

APPLICATION FOR NOMINATION TO THE
COUNTY COURT OF THE SEVENTH
JUDICIAL CIRCUIT



Dominic Louis Charles Piscitello
Supervising Attorney
Children's Legal Services

Application

APPLICATION FOR NOMINATION TO THE COUNTY 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: Dominic Louis Charles Piscitello **Social Security No.:** [REDACTED]

Florida Bar No.: 118856 **Date Admitted to Practice in Florida:** 10/2/2015

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.

Employment

Job Title: **Fourth Judicial Circuit Supervising Attorney**

Employer: **Department of Children's and Families**
Children's Legal Services

Address: **4080 Woodcock Drive, Suite 201**
Jacksonville, Florida 32207

Telephone: **904-521-2392**

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.

Resident of Florida: **34 years**

Residency at Current Address: **8 years (10/5/2017)**

Current Address: [REDACTED]

Telephone Number: [REDACTED]

Email Address: **Dominicpiscitello@gmail.com**

3. State your birthdate and place of birth.

Date of Birth: October 3, 1989

Place of birth: Johnson City, New York

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: October 2, 2015 - Present

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

No

EDUCATION:

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

Florida Coastal School of Law

Dates of Attendance: August 2012-May 2015

Degree Received: Juris Doctorate

GPA: 3.10

University of Central Florida

Dates of Attendance: August 2009-April 2012

Degree Received: Bachelor of Arts

GPA: 3.488

Saint Johns River Community College:

Attendance: Dual Enrollment: June 2006-May 2008. January 2009- April 2009

Degree Received: Associates in Arts

GPA: 3.80 Magna Cum Laude.

Livingstone College

Attendance: August 2008 - December 2008

Degree Received: None

GPA: 4.0

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.

Organization: University of Central Florida Resident Assistant

Date: January 2010 - December 2011

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.

Employment:

Job Title: Supervising Attorney, Lead Trial Attorney, and Senior Attorney
Employer: Department of Children's and Families and Children's Legal Services
Address: 4080 Woodcock Drive, Suite 201
Jacksonville, Florida 32207

Date: October 2023 - Present - Supervising Attorney
October 2021- October 2023 - Lead Trial Attorney
September 2019 - April 2021 - Supervising Attorney
March 2018 – September 2019 - Senior Attorney

Employer: Independently contracted with Ustesting
Address: 11100 NE 8th St Suite 320, Bellevue, Washington 98004
Website: ustesting.com

Date: May 2023- Present
Description: I engage in beta testing and complete surveys.

Job Title: Associate Attorney
Employer: Douglas Law Firm
Address: 117 N 2nd St, Palatka, FL 32177
Date: April 2021- September 2021

Job Title: Assistant State Attorney
Employer: State of Florida's 7th Judicial Circuit State Attorney's Office

Address: 1769 E. Moody Blvd.
Bldg 1, 3rd Floor
Bunnell, FL 32110
Date: October 2015- March 2018

Job Title: Resident Assistant
Employer: University of Central Florida
Address: 4000 Central Florida Blvd.
Orlando, Florida 32816

Date: January 2010-December 2011

Description: Resident Assistants (“RA”) are community facilitators and liaisons for students living on campus. As a RA I was responsible for answering housing questions, assisting in community building, hosting events, and enforcing housing rules.

Internships:

Title: Certified Legal Intern
Employer: 7th Judicial Circuit State Attorneys Office
(Putnam County, St. Johns County and Homicide Investigative Unit
Address: 410 St. Johns Ave., Room 109
Palatka, FL 32177
Date: June-August 2014

Title: Legal Intern
Employer: 7th Judicial Circuit State Attorneys Office
(St. Johns County and Homicide Investigative Unit)
Address: 4010 Lewis Speedway
St. Augustine, FL 32084
Date: June-August 2013

Title: Youth Intern
Employer: Palms Presbyterian Church
Address: 3410 3rd St S
Jacksonville Beach, FL 32250
Date: June -August 2012

Title: UCF Legislative Scholar Intern
Employer: The University of Central Florida
Address: 4000 Central Florida Blvd.
Orlando, Florida 32816
Dates: January 2012-April 2012

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.

Presently, I am a Supervising Attorney with Children's Legal Services ("CLS") under the Department of Children and Families. I supervise six (6) attorneys and up to six (6) support staff members of our team at any given time. I have supervised all three of our Circuit 4 offices and addressed each one's individualized needs. As a Supervising Attorney I meet with my direct reports to discuss their cases and how we can achieve expedient permanency for children who have been abused, abandoned, and neglected. On a daily basis, I collaborate with child protective investigators, case managers, and community partners to assure that there is sufficient evidence necessary to support the legal action that is being requested. In my role as a Supervising Attorney, I meet with my direct reports weekly to discuss ongoing cases and trial issues.

As a Board Certified Attorney in Juvenile Law and as a Supervising Attorney, I've had the ability to wear numerous hats and engage in a variety of functions and responsibilities. I've had the privilege of assisting internally with mentoring our summer interns and my direct reports. I engage in weekly meetings with our community-based partners and my staff to assure that CLS is meeting our Performance Expectations. As a Supervising Attorney, I render legal advice to Child Protective Investigators and to community-based partners with the intent of determining if there is viable evidence to take legal actions.

Prior to being employed with CLS, I was employed with the State Attorney's Office in Flagler County and I was responsible for the Misdemeanor division. While at the State Attorney's office I handled numerous criminal case loads involving Misdemeanors Offenses and Criminal Traffic citations. As the Misdemeanor Assistant State Attorney in Flagler County, I was responsible for not only meeting with all victims in domestic violence cases, but I was also responsible for reviewing all intake cases to determine if legal sufficiency exists. As one could imagine while being the only Misdemeanor prosecutor, I was predominantly in the courtroom litigating a wide range of hearings.

While at the State Attorney's Office, I was able to work closely with a Deputy and a Sergeant at the Flagler County Sheriff's Office to assist in obtaining their status in the Courtroom as a Drug Recognition Expert in Driving while under the Influence cases.

From April of 2021 until September 2021, I was employed with the Douglas Law Firm as an Associate Attorney. The primary areas of law that I engaged in while at the Douglas Law Firm were Family Law, Juvenile Dependency, and Criminal Defense. I was responsible for litigating cases in: Alachua County, Clay County, Duval County, Flagler County, Putnam County, and St. Johns County.

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	<u>90</u> %
Federal Trial	_____ %	Criminal	<u>5</u> %
Federal Other	_____ %	Family	<u>5</u> %
State Appellate	_____ %	Probate	_____ %
State Trial	<u>99</u> %	Other	_____ %
State Administrative	<u>1</u> %		
State Other	_____ %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

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

From October 2015 - April 2018, I was an Attorney with the Seventh Judicial Service State Attorney's Office. As the sole misdemeanor prosecutor in the Flagler County office, I was responsible for litigating all Criminal Traffic and Misdemeanor cases. I was assigned conflict cases in our Putnam County and Deland.

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

Jury?	<u>20</u>	Non-jury?	<u>22</u>
Arbitration?	_____	Administrative Bodies?	<u>2</u>
Appellate?	_____		

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.

Not Applicable

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.

Not Applicable

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.

Not Applicable

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.*

Case: In the Interest of J.B.
Court No.: 16-2024- DP-294- Axxx-MA
Parent's Counsel: Deborah Potter
deborah.potter@rc1.myflorida.com
[REDACTED]

Guardian ad Litem Counsel: Melanie Rodriguez
melanie.Rodriguez@gal.fl.gov
[REDACTED]

Case: In the Interest of J.L, J.L, J.L, J.L
Court No.: 16-2024- DP-97- ABCDxxx-MA
Parent's Counsel: Jeffrey Barrett
jeffbarrettesq@yahoo.com
[REDACTED]

Guardian ad Litem Counsel: Ernesto Luna,
ernesto.Luna@gal.fl.gov
[REDACTED]

Case: In the Interest of K.W.
Court No.: 16-2021-DP-120- Axxx-MA

Parent's Counsel: K.C. Tusher

kctusher@comcast.net
[REDACTED]

Parent's Counsel:

Brian Cabrey
brianjcabrey@cabreylaw.com
[REDACTED]

Guardian ad Litem Counsel:

Wendy Norcia
wendy.norcia@gal.fl.gov
[REDACTED]

Case:

In the interest of
J.Y., T.T.A.W., A.W., K.W., K.W, T.W

Court No.:

16-2021-DP-83-ABCDEFGH-MA

Parent's Counsel:

Ratna Arora
ratna.arora@rc1.myflorida.com
[REDACTED]

Parent's Counsel:

Guy Victor Murray
gvmpapleadings@gmail.com
[REDACTED]

Parent's Counsel:

Martha, "Beth" Kernan
kernan@1stcounsel.com
[REDACTED]

Guardian ad Litem Counsel:

Wendy Norcia
wendy.norcia@gal.fl.gov
[REDACTED]

Case:

In the Interest of C.L.

Court No.:

16-2021-DP-129-Axxx-MA

Parent's Counsel:

Ratna Arora
ratna.arora@rc1.myflorida.com
[REDACTED]

Parent's Counsel:

Guy Victor Murray
gvmpapleadings@gmail.com
[REDACTED]

Guardian ad Litem Counsel:

Jenna Meadows*

jmeadows1@coj.net
[REDACTED]

- Jenna Meadows is no longer employed with the Guardian ad Litem Program and her current employment is with the Fourth (4th) Judicial Circuit Family Mediation Unit.

Case: In the Interest of M.T.
Court No.: 16-2021-DP-352-Axxx-MA

Parent's Counsel: K.C. Tusher
kctusher@comcast.net
[REDACTED]

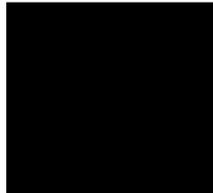
Guardian ad Litem Counsel: Jenna Meadows*
jmeadows1@coj.net
[REDACTED]

** Jenna Meadows is no longer employed with the Guardian ad Litem Program and her current employment is with the Fourth (4th) Judicial Circuit Family Mediation Unit*

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.*

As one of the Supervising Attorney's for both the Duval and Nassau County offices, I am often asked to aid in resolution of cases in which the assigned Children's Legal Services ("CLS") Attorney and parents counsel have either reached an impasse or coverage for an absent CLS Attorney is necessary. As more often than not, the nature of these cases are resolved with Regional Conflict Counsel, the Guardian ad Litem Program Attorneys, and our Private wheel of Attorneys. The names of our Regional Conflict Counsel Attorneys that I work with often are: Robert Keep, Deborah Potter, and Ratna Arora who may all be reached at [REDACTED] The Guardian ad Litem Attorneys that I work with often are: Melanie Rodriguez, Ernesto Luna, Wendy Norcia, Christine Meyer, and Kelly Berlin who may all be reached at [REDACTED] The Private Wheel of Attorneys that I often work with are:

**K.C. Tusher
Beth Kernan
Guv Murray
Brian Cabrey
Jeffrey Barrett**



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.

Over the last ten years, I have been employed by the State Attorney's Office and the Department of Children of Families. During this time, I have predominantly been in the Courtroom on an average of four days a week.

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.

Not Applicable

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?

Not Applicable

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.

Case: In the Interest of A.J. and B.J
Court Number.: 16- 2019-DP-004ABxxx-MA
Grounds Pled: 39.806(1)(f), 39.806(1)(h), 39.806(1)(d)(1)
Trial Date: May 3, 2019 and May 7, 2019
Judge: The Honorable David M. Gooding (retired)
County: Duval
GAL Counsel: Catherine Negaard (* currently employed with DBPR)

catherine.negaard@myfloridalicense.com

Parent's Counsel: Wesley Cassano (Since Retired)



wescassano@gmail.com

Significance:

On January 4, 2019, the minor children in this matter were sheltered from the father's care and custody after he murdered the mother of the minor children. Prior to the father murdering the mother, the mother obtained a domestic violence injunction for protection against the father. The father violated the injunction by going to the home of the mother and hiding in the home. On the day of the murder, the mother returned to her home with her children and saw the father in the home. The Mother returned to her vehicle where the children and an additional family member were waiting in the car. The father came out of the home, approached the vehicle, fired multiple shots in the car striking the mother. The minor children were in the backseat of the vehicle while their mother was murdered by their father. In the criminal case, the father was arrested and charged with first degree murder; however, in the Juvenile Dependency case, the State moved forward with an expedited termination of parental rights. This matter eventually proceeded to an adjudicatory trial on the Department's Termination of Parental Rights Petition within four months of the removal of the minor children. The termination of parental rights in this matter included 39.806(1)(h), which states that the Court may be terminated the parental rights when the parent has committed the murder, manslaughter, aiding or abetting the murder, or conspiracy or solicitation to the murder the other parent or another child, or a felony battery that resulted in serious bodily injury to the child or to another child."

Due to the expeditious nature of Juvenile Dependency cases and the continued litigation of the criminal matter, the Department had to prove the murder that was alleged prior to criminal matter being resolved. The nature of the evidence in this case spanned from child protection team forensic interviews, medical examiners, child testimony, and admissions to law enforcement. I was responsible for collaborating with State Attorney's Office, the Jacksonville Sheriff's Office's and our community-based care providers to assure that we had sufficient resources and evidence in this matter. After two days of trial, the Court in this matter granted the Termination of Parental Rights petition as to all the grounds pled in the Petition. The Father appealed the Courts order and the District Court of Appeals affirmed the lower courts finding.

Case: State of Florida v Ronald J. Dorsten

Court No.: 17-00041-CFFA

Charge: Domestic Battery by Strangulation

Trial Date: July 19, 2017

Judge: The Honorable Dennis Craig

County: Flagler County

Defense Counsel William Bookhammer



bookhammer.William@pd7.org

Significance: The Defendant in this matter was charged with Felony Battery by Strangulation. The victim, with whom was in a domestic relationship with the Defendant, was unwilling and uncooperative in testifying at trial. The evidence in this matter was limited to hearsay statements to the neighbor and photographs obtained by law enforcement. I was able to successfully overcome numerous hearsay objections and a motion for acquittal based on the hearsay exceptions and the additional photographic evidence presented. Unfortunately, the Jury did not render a verdict for Felony Battery by Strangulation; however, they did enter a verdict for Domestic Battery. This case is significant to me because it allowed me to be the voice of the voiceless victim.

Case: State of Florida v. Diane Ledford
Court No.: 2015 - CT- 001083
Charge: Driving while Under the Influence
Dates : December 28, 2015- May 31, 2017 (answer filed)
Judge: The Honorable D. Melissa Distler
County: Flagler
Defense Counsel: G. Kipling Miller

kip@millerdui.com

Significance: This case is a matter of significance, not because the nature of the offense, but because of the motions filed and the appellate issues. The Defendant in this matter was driving wrong direction and almost struck another vehicle. The driver of the other vehicle was able to stop the defendant's vehicle and persuade the defendant to turn her car off. The driver proceeded to take the Defendant's keys and place the keys on top of the vehicle. The defendant was later arrested after displaying signs of impairment.

After the arrest, the defendant filed a Motion to Suppress based on "no lawful basis to arrest for DUI - No actual physical control." The Defendant's initial Motion to Suppress was granted and the State filed a Motion for reconsideration. After a hearing on the Motion for reconsideration, the Court overturned their initial order granting the motion to suppress. The defendant appealed the courts denial of the motion to suppress in Circuit Court. The Circuit Court Affirmed the Order Denying the Defendant's Motion to Suppress.

The main issue in this case was whether or not the driver executed a citizen's arrest? The Circuit Court eventually found that the elements of a citizen's arrest were met and a citizen's arrest was properly effected on the defendant. As a consequence, probable cause existed for the defendant's arrest for DUI and the trial court properly denied the Motion to Suppress.

Case: In re interest of C.L.W.
Court No.: 2013-367-CJ
Charge: Grand Theft of a Motor Vehicle, Criminal Mischief, Battery
Trial Date: August 4, 2014
Judge: Scott Dupont
County: Putnam
Defense Counsel: Trisha Laissle

Laissle.trisha@pd7.org

Significance: During the Summer of 2014, I was a Certified Legal Intern and I was interning with the 7th Judicial Circuit State Attorney's Office located in Putnam County. The reason why I find this case to be of significance to me is because it was the first case that I was solely responsible in litigating myself. The matter before the Court was a Juvenile Adjudicatory Trial and the Juvenile was charged with grand theft of a motor vehicle, criminal mischief, and battery. During the Adjudicatory Hearing, the State was able to present testimony from law enforcement and the victim to establish sufficient credibility and evidence to find the minor child delinquent.

Case: In the Interest of A.L and W.L

Court No.: 2005 DP 358 BCXXX-MA

Grounds pled: 39.806(1)(c), 39.806(1)(e)(1)

Trial Date: March 31, 2023 and April 3, 2023.

Judge: The Honorable Michael Kalil

County: Duval

GAL Counsel: Wendy Norcia


wendy.norcia@gal.fl.gov

Parent's Counsel: Martha, "Beth" Kernan


kernan@1stcounsel.com

Parent's Counsel: Michael Tupper


michaeltupperesq@gmail.com

Significance: The Minor Children were sheltered from their parents in January 2021 due to uncontrolled mental health, domestic violence, and substance abuse. The parents were offered services to rehabilitate their parenting deficiencies, address domestic violence, their uncontrolled mental health, and substance abuse. My involvement in this matter began in June of 2022 at which point I immediately requested goal change to adoption and filed a Termination of Parental Rights Petition. After multiple changes of counsel, we proceeded to the first day of trial on March 31, 2023. One of the main issues at the trial was whether or not the mother was still using illegal substances and whether the mother's continued involvement with the children is harmful irrespective of services. The mother was continuously testing positive for methamphetamines and claimed that it was related to her medication. After concluding the State's case in chief, which included over twenty exhibits, seven pieces of judicial notice, five lay witnesses and three experts, the mother executed written surrenders of parental

rights and the children were freed to for adoption. This case was significant to me because of the nature of trial preparation and my engagement with numerous experts with expertise in biochemistry, toxicology, and psychology.

- 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.

Writing Sample I - I am the sole author of this document

Writing Sample II - I am the sole author of this document

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.

Not Applicable

- 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.

Not Applicable

- 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.

Not Applicable

- 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.

Not Applicable

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.

Not Applicable

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.

Not Applicable

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.

Not Applicable

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.

Not Applicable

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.

Not Applicable

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 currently the Vice President of the Candlewood Cove Homeowners Association which is managed by Freedom Community Management. If I am honored to be appointed to the County Court bench, I intend on resigning from this position.

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.

Employment: **Independently contracted with Usertesting**
Dates: **May 2023-Present**
Compensation: **\$13,467**
Description: **I engage in beta testing and complete surveys.**

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.

My Father, Dominic R. Piscitello, is currently employed as Police Officer with the Interlachen Police Department. I would recuse myself from any cases in which he is directly involved.

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.

Not Applicable

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.

Not Applicable

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.

Presentation

Sponsor: Department and Children's Families and Children Legal Services

Date: May 27, 2020

Place: Online Zoom Presentation

Summary: I was an active participant with the CLS Efficiencies Project. The purpose of the CLS efficiencies project was to bring together CLS Attorneys from throughout the State and develop a plan of action to increase our productivity. In particular, I was assigned as the team leader of the Salary team and had the primary privilege to present our team's request for increased funding to Secretary of the Department of Children and Families, Chad Poppell. The focus was on comparative data amongst other governmental agencies and retention.

Sponsor: Jewish Families Community Services

Dependency 101 and Courtroom Etiquette

Date: August 26, 2025

Place: 8540 Baycenter Rd, Jacksonville, FL 32256

Summary: I presented at Jewish Families Community Services to Case Management. The purpose of the presentation was to provide an overview of Juvenile Dependency and Courtroom Etiquette.

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.

Not Applicable

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.

Presenting Entity and Achievement

Date

Florida Coastal School of Law: Dean's List	Spring 2014 & Fall 2015
Florida Coastal School of Law Dean's Scholar	Spring 2015
Florida Coastal School of Law: Pro Bono Certificate	May 2015
Florida Coastal School of Law Book Award, Federal Criminal Procedure.	May 2015
7th Judicial Circuit State Attorneys Office: Top Gun Award	2017
Department of Children and Families: Excellence in Legal Advocacy Award for all of Northeast Florida	2018
UCF Alumni 30 under 30 Award	2019
Department of Children and Families: Outstanding Leadership and Achievement Award	2020
Children's Legal Services Leaders Academy Inaugural Graduate	2020

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

Not Applicable

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.

2018 - Present: Jacksonville Bar Association

2021- Present: Putnam County Bar Association

2022, 2024 - Present: Federalist Society

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.

Not Applicable

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.

Not Applicable

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

Not Applicable

45. Please describe any hobbies or other vocational interests.

When I am not working, I enjoy spending time with my wife and our four children. Our family enjoys traveling together, cooking together, playing board games together, and simply hanging out. Collectively, we enjoy making fire oven pizzas with my children’s “papa” at the house I grew up in Putnam County. I have become an avid spectator at my children’s baseball and soccer games. When I am not spending time with my family, I enjoy playing golf and fantasy football with friends from school.

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

Not Applicable.

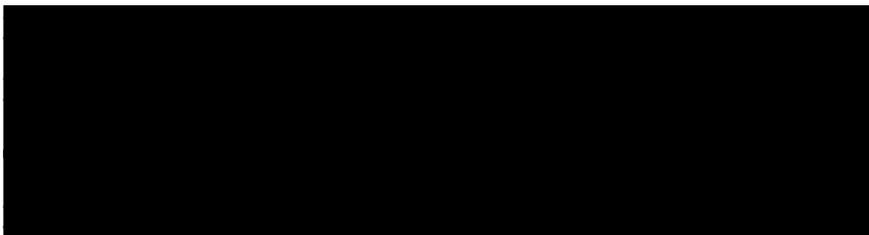
47. Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

Facebook:

LinkedIN:

Twitter:

Instagram:



FAMILY BACKGROUND

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

Marital Status:

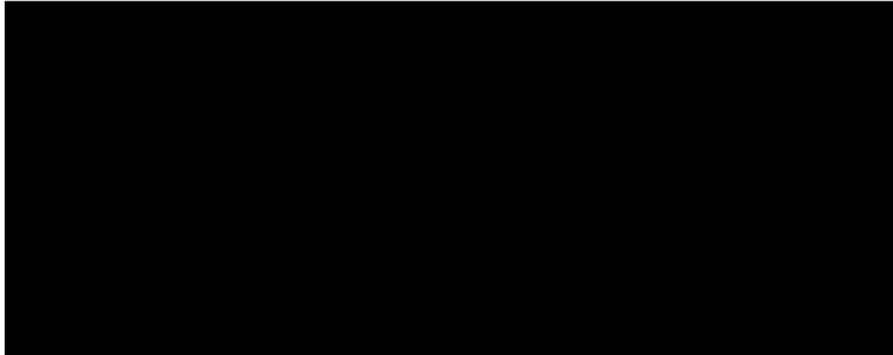
Married

Spouse:

Date of Marriage:

Spouses Employment:

Spouse's Title:



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.

Yes, I have filed all legally required Tax Returns.

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.

My life experiences and the people around me have played a critical role in who I am today as attorney, father, husband, son, and as a person. As the third child out of four, I had the unique opportunity to not only have two older sisters as role models, but also the ability to be a role model for my younger sister. While growing up and still today, my parents and my older sisters continue to stress the importance of integrity, hard work, commitment, and public service. In 2022, My father retired from the Putnam County Sheriff's Office after thirty (30) years of serving the citizens of Putnam County. My father returned to serving the citizens in Putnam County as a police officer with the Interlachen Police Department. My mother has served the Putnam County School system for over twenty (28) years and is currently working at the Putnam County School District office. My older sister has spent more than twelve (12) years working in the public service as an Assistant Attorney, Statewide Prosecutor, and as an Attorney with the IRS. My second sister has spent more than fifteen (15) years as an educator within the Florida Education system.

At the young age of sixteen (16) years old, my first job was at McDonalds on Reid Street in Palatka. While in high school and on college breaks, I continued to work at McDonalds and ultimately rose to the level a manager. Since working at McDonalds, I have worked as a camp counselor, youth intern, and as a resident assistant. I learned the importance of listening, showing respect, having patience, and engaging in conflict resolution.

At the age of eighteen (18), after graduating from Palatka High School, I went to Livingstone College in Salisbury, North Carolina to play Division II (CIAA) football as a place kicker and punter. While at Livingstone College, I learned the invaluable lesson of striving to be the best, overcoming adversity, knowing you have no limits, and earning the "Bear." The Mascot for Livingstone College was the blue bear and when you first start fall training every player gets plain grey pants and shirts. It wasn't until two to three weeks later, after overcoming the sweat, blood, and tears that I earned the logo to wear proudly on my chest.

My work experiences reinforced and supplemented the core values that I hold close and dear to my chest. My commitment to public service began in law school when I interned during the summers of 2013 and 2014 with the State Attorney's office in St. Johns County, Putnam County, and with the Homicide Unit. Upon graduation from Florida Coastal School of Law, I was presented with pro bono certificate for achieving more than 125 hours of pro bono work.

After finding out that I had passed the bar exam on October 2, 2015, I knew I wanted to continue my commitment in public service and volunteered as an Assistant State

Attorney from October 2015 until January 2016 when a full-time position became available. While at the State Attorney's Office, I often spoke with numerous victims and family members. These interactions have been imprinted in my mind because they reminded me to listen, to be humble, and show humility.

In March 2018, I accepted a position with the Department of Children's Families and have spent roughly the last seven years working to protect children who have been abused, abandoned, or neglected. Presently, I am fortunate to supervise six attorneys and supervise summer interns. I learned pretty quickly how imperative it was to demonstrate and share the core principles of integrity, respect, accountability, and civility.

My experience with the State Attorney's Office and with Children's Legal Services helped build the foundation of who I am today. As we continue to work in an adversarial system, we often lose the sense of common decency, respect, and civility with not only our colleagues, but also those who those in the courtroom. If I was honored to serve as the County Court Judge, I would strive to provide an atmosphere that is respected and professional.

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 had the fortune to litigate and observe numerous judges in my career. During my time as a litigator, I observed and respected judges who demonstrated good judicial temperament. A judge demonstrates good judicial temperament when the judge has patience, is open minded, shows decisiveness, has compassion, and is free from bias. When I first became an Assistant State Attorney, I was told that I was the "gate keeper of justice." This statement still holds true and resonates with me because it is a constant reminder that I have a responsibility to be to listen to victims, defendants, court personnel, parents, and opposing counsel.

Throughout my legal career, whether as an Assistant State Attorney, Children's Legal Services attorney, or Supervisor, I have shown that I am able to listen, communicate, and be fair. As a Supervising Attorney, I am constantly evaluating my direct reports and providing legal assistance and constructive feedback.

If I were honored with this selection, I would bring a high level of professionalism to the courtroom and demand the same of my staff and the attorneys practicing before me. I believe that I inherently have the skills that demonstrate good judicial temperament. If honored with this selection, I will apply the law, without bias, as it is written, to the facts of the individual case.

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.

The Honorable Michael Andrew Kalil

Circuit Judge for the 4th Judicial Circuit
Address: Duval County Courthouse
501 W Adams St Rm 7207
Jacksonville, FL 32202-7203
Phone: [REDACTED]
Email: mak@coj.net

The Honorable W. Collins Cooper

Circuit Judge for the 4th Judicial Circuit
Address: Duval County Courthouse
501 W Adams St Rm 7207
Jacksonville, FL 32202-7203
Phone: [REDACTED]
Email: wcooper@coj.net

The Honorable Kenneth James Janesk, II

Circuit Judge for the 7th Judicial Circuit
Address: Richard O. Watson Judicial Center
4010 Lewis Speedway Ste 244
St Augustine, FL 32084-8637
Phone: [REDACTED]
Email: mlapinski@circuit7.org

State Attorney R.J. Larizza

State Attorney, Seventh Judicial Circuit
Address: 251 N. Ridgewood Avenue
Daytona Beach, Florida 32114
Email: larizzar@sao7.org
Phone: [REDACTED]

Charles T Douglas Jr.

Managing Partner, Douglas Law Firm

Address: 117 North 2nd Street
Palatka, FL 32177-3726
Phone: [REDACTED]
Email: Charlie@dhclawyers.com

Jeremiah Blocker

Partner, Douglas Law Firm
Address: 100 Southpark Blvd
Suite 414
St Augustine, FL 32086-5173
Phone: [REDACTED]
Email: jeremiah@dhclawyers.com

George Perry Beckwith Jr

Regional Director, Northeast Region
Children's Legal Services
Address: 210 North Palmetto Avenue
Suite 412
Daytona Beach, FL 32114 - 7522
Phone: [REDACTED]
Email: George.Beckwith@myflfamilies.com

Stephanie Barilla

Managing Attorney
4th Judicial Circuit Children Legal Services
Address: 4080 Woodcock Drive
Suite 201
Jacksonville, Florida 32207
Phone: [REDACTED]
Email: Stephanie.Barilla@myflfamilies.com

Jason Lewis

7th Circuit Assistant State Attorney
Address: 1769 E. Moody Blvd., #1,
3rd floor
Bunnell, FL 32110
Phone: [REDACTED]
Email: LewisJ@sao7.org

Dr. Richard "Rick" Surrency

Superintendent of the Putnam County School District

Address: 200 Reid Street
Palatka, FL 32177-3736

Phone: [REDACTED]

E-mail: rsurrency@my.putnamschools.org

Certificate

CERTIFICATE

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

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

Dated this 9 day of October, 2025.

Dominic Piscitello

Printed Name

[Handwritten Signature]

Signature

State of Florida

County of Clay

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

[X] physical presence OR [] online notarization

this 9 day of October, 2025.

By _____

[X] Personally known _____

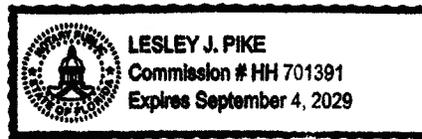
[] Produced ID _____

Type of Identification _____

[Handwritten Signature: Lesley J Pike]

Signature Notary Public

Lesley J Pike



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

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: 65,699.46

Last Three Years: 82,106.06 71,598.15 66,681.25

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: 65,699.46

Last Three Years: 82,106.06 71,598.15 66,681.25

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: 7894.36

Last Three Years: 9,109.5 6408.87 N/A

Source of income is from dividend payouts, interest, and usertesting.

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: 7894.36

Last Three Years: 9,109.5 6408.87 N/A

Source of income is from dividend payouts, interest, and usertesting.

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: 7894.36

Last Three Years: 9,109.5 6408.87 N/A

Source of income is from dividend payouts, interest, and usertesting.

**Full and Public Disclosure of
Financial Interests(s)**

**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 08, 2025 was \$286787.08

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 \$ 50,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
Home	357,000
Banking (NFCU Checking/NFCU Savings/SOFI Checking/SOFI Savings)	70,706.75
Deferred Comp- Corebridge Financial	47,044.93
529 Accounts	11,057.93
Robinhood- individual brokerage (BITO, CCL, CRWV, SPYI) and Coinbase (ADA)	30,829.5
Florida Retirement	75,838.31

PART C - LIABILITIES

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Roundpoint Mortgaging Servicing LLC	121,874.68
EdFinancial Services	215,210.03
First Florida Credit Union - auto loan	1,971.92

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

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
Ustertesting	11100 NE 8th St Suite 320, Bellevue, Washington 98004	\$2,877
Sofi Bank (Interest)	2750 E Cottonwood Parkway, Suite 300, Cottonwood Heights, UT 84121	\$1,722.35
Robinhood (BITO Dividend)	85 Willow Road, Menlo Park, CA 94025	3,295.01

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

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

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

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

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

OATH

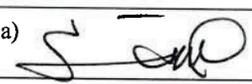
I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this 10 day of 10, 2025 by Sindy Godoy

(Signature of Notary Public—State of Florida)



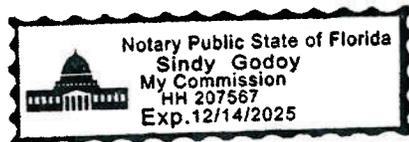
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification

Type of Identification Produced Driver licence



SIGNATURE



Judicial Application Data Record

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 9, 2025

JNC Submitting To: Seventh Circuit Judicial Nominating Commission

Name (please print): Dominic Louis Charles Piscitello

Current Occupation: Supervising Attorney, Children's Legal Services

Telephone Number: [REDACTED] Attorney No.: 118856

Gender (check one): Male Female

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

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Duval

Florida Department of Law Enforcement
Documents

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.

Dominic Piscitello

Printed Name of Applicant

D

Signature of Applicant

Date: 10/9/25

Exhibit 1: Writing Sample

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

CASE NO: 2016-AP-3

LOWER TRIBUNAL CASE NO: 15-01083-CT

**DIANE G. LEDFORD,
Appellant**

VS.

**STATE OF FLORIDA
Appellee**

_____ /

**APPEAL FROM THE COUNTY COURT,
IN AND FOR FLAGLER COUNTY, FLORIDA**

STATE OF FLORIDA'S ANSWER BRIEF ON MERITS

**R.J. LARIZZA
STATE ATTORNEY**

**By: s/DOMINIC PISCITELLO
ASSISTANT STATE ATTORNEY
Florida Bar No.: 118856
ESERVICEFLAGLER@SAO7.ORG**

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....3

PREFACE.....4

STATEMENT OF FACTS.....5

SUMMARY OF ARGUMENT.....6

ARGUMENT.....7

ISSUE: DID THE TRIAL COURT PROPERLY DENY THE APPELLANT’S
MOTION TO SUPPRESS UNLAWFULLY OBTAINED DETENTION
EVIDENCE.....7

CONCLUSION.....13

CERTIFICATE OF SERVICE.....14

CERTIFICATE OF FONT.....15

TABLE OF AUTHORITIES

CASES CITED:

Bevard v. State, 976 So. 2d 1163 (Fla. 5th DCA 2008).....7

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LeCorn v. State, 832 So. 2d 818 (Fla. 5th DCA 2002).....7

State v. Hemmerly, 723 So.2d 324 (Fla. 5th DCA 1999).....8

Edwards v. State, 462 So.2d, 581 (Fla. 4th DCA 1985).....8

State v. Furr, 723 So.2d 842 (Fla. 1st DCA 1998).....8

McAnnis v. State, 386 So.2d 1230 (Fla. 3d DCA 1980).....8

Steiner v. State, 690 So.2d 706 (Fla. 4th DCA 1997)8,9

Pigna v. State, 15 Fla. L. Weekly Supp. 231a (Fla. 17th Jud. Cir. 2007).....9

Estrada v. State, 19 Fla. L. Weekly Supp. 70b (Fla. 15th Jud. Cir. 2011).....9,10

State v. Ford, 18 Fla. L. Weekly Supp. 1071b (Fla. 15th Jud. Cir. 2011).....9,10

Larkin v. State, 3 Fla. L. Weekly Supp. 8c (Fla. 9th Jud. Cir. 1995).....11

PREFACE

This is an appeal from the County Court of Flagler County, Florida, the Honorable D. Melissa Moore Stens Presiding. Appellant, Ms. Diane G. Ledford, will herein be referred to as the Defendant. Appellee, the State of Florida, will be known as the State. The Defendant is appealing the trial court's order denying the defendant's Motion to Suppress. Citations to the Record on Appeal will be made by the letter "R" followed by the appropriate page number(s).

STATEMENT OF THE CASE AND FACTS

The State submits the following additions/corrections to the Defendant's Statement of Facts:

John Moscowitz ("Moscowitz") was driving northbound on U.S. Highway 1. (R. 67). The Appellant was traveling southbound on U.S. Highway 1 in the northbound lane. Moscowitz had to maneuver out his lane to avoid a collision. Moscowitz called the police and was connected to Volusia County dispatch. (R. 71). After "pretty quickly" catching up to the vehicle, Moscowitz was "able to get over in the median and get that vehicle off the roadway or actually stop." (R. 67). When Moscowitz approached the vehicle and requested the Appellant to shut her vehicle off. The Appellant did not "immediately turn the car off." (R. 69). Moscowitz was concerned that the Appellant's foot would come off the pedal or she would drive away. Deputy William Nunziato arrived on scene and talked to the "witnesses real quick, just to get them to fill out statements for me." (R. 75).

SUMMARY OF ARGUMENT

The trial court properly denied appellant's motion to suppress evidence in this case based upon the totality of the circumstances.

ARGUMENT

I. **DID THE TRIAL COURT PROPERLY DENY THE APPELLANT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED DETENTION EVIDENCE?**

A. Standard of Review

When reviewing a trial court's ruling on a motion to suppress, findings of fact made by the trial court are subject to the substantial competent evidence standard. Bevard v. State, 976 So. 2d 1163 (Fla. 5th DCA 2008). The application of the law by the trial court, however, is reviewed under a de novo standard. McMaster v. State, 780 So. 2d 1026 (Fla. 5th DCA 2001). A trial court's ruling in this regard "is entitled to a presumption of correctness, and the evidence and reasonable inferences drawn from it must be interpreted in a manner most favorable to sustaining" the trial court's ruling. Brevard, 976 So. 2d at 1164. Because a trial court sits as both trier of fact and of law, the credibility of the witnesses and the weight of evidence presented are matters within the province of the trial court, and the court's factual determinations must be accepted on appeal if the record supports them. LeCorn v. State, 832 So. 2d 818 (Fla. 5th DCA 2002).

B. Preservation

Appellant preserved this issue for review by filing of her motion to suppress and argument at the suppression hearing as well as her plea reserving the right to appeal the dispositive issue of the trial court's denial of her motion to suppress.

C. Argument

The trial court correctly denied the appellant's motion to suppress unlawfully obtained detention evidence. In order for a defendant to be arrested for misdemeanor driving under the influence, all the elements of the offense must occur within the officer's presence. Fla. Statute 901.15. There are three exceptions to the general statutory requirement and those are: (1) investigations involving accidents; (2) fellow officer rule; and (3) a citizen's arrest. See State v. Hemmerly, 723 So.2d 324 (Fla. 5th DCA 1999); State v. Furr, 723 So.2d 842 (Fla. 1st DCA 1998); Edwards v. State, 462 So.2d, 581 (Fla. 4th DCA 1985). The first two exceptions in this instance are inapplicable; whereas, the State argues the third is applicable.

Under common law, to effectuate a citizens' arrest, the misdemeanor must be committed in the presence of a private citizen and there must be an arrest that is a deprivation of a suspect's right to leave. Steiner v. State, 690 So.2d 706 (DCA 4th 1997). Further, in McAnnis v. State, 386 So.2d 1230 (Fla. 3d DCA 1980), the court established the current standards for a valid citizen's arrest:

- (1) A purpose or intention to effect an arrest under a real or pretended authority;
- (2) An actual or constructive seizure or detention of the person having present power to control the person arrested

- (3) A communication by the arresting officer to the person whose arrest is sought, or an intention or purpose then and there to effect an arrest; and
- (4) An understanding by the person whose arrest is sought that it is the intention of the arresting officer then and there to arrest and detain him.

As established in Steiner, the misdemeanor offense must have occurred in the presence of a private citizen. In the instant case, Moscovitz is an off duty fire fighter who observed the misdemeanor criminal offense of driving under the influence. Fla. Statute 316.193. Therefore, the Appellant's acts were viewed by a private citizen.

Next, there must be an arrest. As Steiner indicates, there has to be a deprivation of the Appellant's right to leave. Furthermore, in Estrada v. State, 19 Fla. L. Weekly Supp. 70b (Fla. 15th Jud. Cir. 2011) the court found that a deprivation of a person's right to leave is based upon the totality of the circumstances. "An arrest is not necessarily a combative situation, defendants are sometimes submissive and sometimes the person who is doing the arresting is courteous." Pigna v. State, 15 Fla. L. Weekly Supp. 231a (Fla 17th Jud. Cir. 2007).

In State v. Ford, 18 Fla. L. Weekly Supp. 1071b (Fla. 15th Jud. Cir. 2011), two off duty paramedics observed a stopped vehicle on the I-95 off ramp with an unconscious driver. The paramedics were able to reach through the window, put

the vehicle in park, and take the keys out of the vehicle. The driver was helped out of the car and tried to walk away, but the paramedics would not let her leave.

In Estrada, the private Citizen called the police, took the Defendant's keys, moved the vehicle, and stayed with the defendant until the police arrived. At which point, the private citizen gave the defendant's keys to the police officer. These facts are similar to the instant case

In the instant case, the Appellant was deprived of her right to leave. First, Moscowitz assisted in stopping the Appellant's moving vehicle from driving the wrong direction. Next, and the most glaring example, is the Appellant turned her vehicle off and handed her keys to Moscowitz upon his request. Lastly, the Appellant exited the vehicle and was assisted to the passenger seat to await law enforcement and medical evaluations. .

Similar to Estrada and Ford, Moscowitz took the type of action that law would encourage a private citizen to take in order to prevent an obviously intoxicated individual from continuing to drive on the streets. Moscowitz called the police, assisted in stopping the Appellant from continuing to drive on the wrong side of the roadway, took the Appellant's keys, checked out the Appellant, assisted the appellant to sit in the passenger seat to get checked out by first responders, and stayed at the location until the police arrive. Moscowitz deprived of the appellant of her transportation and her ability to leave. Based on the

Appellant's compliance with those request, she acquiesced to Moscovitz's authority and was deprived of her ability to leave.

The Appellant relies upon State v. Jones, 22 Fla. L. Weekly Supp. 968a (Fla. 18th Jud. Cir. 2015) and states that "those facts parallel those of the instant case." The similarity is misplaced. In Jones, the driver of the vehicle was already parked in a delivery lane, the driver was not assisted or moved to another part of their vehicle, the driver's keys were taken, and the person effectuating the citizen's arrest did not call the police.

Here, Moscovitz was with the Appellant the whole time until the police arrived. Moscovitz called the police, he assisted in stopping a moving vehicle, and he helped relocate the Appellant to the passenger seat. In addition, he obtained the keys from the Appellant to prevent her from "putting the vehicle back in gear."

Contrary to the Appellant's argument, Moscovitz intended to detain the appellant and he used all the restraint that he needed to restrict the Appellant of her ability to leave. The Appellant acquiesced to Moscovitz's authority when she complied with all of Moscovitz's requests; such as stopping her vehicle, handing over her car keys, and asking her to sit down in the passenger seat to be evaluated by medical and law enforcement personnel.

[A]n arrest may be made by taking actual physical custody of a citizen for the purpose of causing that person to be identified and

answer some demand. It would be impractical and inconsistent with common law to require the citizen who makes the arrest to personally take the arrestee to the jail or before the magistrate. It is necessary and practical for private citizens to surrender custody of an arrestee to the lawful authorities as soon as possible.

Larkin v. State of Florida DHSMV, 3 Fla. L. Weekly Supp. 8c (Fla. 9th. Jud. Cir. 1995),

It is clear that Moscowitz intentions and actions were to detain the Appellant until the police arrived. It would be impractical to ask a private citizen to do more than stop a moving vehicle, call the police, take the driver's keys, and have the driver sit in the passenger seat until police or medical personal arrive.

Therefore, the Trial Court acted within its discretion by denying the defendant's motion to suppress unlawfully obtained detention evidence.

CONCLUSION

The trial court acted within its discretion in denying Defendant's motion to suppress given that, the State presented competent and substantial evidence to establish a citizen arrest based upon the totality of the circumstances. For all of the foregoing arguments and authorities set forth herein, the State respectfully requests this Honorable Court to affirm the trial Court's order denying the Defendant's Motion to Suppress.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by mail/delivery to G. KIPLING MILLER, 500 NORTH OLEANDER AVENUE, DAYTONA BEACH, FL 32118, on May 31, 2017.

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CERTIFICATE OF FONT

I HEREBY CERTIFY that the instant brief has been prepared with Times New Roman 14-point font in compliance with Fla. R. App. P. 9.210(a) (2).

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Exhibit 2: Writing Sample

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: 2017-DP-217
DIVISION: JV – B

IN THE INTEREST OF:

[REDACTED]

DOB: 04/18/2017

A MINOR CHILD,

7

**DEPARTMENT'S MEMORANDUM OF LAW IN SUPPORT OF THE
PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL
RIGHTS AND WRITTEN CLOSING ARGUMENT**

COMES NOW the State of Florida Department of Children and Families (“Department”), by and through its undersigned attorney, and respectfully offers this Court the following Memorandum of Law in support of the Petition for Involuntary Termination of Parental Rights and Written Closing Argument pursuant to Section 39.801(2), Florida Statutes¹. In support thereof, the Department states the following:

STATEMENT OF FACTS

On May 12, 2017, the Minor child was sheltered from the parents due to substance abuse, abandonment, and neglect. The Mother exposed the Minor Child to controlled substances and tested positive for opiates at the birth of the Minor Child. The Minor Child suffered from withdrawal symptoms after being prematurely born.

On June 6, 2017, the Minor Child was adjudicated dependent. The court ordered the parents into a reunification case plan on June 8, 2017. The Reunification Case plan expiration date is June 8, 2018. On January 25, 2018, the Court changed the goal to adoption.

The updated case plan that was filed with the court on March 31, 2016, had a goal of reunification and the mother was ordered to comply with random drug screens, a

¹ All references are to the 2017 version of the Florida Statutes unless otherwise indicated.

substance abuse evaluation and follow recommendations, participate in a comprehensive behavioral health assessment and follow recommendations, parenting, obtain/maintain income and housing. The mother was provided with all necessary referrals to comply with her child welfare case plan.

The father failed to complete his case plan or engage in any behavioral changes for 11 months. The father did not attempt to engage in any case plan tasks until the filing of the termination of parental rights petition. On February 14, 2018, the Department filed a Petition for the Involuntary Termination of the Mother and Father's Parental Rights.

On April 16, 2018, the Court held a Termination of Parental Rights Trial on the Department's Petition for the Involuntary Termination of the Mother and Father's Parental Rights. At the conclusion of the testimony, the Court ordered case law and written closing arguments.

CHAPTER 39 AND CASE LAW REFERENCES

Pursuant to Section 39.621(1), Florida Statutes, "[t]ime is of the essence for permanency of children in the dependency system."

Pursuant to Section 39.621(3), Florida Statutes, "[t]he permanency goals available under this chapter, listed in order of preference, are: (a) Reunification; (b) Adoption, if a petition for termination of parental rights has been or will be filed; (c) Permanent guardianship of a dependent child under s. 30.6221; (d) Permanent placement with a fit and willing relative under s. 39.6231; or (e) Placement in another planned permanent living arrangement under s. 39.6241." (*emphasis added*).

Pursuant to Section 39.621(7), Florida Statutes, "[i]f a child will not be reunified with a parent, adoption, under chapter 63, is the primary permanency option. . . . If the court approves a permanency goal of permanent guardianship of a dependent child, placement with a fit and willing relative, or another planned living arrangement, the court shall make findings as to why this permanent placement is established without adoption of the child to follow."

Pursuant to Section 39.806(1)(c), Florida Statutes, the Court may terminate parental rights when the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, safety, well-

being, or physical, mental, or emotional health of the child irrespective of the provision of services. Provision of services may be evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency.

Pursuant to Section 39.806(1)(c)1, Florida Statutes, the Court may terminate parental rights when “a child has been adjudicated dependent, a case plan has been filed with the court, and: (2) the parent or parents have materially breached the case plan. Time is of the essence for children in the dependency system. In order to prove the parent or parents have materially breached the case plan, the court must find by clear and convincing evidence that the parent or parents are unlikely or unable to substantially comply with the case plan before time to comply with the case plan expires. Substantial Compliance is defined by Section 39.01(76), Florida Statutes to mean that ‘the circumstances which caused the creation of the case plan have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child’s remaining with or being returned to the child’s parent.”

Pursuant to Section 39:810(1)-(11), Florida Statutes, the Court “shall consider the manifest best interest of the child. This consideration shall not include a comparison between the attributes of the parents and those of any persons providing a present or potential placement for the child. For the purpose of determining the manifest best interest of the child, the court shall consider and evaluate all relevant factors.”

Case Law Requiring a Finding Under Section 38.806(1)(c).

T.O. v. Dep’t of Children & Family Servs., 21 So. 3d 173 (Fla. 4th DCA 2009)

Appellate court affirmed termination where evidence proved that the father would continue to be a risk to all of his children in the future, and where, despite technical compliance with the case plan, the evidence showed that neither the father nor the mother meaningfully benefited from the services that were provided to them.

D. M. v. Dep’t of Children & Family Servs., 979 So. 2d 1007 (Fla. 3d DCA 2008)

The Third DCA affirmed the trial court’s finding that continuing involvement threatened the child irrespective of the provision of services where drug abuse was the key factor leading to the charges of child neglect. Both parents failed to pursue

a referral for drug abuse, both parents were incarcerated because of drug use, there were positive drug tests and refusals to seek treatment.

S.J. v. Dep't of Children & Family Servs., 866 So. 2d 770 (Fla. 4th DCA 2004)

Mother appealed the order terminating her parental rights. On grant of rehearing, the Fourth DCA affirmed TPR of one child because Mother failed to comply with the case plan. The court found sufficient evidence for the TPR as to the other child demonstrating that Mother's continued involvement threatened the child's health and safety. DCF offered treatment for Mother's drug addiction, but she was unsuccessfully discharged twice, refused inpatient treatment, and was not in drug treatment at the time of trial. Mother had been arrested four times. The court found clear and convincing evidence that her abuse problems were not amenable to treatment despite provision of services.

C.W. v. Dep't of Children & Families, 2017 WL 4844895 (Fla. 1st DCA October 27, 2017)

Trial court terminated parental rights based on continuing involvement where the father was previously involved with the Department approximately 5 years earlier but in the current case was not offered a case plan or services including those for mental health or substance abuse issues, not all of which were addressed in the previous case.

The First DCA reversed holding that proof either that services had been provided to the parent or that it would be futile to even attempt to provide services to address the parent's issues is required to terminate pursuant to section 39.806 (1)(c). Neither was pled nor proved. It must be noted that the futility requirement also applies to cases where services have been provided in the sense, *that based on lack of success, additional time or services is not reasonable and there is no reasonable basis to expect an improvement.*

J.M. v. Dep't of Children & Families, 762 So. 2d 1029 (Fla. 3d DCA 2000)

TPR petition brought eight months after the Mother entered into a six-month case plan was legally sufficient and not premature, and the order terminating the Mother's parental rights was proper. § 39.806(1)(c) does not contain any requirement for expiration of a particular length of time under a case plan.

Case Law Requiring a Finding Under Section 38.806(1)(e)1.

L.J. v. Dep't of Children & Families, 33 So. 3d 99 (Fla. 1st DCA 2010), the court affirmed the termination of parental rights. The mother argued that the department failed to prove her addiction to drugs and alcohol would not improve; however, the record indicated the mother continued to abuse substances despite access to services addressing her problems. Further, the mother missed roughly half of her scheduled visits with her children and failed her safe and stable housing task.

M.B. v. Dep't of Children & Families, 739 So. 2d 716 (Fla. 5th DCA 1999), the court found that a parent's good intentions did not overcome past neglect or past failure to complete treatment.

K.E. v. Dept. of Children & Families, 816 So. 2d 838 (Fla. 5th DCA 2002), the court affirmed the trial court's decision to terminate the mother's rights because it was in the manifest best interests of the children despite the mother's argument that she deserved another chance because she successfully completed drug treatment, maintained employment, and was close to the children.

A.B.E. v. Dep't of Children & Family Servs., 47 So. 3d 347 (Fla. 4th DCA 2010), the court found that simply accepting treatment is not sufficient to complete the case plan task; a parent must understand the treatment and apply the skills and information taught.

T.K. v. Dep't of Children & Families, 67 So. 3d 1197 (Fla. 5th DCA 2011), the appellate court found that although a parent should not have his or her parental rights terminated for taking medications as prescribed, in this case the mother had a "small pharmacy" in her possession and that: "In short, this mother is the face of a problem of epidemic proportions -- the obtaining of large quantities of prescription medications from numerous physicians." The mother's untreated drug addiction which also resulted in the termination of her parental rights to another child, "continued to plague" the mother and put JRT at risk and, therefore supported the termination of the mother's parental rights

Case Law in Support of Least Restrictive Means

Padgett v. Dep't of Health & Rehab. Servs., 577 So. 2d 565 (Fla. 1991), because parental rights constitute a fundamental liberty interest, the state must establish in each case that termination of those rights is the least restrictive means of protecting the child from serious harm. This means that the Department must ordinarily show that it has made a good faith effort to rehabilitate the parent and reunite the family, such as through a current performance agreement or other such plan for the present

child. Factors related to lack of financial resources cannot support permanent termination of parental rights.

W.W. v. Dep't of Children & Families, No. 1D16-4707 (Fla. 1st DCA May 5, 2017), the court reaffirms the test for least restrictive and that “when DCF offers a case plan to the parent ‘to address the issues which caused the child to become dependent,’ the courts will ordinarily find a sufficient good-faith effort to satisfy the least restrictive means test.”

Department of Children and Families v. B.C. and C.S., 185 So. 3d 716 (Fla. 1st DCA 2016), the court found that where reunification is not a possible outcome, the availability of continued contact between the parents and children does not preclude termination under the least restrictive means test. The court specifically noted that the evidence showed that even if future contact would not be harmful, there was no potential for a safe reestablishment of the parent-child bond. Therefore, termination was the least restrictive means of protecting the children from further harm.

T.H. v. Dep't of Children & Families, 2017 WL 3726776 (Fla. 4th DCA August 30, 2017)

Termination of parental rights was the least restrictive means of protecting the child, based on the father’s denial regarding his need for services, rebuffing advocates who sought to provide referrals for services until 10 months after the child was sheltered, and the complete lack of bond between the child and the father.

STATE’S CLOSING ARGUMENT

Too little, too late. It has been 339 days, one birthday, and almost a year later and [REDACTED] is no closer to a home. The Mother in this case has not engaged in services and the Father is in denial of issues with substance abuse. Despite receiving and having been offered intensive services by the Department, none of the parents have substantially complied to the extent that the children can safely return home. It is time to take the focus off the parents, and place it squarely on the children and their right to permanency.

The testimony presented overwhelmingly shows that the Mother and the Father have chosen not to make diligent efforts to allow their children to be safely reunified or to substantially comply with their case plans. Pursuant to 39.01(22)-“Diligent efforts by a parent” means a course of conduct which results in a meaningful change in the behavior of a parent that reduces risk to the child in the

child's home to the extent that the child may be safely placed permanently back in the home as set forth in the case plan. Pursuant to 39.01(78)- "Substantial Compliance" means that the circumstances which caused the creation of the case plan have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child's remaining with or being returned to the child's parent.

There has been no meaningful change in the parents' behavior, there are no additional services that we can provide, and offering services over and over has proven to be futile, as they have clearly not resulted in any meaningful behavioral changes.

There is a publication pending as to the mother in addition to the testimony regarding the mother's abandonment.

Pursuant to Florida statutes 39.806(1)(c) the parents have continued to abuse or neglect the children in that they have engaged in conduct towards the children that demonstrates that continuing involvement of the parent in the parent child relationship threatens the life or well-being of the children, regardless of the provision of services. Provision of services may be evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency.

The court heard expert testimony from Ms. Millie Sagesse and Ms. Dietangal Heard. The experts testified that continuing the parent-child relationship with any of the parents would be harmful to the child because the Father was inconsistent with their services and the Father was still using substances. Further, Ms. Sagesse testified that the Father's prognosis was poor because the Father has been inconsistent with attendance and this posed a barrier to treatment. Ms. Heard testified that the Father's continued use of substances was a concern and that being in relationship with the Mother was a concern because of her untreated substance abuse. Additionally, Nurse Vicki Mauldin, a parent educator and nurse for over forty years, testified that is unlikely a person with substance abuse issues will be able to parent a child with the medical needs similar to [REDACTED]

A three-prong analysis allows for termination of parental rights under 38.806(1)(c): (1) the court finds that the children's life, safety or health is threatened by continuing involvement with the parent; (2) that this threat continues despite the provision of services and there is no reasonable basis to believe the parent will improve; and (3) that termination is the least restrictive means to protect the children.

See T.O. v. Dep't of Children & Families, 21 So. 3d 173, 179 (Fla. 4th DCA 2009). All three of these prongs are satisfied in this case.

The parents failed to remedy their substance abuse issues, despite being given the opportunity. The mother's substance abuse has already harmed [REDACTED] as he suffers from withdrawal symptoms and was diagnosed with multiple medical conditions and not limited to Fetal Alcohol Syndrome. There are no additional services that could be offered to the parents and in particular the Father to remedy the issues. The Father has been engaged in substance abuse services with Ms. Heard since January and is still testing positive for the same substances in March as he was in October, such as: cocaine, opiates, and alcohol. The offering of the same services he has already been provided is clearly futile, as he has failed to change his behaviors. The Father's testimony on direct examination was self-serving and filled with good intentions for the future. However, his behaviors do not match his statements, as illustrated by him admitting that he is not prescribed cocaine and he is still testing positive for that substance. It is clear from his statements and actions that the Father is more concerned about maintaining a relationship with Ms. Everett, than he is about the safety and well-being of his children.

There is no reasonable basis to believe the parents will improve with additional services, as evidenced by the provision of services in the case plan, and the parents' failure to comply and/or to demonstrate behavioral changes.

The Father would like the Court to think that his behaviors are not harmful to the children, that the child is resilient and not affected and that he will comply with a case plan if given another chance, however past behavior is the best indicator of future behavior, and the public policy considerations of Chapter 39 require the State to find permanency for children in the dependency system within one year of removal. *See* § 39.001(1)(h), Fla. Stat. (2017). The testimony presented by Ms. Sagesse, Ms. Heard, Mr. Reeves, Nurse Mauldin, and the Guardian Ad Litem (GAL), as well as the unrefuted evidence received by the court – all show the same that despite being given the tools the Father has not made any behavioral changes and has never cared enough to change his self-destructive ways. The time for permanency for [REDACTED] is now.

Pursuant to Florida Statute 39-806(1)(e)(1): the parents have failed to demonstrate any behavioral changes as a result of services offered and has failed to substantially comply with their case plan. The Minor Child has been in care for approximately nine (9) months at the time of writing this petition and the parents

have not addressed their mental health issues, substance abuse issues, and have not been visiting the Minor Child.

We stand here today in April with no behavior change and the evidence proves the parents have still have not remedied the reasons for removal. The Father is still testing positive for the same three substances in March 2018 as he was in October 2018. The Father is still in substance abuse treatment and has not been successfully discharged. Ms. Heard testified that the Father still needs treatment, the Father is being recommended four weeks of additional treatment because of the positive drug screens, and Ms. Heard is referring the Father to inpatient treatment.

The Court heard testimony from Nurse Mauldin regarding the extensive medical conditions of [REDACTED] and all of his medical appointments. Nurse Mauldin testified that [REDACTED] has had over twenty-eight (28) medical appointments and she was present at every single appointment. Nurse Mauldin further testified that the Father did not appear for any medical appointment until April 2018, two months after the Termination of Parental Rights Petition was filed. Nurse Mauldin testified that the Father only stayed for the first appointment and failed to stay for the remaining two on that day.

Mr. Reeves testified that the Father only visited the Minor Child with the Mother, the Father's visitation was sporadic, and the Father was only focused on the Mother. Mr. Reeves further testified that the Father did not engage in services until after the termination of parental rights petition was filed. Pursuant to *A.B.E. v Dep't of Children & Family Servs.*, 47 So. 3d 247 (Fla. 4th DCA 2010), the court stated that simply accepting treatment is not sufficient to complete the case plan task; parents must understand the treatment and apply the skills and information taught." Here, the Father began engaging in services but was only going through the motions. The Father's continuous use of the SAME substances in March as in October, is indicative of his failure to apply the skills and information taught.

The Father has materially breached his case plan because he is not demonstrating a behavioral change, the Father is recommended to complete additional treatment which is to include inpatient substance abuse treatment after testing positive for cocaine again in March 2018. The Father has not been successfully discharged from engaging in services with the therapist, Ms. Sagesse, the Father has sporadically visited with the Minor Child, and the Father has not paid child support or provided any meaningful in kind support for the child.

The Mother has materially breached her case plan because she is not demonstrating a behavioral change, the Mother failed to show up for twenty-six (26) drug screens, the Mother has stopped visiting the child in January 2018, the Mother is not paying child support, the Mother has been unsuccessfully discharged from therapy and her parenting courses, and the Mother is not engaging in substance abuse treatment.

Sections 39.621(3) & (7), Florida Statutes, requires the Court to focus on a child's right to permanency and to establish adoption to be the primary permanency goal when reunification is not possible. In *A.J. v. K.A.O.*, 951 So.2d 30, 31 (Fla. 5th DCA 2007), least restrictive means is not intended to preserve a parental bond at the cost of a child's future. "Rather it simply requires measures short of termination of parental rights should be utilized if such measures can permit the safe establishment of the parent-child bond."

In dependency cases, time is of the essence for permanency. Pursuant to Section 39.806(1)(e)2, Florida Statutes, parents are not entitled to unlimited time where it is better for the children to be adopted by a loving and stable family.

Manifest Best Interest: We heard testimony from the case manager and GAL regarding the children's Manifest Best Interest pursuant to Section 39.810(1-11). The State submits that it is in the children's manifest best interests for this Court terminate the parental rights of the mother and fathers, and permanently commit the children to the custody of the Department for subsequent adoption. The parents have utterly failed to demonstrate any behavioral changes, and have not demonstrated the capacity to care for the children's safety well-being, physical mental or emotional health. Atticus deserves better.

Least Restrictive Means: The least restrictive means, in the context of termination of parental rights, requires the Department to make a good faith effort to rehabilitate the parent and reunite the family through a case plan before terminating the parent's parental rights. *B.B. v. Department of Children and Families*, 13 So. 3d 183 (Fla. 5th DCA 2009). The Department has been making a good faith effort to rehabilitate all of the parents for the past nine months. The

The mother is not able to safely parent the children independent of the Department because she has a substance misuse issues, chronic instability and bad judgment. The Mother has not engaged in services to address her substance abuse issues and she has failed to demonstrate any significant periods of sobriety or any positive behavioral changes. The Mother has abandoned the Minor Child.

The Father is not able to safely parent the children independent of the Department because of his untreated substance abuse and untreated mental health issues. The Father has failed to meaningfully engage in his services.

Adoption is the least restrictive means to achieve permanency for the children based on the following: “The least restrictive means test in the context of termination of parental rights requires those measures short of termination be utilized if such measures will permit the safe reestablishment of the parent-child bond.” *C.M. v. Department of Children and Families*, 953 So. 2d 547, 550 (Fla. 1st DCA 2007). In the current case, there are no services that can be offered to the family that would allow the children to safely return due to the parents’ refusal to engage in services, or failure demonstrate any positive behavioral changes.

Florida law requires expeditious treatment of dependency cases, and provides that enforcement of its time limitations is the right of the child. *See* § 39.013(5), Fla. Stat. (court shall expedite the resolution of placement); § 39.0136(1) (“Time is of the essence for the best interests of dependent children.... Time limitations are a right of the child...”); § 39.0136(3) (limiting continuances to extraordinary circumstances); § 39.001(1)(h) (purpose of Chapter 39 is to provide for permanency as soon as possible so the child’s stay in foster care does not exceed one year). Therefore, in order to ensure the child’s right to timely permanency, parents do not receive unlimited opportunities to achieve reunification, but instead must do so within the time frame provided by statute. In this case, safe reunification of the children with the parents is not possible, and permanency should not be delayed in a futile effort to seek that result.

The State has met its burden to establish that grounds exist to terminate the parental rights of all parents, that termination of parental rights is in the manifest best interest of the children, and is the least restrictive means to protect the children from harm.

WHEREFORE, the Department respectfully requests that this Court grant the Department’s Petition for Involuntary Termination of Parental Rights, find that the termination of parental rights is in the manifest best interest of the Minor Children and the least restrictive means of protecting the Minor Children from future harm and for achieving safe and stable permanency, and committing the Minor Children to the permanent care and custody of the Department for purposes of subsequent adoption.

Respectfully Submitted,
Children's Legal Services,

/s/ Dominic Piscitello
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Memorandum of Law /Closing Argument has been furnished to the below named individuals by electronic delivery, this 3rd day of May, 2018:

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