joint Venture v. Wachovia Mortg. Co.*, 342 So.2d 1005 (Fla. 4<sup>th</sup> DCA 1977)

**CERTIFICATE OF SERVICE**

I HEREBY certify that a true and correct copy of the foregoing has been filed through the e-filing portal wherein all parties will automatically be sent a copy including, Joe Li at [drlijo@gmail.com](mailto:drlijo@gmail.com) this 3<sup>rd</sup> day of June, 2025.

/s/ 

**HUNTER MORRILL, ESQUIRE**

Fla. Bar No. 118431

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Fla. Bar #105948

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