

JUDICIAL NOMINATING COMMISSION  
SEVENTH JUDICIAL CIRCUIT OF  
FLORIDA



Flagler County Court Application

JAMES G. T. Nealis, IV

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## APPLICATION FOR NOMINATION TO THE FLAGLER COUNTY COURT

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

DATE: 8/7/2019 Florida Bar No.: 70098

GENERAL: Social Security No.:                     

1. Name James Nealis IV E-mail:                       
Date Admitted to Practice in Florida: October 19, 2009  
Date Admitted to Practice in other States: N/A
2. State current employer and title, including professional position and any public or judicial office.  
Assistant State Attorney for the Seventh Judicial Circuit
3. Business address: 410 St. John's Avenue  
City Palatka County Putnam State FL ZIP 32177  
Telephone (386) 329-0259 FAX ( ) -
4. Residential address:  
City St. John's County St. John's State FL ZIP             
Since 2015 Telephone
5. Place of birth: Jacksonville  
Date of birth:                      Age: 37
- 6a. Length of residence in State of Florida: 37 Years
- 6b. Are you a registered voter? ☒ Yes ☐ No  
If so, in what county are you registered? St. Johns
7. Marital status: Married  
If married: Spouse's name Jennifer Nealis  
Date of marriage                       
Spouse's occupation Executive Administrator

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

- N/A
8. Children
- | <i>Name(s)</i> | <i>Age(s)</i> | <i>Occupation(s)</i> | <i>Residential address(es)</i> |
|----------------|---------------|----------------------|--------------------------------|
|----------------|---------------|----------------------|--------------------------------|

N/A

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
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Rank at time of discharge \_\_\_\_\_ Type of discharge \_\_\_\_\_

Awards or citations \_\_\_\_\_

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
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Rank at time of discharge \_\_\_\_\_ Type of discharge \_\_\_\_\_

Awards or citations \_\_\_\_\_

#### HEALTH:

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s).

No.

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

Yes ☐ No ☒

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

Please describe such treatment or diagnosis.

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

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

Yes ☐ No ☒

If yes, please explain.

None of the above but I did have a closed credit card in 2014 but that balance has now been paid in full.

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

Yes ☐ No ☒

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

Yes ☐ No ☐

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

N/A

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

**EDUCATION:**

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

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Vanderbilt University	N/A	2002-2005	B/S
Regent Law School	N/A	2005-2008	J.D
Vermont Law School	N/A	2008-2009	Masters of Environmental Law
Florida State University	N/A	2001-2002	N/A
University of Florida	N/A	Summer of 2003	N/A
Providence High School	N/A	1997-2001	Diploma/Honors

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

- Recipient of the Bright Futures Scholarship 2001-2002
- Inductee to the National Collegiate Scholars Honor Society 2001
- FSU Dean's List Fall of 2001
- FSU Dean's List Spring of 2002
- Member of the Vanderbilt Interfaith Council 2004

- First Runner Up, Regent Law School, 1L Moot Court Tournament 2005
- Recipient of the Regent Law School Academic Merit Scholarship 2006-2008
- Regent Law School Moot Court Board Member 2007-2008
- Competitor, Niagara Moot Court Competition 2007
- Champion, A.B.A. National Appellate Advocacy D.C. Regional Competition 2008
- Best Brief, A.B.A. National Appellate Advocacy D.C. Regional Competition 2008
- National Quarter Finalist, A.B.A. National Appellate Advocacy Finals 2008
- Vermont Law School Dean's List Spring 2009



**NON-LEGAL EMPLOYMENT:**

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

Date	Position	Employer	Address
Summer of 2002	Server	Olive Garden	9465 Atlantic Blvd, Jacksonville, FL 32225
Summer of 2003	Server	Chili's	2987 Atlantic Blvd, Jacksonville, FL 32225
2002-2004	Facilitator	Vanderbilt University Computer Lab	2201 West End Avenue, Nashville, TN 37235
2012-2013	Executive Council Assistant to Two Council Members	Jacksonville City Council	117 West Duval Street, Jacksonville, FL 32225

**PROFESSIONAL ADMISSIONS:**

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

N/A

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

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

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Assistant State Attorney	State Attorney for the 7 <sup>TH</sup> Judicial Circuit	410 St. Johns Avenue, Palatka, FL 32177	2015-Present
Associate	AndersonGlenn	10751 Deerwood Park Blvd, Jacksonville FL 32256	2014-2015
Associate	Law Office of Harris Brown	320 1 <sup>st</sup> Street North Suite 612 Jacksonville, FL	2013-2014
Assistant State Attorney	State Attorney for the 5 <sup>TH</sup> Judicial Circuit	110 NW 1 <sup>st</sup> Ave, Ocala, FL 34475	2009-2012
Intern		4925 Beach Blvd	Summer of 2008

	Law Office of Fred Tromberg (Personal Injury)	Jacksonville FL 32207	
Intern	State Attorney for the 4 <sup>th</sup> Judicial Circuit	311 W. Monroe Ave, Jacksonville, FL 32202	Summer of 2007, 2006

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

I am privileged to serve the 7<sup>th</sup> Judicial Circuit as a prosecutor within the Putnam County Office of the State Attorney. I began my career with this office in the Felony Division because I had prior prosecutorial experience in the 5<sup>th</sup> Judicial Circuit. I have prosecuted a myriad of different cases including financial crimes, sex crimes, and traffic crimes. In 2018, I was promoted to the Felony Drug Prosecution Unit.

My duties in the Drug Unit involved the filing and prosecuting of all drug crimes in the county as well as prosecuting traffic homicides. Through my time in the Drug Unit, I have spent much of my time prosecuting drug dealers and traffickers. At the same time, I have also had the privilege to seek rehabilitation for those who have genuine drug addictions through various diversion programs as well as drug offender probation.

As a prosecutor, I do not have clients but I do represent victims of crime. I have made it my goal to always be mindful of how intimidating the court system can be. Most of my victims have lost a loved one or have undergone some sort of trauma. I have done my best to always communicate with them in an honest and professional manner.

I have prosecuted almost every type of case imaginable. In 2017, I was the lead counsel in a jury trial where a jury found Mr. Michael Dalton guilty of Aggravated Animal Cruelty. In 2018, I prosecuted Alan Sherman Ward for leaving the scene involving death where a pre-teen was struck, killed instantly, and then left in a

ditch. I also convicted Johnny Brown at a jury trial of two counts of DUI Manslaughter. Finally, I have sat as co-counsel on multiple murder trials that have resulted in a conviction.

In all, I have brought more than 30 cases to trial but I have filed and worked on many more that have been resolved prior to trial. Throughout all of these cases, I have always sought to treat others in a manner that left them feeling respected because I value civility and fairness.

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

Court		Area of Practice	
Federal Appellate	_____ %	Civil	_____ 10 %
Federal Trial	_____ %	Criminal	_____ 90 %
Federal Other	_____ %	Family	_____ %
State Appellate	_____ %	Probate	_____ %
State Trial	_____ 100 %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
	_____ %		
TOTAL	_____ 100 %	TOTAL	_____ 100 %

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

Jury? \_\_\_\_\_ 30+ \_\_\_\_\_ Non-jury? \_\_\_\_\_  
 Arbitration? \_\_\_\_\_ Administrative Bodies? \_\_\_\_\_

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

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

No

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

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

1. State v. Charles Price, (First Degree Murder with a firearm) Case Number 2018-0274CF. I tried the case along with Jennifer Duntor, \_\_\_\_\_. Mr. Price was represented by Rosemary Peeples of the Public Defender's Office \_\_\_\_\_).
2. State. v. Johnny Maurice Brown, (2 Counts of DUI Manslaughter) Case Number 2015-1615CF. My co-counsel was Cara Devlin, \_\_\_\_\_. Mr. Brown was represented by Matthew Lufrano \_\_\_\_\_).
3. State v. Richard Curry, (Attempted Murder with a Firearm) Case Number 2016-1188CF. I tried the case along with Kenneth Janesk. (386.329.0259). Mr. Curry was represented by Clyde Taylor (888.387.9958).
4. State. v. Patrick Cook, (Aggravated Assault on a Law Enforcement Officer) Case number 2015-1111CF. I tried the case along with Michael Stover \_\_\_\_\_. Mr. Cook was represented by Garry Wood. \_\_\_\_\_).
5. State v. Jerry Lee Conley, (Sexual Battery). In Putnam County on 2/1/2017. Case number 2014-1681CF. Mr. Conley was represented by Jeremy Powers \_\_\_\_\_).
6. State v. Erester Ashford, (Domestic Battery, Battery on a Law Enforcement Officer) Case Number 20150091CF. Mr. Ashford was represented by Garry Wood \_\_\_\_\_).

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

1. State. v. Timothy Burroughs, (Felony Cruelty to Animals) Case Number 2019-0154CF. Mr. Burroughs was represented by Stephanie Park
2. State v. Bravia Miko Paul, (Violation of Probation). Case Number 2017-0097CF. Mr. Paul was represented by Eric Leonard
3. State v. Alvin Miller, (Possession of Controlled substance with intent to sell) Case Number 2019-0562CF. Mr. Miller was represented by Robbie Fields
4. State v. Eric Young, (Fleeing and Attempting to Elude Law Enforcement) Case Number 2018-0865CF. Mr. Young was represented by Kevin Carlisle
5. State. v. Nicole Hogan, (Possession of a Controlled Substance without Prescription) Case Number 2019-0249-CF. Ms. Hogan was represented by Marcella Beaching
6. State v. Dequan Myles, (Possession of Controlled Substance) Case Number 2019-0189CF. Mr. Myles was represented by Michael Stover

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

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

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

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

N/A



29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

N/A

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

1. State v. Johnny Maurice Brown, (2 Counts of DUI Manslaughter).

In Putnam County during the days of 7/16/2018 - 7/19/2018.

Case Number 2015-1615CF.

Judge Clyde Wolfe (Deceased) presided over the trial.

The Honorable Judge James Clayton presided over the sentencing.

Mr. Brown was represented by Mr. Matthew Lufrano.

Mary Shope and John Bartelli were both killed in a traffic collision after their motorcycle collided with an intoxicated Mr. Brown who made the choice to get behind the wheel of a large truck that was pulling a fifteen foot trailer behind it. Mr. Brown only admitted to drinking one alcoholic beverage but his blood alcohol content revealed that he was nearly two times the legal limit. Mr. Brown claimed at the scene that the victim's motorcycle headlight was inoperable and thus he could not see them when he took the tragic left turn.

This was an extremely emotional trial on both sides and with nearly twenty testifying witnesses overall, there were several major issues to overcome. I litigated both a motion to suppress and a motion to dismiss before ultimately bringing the case before a jury.

At the trial, I led the prosecution with my co-counsel Cara Devlin and presented the testimony of multiple lay witnesses, experts, and law enforcement. Defense pointed to the fact that less than five minutes before the collision, Mr. Brown encountered law enforcement who would later testify at trial that they did not notice Mr. Brown show any indicators of impairment and so they allowed him to continue driving. Mr. Brown's counsel then utilized an expert witness who attacked the reliability of the blood alcohol results. Finally, Mr. Brown continued to argue that the victim's motorcycle headlight was inoperable and thus there was no causation. In the end, the Jury found Mr. Brown guilty as charged in the Information.

This case was significant because over the nearly two years I spent working on it, I learned how deeply the loss of these two individuals impacted the next of kin as well as much of the Putnam Community. I was aware of the very significant legal issues in the case but after many hours of guiding the families through the process, I knew we had to bring it to trial. It was perhaps the most pressure filled trial of my career but I am proud that I was able to navigate the complicated issues and get a satisfactory result. I would also add that this was the last trial I tried before the Honorable Judge Clyde Wolfe before his passing, whom I have lasting respect.

## 2. State v. Michael Dalton, (Aggravated Animal Cruelty).

In Putnam County during the days of 2/15/16.

Case Number 2015-0725CF.

Judge Clyde Wolfe(Deceased) presided over the trial.

Mr. Dalton was represented by Garry Wood.

Michael Anthony Dalton's girlfriend, Barbara Martin, had a puppy that was doing damage to Mr. Dalton's carpet. Additionally, Ms. Martin was starting to pull away from Mr. Dalton as their relationship was under strain. Mr. Dalton reached his breaking point, so Mr. Dalton grabbed Ms. Martin's puppy from the house. He then drove toward a pool party where Ms. Martin was spending time with her friends.

In a fit of rage, Mr. Dalton honked his horn and Ms. Martin came walking toward the vehicle. Ms. Martin watched helplessly as Mr. Dalton held her puppy up by the nape of the neck. He yelled at her and then punch the puppy repeatedly in the face. Ms. Martin screamed and then Mr. Dalton drove off, throwing the little dog out the window of the moving vehicle. The puppy managed to get up and walk a few steps before it ultimately collapsed within the tree line and died.

Mr. Dalton's violent act was exactly what Florida Statute 828.12 outlaws. He took out his anger on a defenseless animal, beating it mercilessly which resulted in the animal's cruel death. The Jury agreed and they found Mr. Dalton guilty as charged in the Information.

This case was significant for many reasons. The case garnered media attention and was discussed in many newspapers. It raised awareness of the evils of true animal cruelty. Additionally, this case was domestic in nature. While the violence was done to Ms. Martin's puppy and not her person, Ms. Martin was made afraid by Mr. Dalton's violent acts. It was important for the legal system to punish this type of act.

### 3. State v. Charles Price,(First Degree Murder with a firearm)

Case Number 2018-0274CF.

The Honorable Howard H. McGillin presided.

I tried the case along with Jennifer Dunton (904.209.1620).

Mr. Price was represented by Rosemary Peeples of the Public Defender's Office (904.329.0301).

Charles Price had an ongoing dispute with two brothers, Patrick and Michael Nolan over an electricity bill. One day, when the two brothers approached the house in Patrick's pickup truck, Mr. Price met them in the driveway. He began to shout at Patrick. Suddenly, without any warning, Mr. Price pulled out a twelve gauge shot gun and shot Patrick Nolan in the neck, killing him instantly. Patrick Nolan was still wearing his seatbelt at the time the bullet struck him. Mr. Price was not finished. Michael Nolan attempted to flee the vehicle only to be gunned down by Mr. Price. Miraculously, Michael Nolan survived.

Mr. Price fled the scene. He disposed of the shot gun. Law enforcement just so happened to be in the area when Mr. Price fled and was able to identify his unique vehicle that had a mismatched hood.

The trial required Jennifer Dunton and I to compile the large amount of evidence into a succinct presentation. The shooting occurred in front of several neighbors who each saw a small piece of the events as they transpired and so there were several lay witnesses. Additionally, the trial involved a substantial amount of scientific evidence including testimony from a firearms expert, DNA expert, and the Medical Examiner.

During the trial, Mr. Price testified that he was acting in self-defense but the evidence was strong and the Jury found him guilty as charged in the Information.

Although this was not my first murder trial that resulted in a conviction, prosecuting charges like these are always high stakes. The photographs of the scene were some of the most gruesome I have seen throughout my legal career. Additionally the loss of Patrick Nolan left an impact on our surviving victim, Michael Nolan. A lot of work went into this case, but in the end, I feel that both Jennifer Dunton and I were able to present the evidence in this case in a manner that was not only clear to the Jury but also left a clean record for appellate purposes. Mr. Price was sentenced to life in prison.

**4. State v. Patrick Cook, (Aggravated Assault on a Law Enforcement Officer)**

Case Number 2016-0573CF.

The Honorable Judge Clyde Wolfe presided.

Mr. Cook was represented by Garry Wood.

Law enforcement officers have dangerous jobs. There is a reason why they have to wear guns and bullet proof vests. These brave men and women must enforce the law despite the threats presented to them by people like Mr. Patrick Cook.

Mr. Cook was on his property when law enforcement arrived to address an issue involving Mr. Cook's daughter. Officers attempted to apprehend the minor when Mr. Cook became enraged. He charged at the officers and tried to stab them. Officers wrestled with Mr. Cook who, during the tussle, attempted to reach for the deputy's weapon. Finally, deputies were able to subdue the belligerent Mr. Cook.

At trial, Mr. Cook and his family testified that the officer's account was not accurate. The case was very much so a "he said, she said" type of case but I was able to successfully cross examine opposing witnesses to show the inconsistencies in their story. I also elicited some important admissions. Ultimately, the Jury found Mr. Cook guilty as charged. When the bailiff took Mr. Cook into custody, it turned out that he had cocaine and morphine on his person during the trial.

**5. State v. Aaron Jamaal Addison, (Aggravated Fleeing and Eluding)**

Case Number 2015-1092CF

The Honorable Judge Clyde Wolfe presided.

Mr. Addison represented himself, Pro Se.

Mr. Addison led law enforcement on a vehicle chase through a residential neighborhood and refused to stop. While the facts of the case were not complex, the trial was interesting. Mr. Addison chose to represent himself at trial because he asserted that he was a "sovereign citizen" and not subject to the laws of our state.

While there were frustrating moments, I look back at this trial as one that afforded me the opportunity to be professional and fair to a pro se defendant. I never took advantage of Mr. Addison's lack of legal knowledge and I acted ethically, holding myself to a high standard, throughout the trial. The Jury found Mr. Addison guilty.

**6. State v. Erester Ashford, (Resisting Without Violence and Child Abuse)**

In Putnam County during the days of 8/15/2016. Case Number 2015-0092CF

Judge Clyde Wolfe(Deceased) presided over the trial.

Mr. Ashford was represented by Garry Wood /

When Law Enforcement arrived at the residence of Mr. Erester Ashford, they found a 200 pound, 6 foot 1 Mr. Ashford, on top of his seventeen year old daughter, Caveisha. The young girl was screaming but it was a struggle for her to call for help because Mr. Ashford had his arms bent around her throat in a choke hold. It was a frightening scene.

Law enforcement immediately commanded Mr. Ashford to let go of the young girl but he did not obey. One Deputy attempted to pull Mr. Ashford off of her but Mr. Ashford resisted. An officer then deployed his Taser, hitting Mr. Ashford and causing him to release the young girl but he still refused to calm down. Rather, Mr. Ashford then became violent with law enforcement. The deputies were stunned by the strength of Mr. Ashford and his persistence despite multiple attempts to calm him.

During the altercation, Mr. Ashford bit one officer. He then scratched another before he was ultimately subdued. Shortly thereafter, a blood test was conducted on Mr. Ashford demonstrating the presence of controlled substances in his system. None of the officers were surprised by the positive result.

I remember this trial very vividly because Mr. Wood skillfully raised the issue of involuntary intoxication. He brought in an expert witness who testified to the effects of controlled substances on the psyche. Defendant then took the stand to explain how he first began feeling the effects of the drug after he drank something that he believed had been spiked with the drug.

The Jury convicted Mr. Ashford once the evidence came to a close. Looking back, I believe the trial was won through my cross-examination of Mr. Ashford and his expert witness.

This case was significant because it demonstrated that drug use can have an impact not just on the individual who makes the choice to take the drugs but also on the community as a whole. There was no dispute at the trial that Mr. Ashford was acting out because he was under the influence. Mr. Ashford made a choice and it endangered the life of his daughter as well as Law Enforcement.



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

See Attachment 1. I wrote and prepared this document in its entirety.

**PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:**

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

No.

- 32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
N/A		

Types of issues heard:

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

In 2015, I ran for the Jacksonville City Council. Because Jacksonville is a city that is consolidated with the county, the race had county wide implications.

I qualified for the ballot by petition and I raised a substantial amount of money. My race was ultimately unsuccessful, but I am proud of my performance. I kept my campaign positive and focused on ideas instead of personal attacks. Additionally, I learned how to raise money and to contact voters.

The experience of running for office was invaluable not only because of the wonderful people that I encountered but also because of the lessons I learned. I am much better equipped to run a winning campaign because of this experience and I look forward to running again in the future.

- 32d. If you have had prior judicial or quasi-judicial experience,
- (i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

#### **BUSINESS INVOLVEMENT:**

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

N/A

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

Yes. During 2012-2013, I worked for the Jacksonville City Council. In addition to administrative functions, I represented two members of the City Council at community events and prepared summaries of legislation that was under consideration before the council.

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

the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

N/A

**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.

I do not foresee any particular type of classification of cases or litigants which would be problematic.

**MISCELLANEOUS:**

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

Yes \_\_\_\_\_ No ☒ If "Yes" what charges? \_\_\_\_\_

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

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

Yes \_\_\_\_\_ No ☒ If "Yes" what charges? \_\_\_\_\_

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

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

Yes \_\_\_\_\_ No ☒ If "Yes" what charges? \_\_\_\_\_

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

- 36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.

No

- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?

No

- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.

No

- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?
- No.
- 37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.
- No.
38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.
- Marion County - 2013-3013-CA-G - On my way to work, I was involved in a minor car accident. A lawsuit followed and the insurance company settled.
39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.
- No.
40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).
- No.
41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.
- No.
42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.
- No.
- 43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?
- Yes ☒ No ☐ If no, please explain. \_\_\_\_\_
- 43b. Have you ever paid a tax penalty?

Yes ☐ No ☒ If yes, please explain what and why. \_\_\_\_\_

- 43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?  
No.

**HONORS AND PUBLICATIONS:**

44. If you have published any books or articles, list them, giving citations and dates.
- *Eternity* by James Nealis (Christian Fiction) Published in 2016
45. List any honors, prizes or awards you have received. Give dates.
- 2018 Recipient of the Law Enforcement Commendation Medal for the National Society of the Sons of the American Revolution.
  - 2017 Recipient of the Award for First Runner up for Eternity, Best work of Christian Fiction, for the National Independent Book Awards, Awarded at the Harvard Club in New York City.
  - 2015 Audience Choice Award for the film "The Intern", the 48 hour Film Festival
46. List and describe any speeches or lectures you have given.
- Commencement Speaker for the Providence High School Class of 2015 Graduation.
  - "Preserving the US Constitution" – Featured Speaker for the Exchange Club of Jacksonville September 19, 2013.
47. Do you have a Martindale-Hubbell rating? Yes ☐ If so, what is it? \_\_\_\_ No ☒

**PROFESSIONAL AND OTHER ACTIVITIES:**

- 48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.
- The Florida Bar since 2009
  - The Putnam County Bar Association 2016-2019

48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

- Member of Southpoint Community Church since the year 2000. My church is committed to the Gospel and diversity.
- Weekly Brainstorm Radio Broadcast on WOKV – An idea discussion show that I did with my father that touched on great books, politics, and science. It aired on the highest rated political talk radio station in Jacksonville. Every show began with our tag line, “Unintelligent people talk about people, mediocre people talk about things, but great minds discuss ideas.” It ran for about two years.
- Monthly attender of the Mandarin Citizen Planning Advisory Committee acting as a representative of two members of the Jacksonville City Council.
- Monthly attender to the Jacksonville Sheriff’s Advisory Council acting as a representative of two members of the Jacksonville City Council.
- Participant in the Putnam County Human Trafficking Walk, 2017- 2019
- Federalist Society, Member.

48c. List your hobbies or other vocational interests.

Family, Writing, Church, College Football

48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

No.

48e. Describe any pro bono legal work you have done. Give dates.

Because of my current position, it is difficult to provide pro-bono work but I enjoy opportunities afforded to me through my church.

**SUPPLEMENTAL INFORMATION:**

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

- Trial Practice
- Post-Conviction Motions and Appeals
- The Laws regarding Drug Detection Dogs
- Juvenile Justice
- DUI
- Child Victims
- Immigration and Consequences of Criminal Activity
- Ethics
- The 5<sup>th</sup> and 6<sup>th</sup> Amendment
- Technology and the Law
- 2018, 2019 Legislative Updates.

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

No.

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

I have personally tried over 30 cases but I am most proud of the countless other cases I have resolved prior to trial. Those were instances where both sides, came together, and reached an agreement. I would hope to bring this sort of efficiency and professionalism to the courtroom in Flagler County.



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

I have always sought to treat others in a manner that left them feeling respected during my legal career, and if I am nominated by this Commission and selected by the Governor, I will continue to make that a high priority as I serve the citizens of Flagler County. I will also strive to be a fair minded judge, who remains committed to following the law without bias. I am a strong believer in our Federal and State Constitutions and I will always focus on ensuring that everyone is given due process and equal protection under the law.

I also know that Flagler County would benefit from the institution of a Veteran's Court Program. As a prosecutor, I have been a big proponent of diversion programs for those who could benefit from their rehabilitative services. As a judge, I will work to establish a Veteran's Court in Flagler county as soon as possible. Our veterans are such a vital part of the community, yet they can often be uniquely vulnerable to substance abuse because of the hardships they have faced. Having had the opportunity to observe the program in St. John's County, I have seen the impact that Judge McGillin is making through that program. I would work to help bring that same positive change to Flagler.

Finally, as a Prosecutor, I am used to efficiently navigating large caseloads. My docket averages over 140 cases at any given time and that number does not include cases involving violations of probation.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

This is my first submission.

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

If this committee were to allow me to serve the citizens of Flagler as a county judge, I would do so with diligence and competence. I have managed large dockets throughout my career as a prosecutor. I know how to effectively manage my time and what it takes to efficiently resolve cases.

I will also approach others as I have always done throughout my legal career and treat them with respect. Whether it be the attorneys, the clerks, or the community, I will do my best to be a good representative of our legal system to the Flagler community.

Finally, I thank you for your time and consideration.



**REFERENCES:**

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

1. R.J. Larizza, State Attorney for the 7<sup>th</sup> Judicial Circuit Florida
2. The Honorable Howard O. McGillin, Circuit Judge for Florida's 7<sup>th</sup> Judicial Circuit
3. The Honorable Stacy Morris Youmans, Newly Appointed Judge for Florida's 5<sup>th</sup> Judicial Circuit
4. The Honorable James R. Clayton, Circuit Judge for Florida's 7<sup>th</sup> Judicial Circuit.
5. Al Ferraro, City Council Member
6. Garry Wood Esquire
7. Stephanie Park, Esquire
8. Andrew Langenbach, Esquire
9. Brooke Padgett, Esquire
10. Mike Gullette

### 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(I), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

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

Dated this 9 day of August, 2019.

James Nealis  
Printed Name

James Nealis  
Signature

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

## 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 \$34,125

List Last 3 years	<u>2016/\$44,666.70</u>	<u>2017/\$48,249.99</u>	<u>2018/\$51,915</u>
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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 \$25,321.52

List Last 3 years	<u>2016/\$35,550.14</u>	<u>2017/\$36,976</u>	<u>2018/\$39,299.10</u>
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3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current year to date 0

List Last 3 years	<u>0</u>	<u>0</u>	<u>0</u>
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4. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current year to date 0

List Last 3 years	<u>0</u>	<u>0</u>	<u>0</u>
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# 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 8/1, 2019 was \$

## 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 \$ \_\_\_\_\_

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

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

VALUE OF ASSET

Vystar Bank Accounts

Google Stock

Ford Stock

Amgen

Various other stocks, each in amounts less than 1,000.

## PART C - LIABILITIES

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

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

FedLoan Servicing Student Loan

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

State of Florida

Tallahassee, Florida

**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 BUSIENSS' INCOME

ADDRESS  
OF SOURCE

PRINCIPAL BUSINESS  
ACTIVITY OF SOURCE

None

None

None

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

BUSINESS ENTITY #1

BUSINESS ENTITY #2

BUSINESS ENTITY #3

NAME OF BUSINESS ENTITY

None

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 Duval

Sworn to (or affirmed) and subscribed before me this 9th day of August, 20 19 by James V. Vail

(Signature of Notary Public—State of Florida)

Dennis A. Van Deusen

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

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

Type of Identification Produced F202

SIGNATURE

## INSTRUCTIONS FOR COMPLETING FORM 6:

**PUBLIC RECORD:** The disclosure form and everything attached to it is a public record. **Your Social Security Number is not required and you should redact it from any documents you file.** If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home address **if you submit a written request for confidentiality.**

### PART A – NET WORTH

Report your net worth as of December 31 or a more current date, and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting the liabilities reported in Part C from the assets reported in Part B will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

- form;
- (1) The aggregate value of household goods and personal effects, as reported in Part B of this form;
  - (2) The value of all assets worth over \$1,000, as reported in Part B; and
  - (3) The total value of any assets worth less than \$1,000 that were not reported or included in the category of "household goods and personal effects."

To total the amount of your liabilities, add:

- (1) The total amount of each liability you reported in Part C of this form, except for any amounts listed in the "joint and several liabilities not reported above" portion; and,
- (2) The total amount of unreported liabilities (including those under \$1,000, credit card and retail installment accounts, and taxes owed).

### PART B – ASSETS WORTH MORE THAN \$1,000

#### HOUSEHOLD GOODS AND PERSONAL EFFECTS:

The value of your household goods and personal effects may be aggregated and reported as a lump sum, if their aggregate value exceeds \$1,000. The types of assets that can be reported in this manner are described on the form.

#### ASSETS INDIVIDUALLY VALUED AT MORE THAN \$1,000:

Provide a description of each asset you had on the reporting date chosen for your net worth (Part A), that was worth more than \$1,000 and that is not included as household goods and personal effects, and list its value. Assets include: interests in real property; tangible and intangible personal property, such as cash, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interest in a trust, promissory notes owed to you, accounts received by you, bank accounts, assets held in IRAs, Deferred Retirement Option Accounts, and Florida Prepaid College Plan accounts. You are not required to disclose assets owned solely by your spouse.

#### How to Identify or Describe the Asset:

- Real property: Identify by providing the street address of the property. If the property has no street address, identify by describing the property's location in a manner sufficient to enable a member of the public to ascertain its location without resorting to any other source of information.
- Intangible property: Identify the type of property and the business entity or person to which or to whom it relates. **Do not list simply "stocks and bonds" or "bank accounts."** For example, list "Stock (Williams Construction Co.)," "Bonds (Southern Water and Gas)," "Bank accounts (First

National Bank)," "Smith family trust," Promissory note and mortgage (owed by John and Jane Doe)."

#### **How to Value Assets:**

- Value each asset by its fair market value on the date used in Part A for your net worth.
- Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. However, assets that are held as tenants by the entirety or jointly with right of survivorship must be reported at 100% of their value.
- Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the equity of that partnership.
- Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus.
- Real property may be valued at its market value for tax purposes, unless a more accurate appraisal of its fair market value is available.
- Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.
- Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.
- Closely-held businesses: Use any method of valuation which in your judgment most closely approximates fair market value, such as book value, reproduction value, liquidation value, capitalized earnings value, capitalized cash flow value, or value established by "buy-out" agreements. It is suggested that the method of valuation chosen be indicated in a footnote on the form.
- Life insurance: Use cash surrender value less loans against the policy, plus accumulated dividends.

## **PART C—LIABILITIES**

### **LIABILITIES IN EXCESS OF \$1,000:**

List the name and address of each creditor to whom you were indebted on the reporting date chosen for your net worth (Part A) in an amount that exceeded \$1,000 and list the amount of the liability. Liabilities include: accounts payable; notes payable; interest payable; debts or obligations to governmental entities other than taxes (except when the taxes have been reduced to a judgment); and judgments against you. You are not required to disclose liabilities owned *solely* by your spouse.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed unless the taxes have been reduced to a judgment), indebtedness on a life insurance policy owned to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" on a note and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability.

#### **How to Determine the Amount of a Liability:**

- Generally, the amount of the liability is the face amount of the debt.
- If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.



— If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. *However*, if you are jointly and severally liable for a debt relating to property you own with one or more others as tenants by the entirety or jointly, with right of survivorship, report 100% of the total amount owed.

— If you are only jointly (not jointly and severally) liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly held assets.

**Examples:**

— You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a saving and loan for the mortgage on the home you own with your spouse. You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit cards debts need not be reported.

— You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

**JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:**

List in this part of the form the amount of each debt, for which you were jointly and severally liable, that is not reported in the "Liabilities in Excess of \$1,000" part of the form. Example: You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

**PART D – INCOME**

As noted on the form, you have the option of either filing a copy of your latest federal income tax return, including all schedules, W2's and attachments, with Form 6, or completing Part D of the form. If you do not attach your tax return, you must complete Part D.

**PRIMARY SOURCES OF INCOME:**

List the name of each source of income that provided you with more than \$1,000 of income during the year, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is a joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples of income include: compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, distributive share of partnership gross income, and alimony, but not child support. Where income is derived from a business activity you should report that income to you, as calculated for income tax purposes, rather than the income to the business.

Examples:

— If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, etc.) from the company, you should list the name of the company, its address, and the total amount of income received from it.

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, you should list the name of the firm, its address, and the amount of your distributive share.

— If you received dividend or interest income from investments in stocks and bonds, list only each individual company from which you received more than \$1,000. Do not aggregate income from all of these investments.

— If more than \$1,000 of income was gained from the sale of property, then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

— If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

**SECONDARY SOURCE OF INCOME:**

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income." You will **not** have anything to report **unless**:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period, more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, LLC, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and

(2) You received more than \$1,000 in gross income from that business entity during the period.

If your ownership and gross income exceeded the two thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's more recently completed fiscal year), the source's address, the source's principal business activity, and the name of the business entity in which you owned an interest. You do not have to list the amount of income the business derived from that major source of income.

Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

## **PART E – INTERESTS IN SPECIFIED BUSINESS**

The types of businesses covered in this section include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies; utility companies; and entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period, more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of business for which you are, or were at any time during the year an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list: the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

## 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: 7/31/2019

JNC Submitting To: Seventh Judicial Circuit

Name (please print): James Nealis

Current Occupation: Assistant State Attorney

Telephone Number: \_\_\_\_\_ Attorney No.: 70098

Gender (check one):      ☒ Male      ☐ Female

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

☐ Hispanic

☐ Black

☐ American Indian/Alaskan Native

☐ Asian/Pacific Islander

County of  
Residence: St. John's

*FLORIDA DEPARTMENT OF LAW ENFORCEMENT*

DISCLOSURE PURSUANT TO THE  
FAIR CREDIT REPORTING ACT (FCRA)

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

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

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

Printed Name of  
Applicant:

JAMES G.T. NEALIS IV

Signature of Applicant:

*James Neal*

Date: 8/2/2019

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

**CASE NO: 2019-0145-CF**

**STATE OF FLORIDA**

**VS.**

**KAROGERS RANDALL,  
DEFENDANT.**

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COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney and hereby objects to the Defendant's Amended Motion to Modify Bond and would state as follows:

**FACTS**

1. On January 25, 2019, Deputy Nicholas Coin pulled over a vehicle for having two inoperable tail lights.
2. Upon stopping the vehicle and locating the Defendant in the driver's seat, the Defendant admitted that his license was suspended. During a search incident to arrest, two oxycodone hydrochloride pills were located in the jacket he was wearing. Defendant claimed he did not know whose pills they were because the jacket he was wearing was not his jacket. Deputy Coin ultimately arrested Defendant for Driving While License Suspended (Third Offense) and Possession of a Controlled Substance without Prescription. (Exhibit 1: Report)
3. At first appearance, Circuit Judge Christopher Ferebee granted a bond in line with the Putnam County Bond Schedule of \$2,500 on each count for a total of \$5,000. (See Exhibit 2: Bond Schedule)

4. Defendant has a significant criminal history including three sales of cocaine, two second degree felony robberies, one aggravated fleeing and eluding, two sales of controlled substances, one possession of a controlled substance, driving while license suspended habitual, one felony uttering of forged checks, and seven misdemeanors. (Exhibit 3: Scoresheet)
5. Defendant has spent many of the past twenty years in and out of prison. On 6/11/2002 in Bradford County, Defendant was sentenced to one year and two months in the department of corrections. On 7/20/2006 in Putnam County, Defendant was sentenced to one year and eight months in the Department of Corrections for sale of cocaine. On 5/27/2008 in Putnam County, Defendant was sentenced to three years and four months in the Department of Corrections for sale of cocaine. Finally, Defendant was sentenced in Putnam County on 10/10/2012 to two years and five months in prison for another sale of cocaine. Defendant was last released from DOC on 10/05/2014.
6. On 2/20/2019, this Honorable Court held a bond hearing in which the Defendant's financial situation was explored. It was established that Defendant is 69 years old. He claimed he lived with a roommate with whom he split rent but he plans to move in with a family member. He receives approximately \$700 per month from SSI disability.
7. Defense provided an affidavit from Human Resource Developmental Services Re: Pre-Trial Service Administration Availability in which Deborah Odom specified that Pre-Trial services are no longer offered in Putnam County but they were once available in cases of "victimless" crimes where the defendant had a "lack of criminal history." (Exhibit 4: Affidavit of Deborah Odom)



## ARGUMENT

### 1. Defendant Is a Danger to the Community.

The purpose of a bond determination in all criminal proceedings is to ensure the appearance of the criminal defendant at subsequent proceedings and to protect the community against unreasonable danger from the criminal defendant.” § 903.046(1), Fla. Stat. (2018); Mehaffie v. Rutherford, 143 So. 3d 432, 434 (Fla. 5th D.C.A. 2014) (Bond amount that defendant could not afford was reasonable when the defendant “posed a clear and imminent threat of danger to the community” and did not have ties to the community.)

Monetary bonds serve practical purposes that protect the community and secure the Defendant’s appearance at trial. Primarily, monetary bonds that are equivalent to the severity level of the crime prevent the defendant from doing any act that would cause the bond amount to be forfeited. Additionally, monetary bonds also provide a financial incentive to bond providers to act as an arm of the state to locate defendants who fail to appear. Additionally, bonds posted by defendants who flee the jurisdiction are often used to extradite defendants so that those costs are not born by the public at large.

The Pretrial Release Statute, Florida Statute 907.041, creates a presumption of release for all defendants, prior to trial, who meet certain criteria and who are “**not** considered a danger to the community.” Florida Statute 907.041 (“Pretrial detention and release will assure the detention of those persons posing a threat to society while reducing the costs for incarceration by releasing, until trial, those persons NOT considered a danger to the community who meet certain criteria.”) The statute reiterates that the “primary consideration” of the legislation is the “protection of the community from risk of physical harm to persons.” Id. (“The primary consideration [is] the



protection of the community from risk of physical harm to persons.”) This explains why Deborah Odom stated that qualifying factors for pretrial relief services included whether individuals had a “lack of criminal history.” (Exhibit 4: Affidavit of Deborah Odom)

Defendant claims that because he is not currently charged with violent offenses, he is entitled to pretrial release on a nonmonetary bond. While it is true the statute does create a presumption for pretrial release when the Defendant is not charged with a violent offense, that presumption is clearly overcome in this case. For the ultimate question is not whether the defendant is charged with a qualifying dangerous crime but rather if he qualifies as a danger to the community. Florida Statute 907.041 (Release will assure the detention of those persons posing a threat to society while reducing the costs for incarceration by releasing, until trial, those persons **not considered a danger to the community who meet certain criteria.**)(Emphasis added)

The defendant has been previously convicted of two second degree felony robberies and Florida Statute 907.041(4)(a) clearly delineates Robbery as “a dangerous crime.” 907.041(4)(a). (As used in this subsection, “dangerous crime” means any of the following: ... 12 Robbery) In essence, the Defense argues that the Defendant who has already been adjudicated guilty of two “dangerous crimes” is less of a danger than someone who has a pending yet unproven allegation for a dangerous crime. This leads to an absurd result. Defendant’s conviction for dangerous crimes in combination with his rather extensive criminal history present clear evidence that the defendant is a danger to the community.

**II. While the Court Should Consider the Defendant’s Financial Limitations, Ability to Pay is Not the Only Factor to be Determined.**

It is incumbent upon the Court to issue a reasonable bond but monetary bonds have been held to be reasonable on multiple occasions as long as the Court conducts the proper inquiry.

Defendant was granted a \$2,500 bond for each felony charge which he received. These bonds are equal to the Putnam County Bond Schedule for nonviolent third degree felonies and remarkably, the Defendant's extensive criminal history did not raise the bond higher than others commonly situated who have lesser criminal histories. (Exhibit 2: Bond Schedule) This presents a stark contrast to Stack v. Boyle, 342 U.S. 1, 5-6, (1951) which the defense cites for the proposition that the bond should not be excessive. In Boyle, the court departed from the norm in setting a \$50,000 bond but in this instance, the Court did not depart from the standard bond schedule even though an upward departure would have probably been appropriate given Defendant's criminal history.

Defense argues that this Court should take into consideration the Defendant's inability to pay the \$5,000 bond. The State does not deny that the Defendant's financial position is a relevant consideration when it comes to bond and this Court rightfully addressed this consideration during the bond hearing on 02/20/2019. Sparkman v. State, 994 So. 2d 504, 505 (Fla. 4<sup>th</sup> DCA, 2008) (Case remanded because court did not consider defendant's financial situation or the other factors in Florida Statute 907.041 when determining a \$100,000 bond.) While defendant's ability to pay is a consideration for the court, **the fact that a defendant cannot afford a given monetary bond amount, does not render that bond unreasonable.** Dyson v. Campbell, 921 So. 2d 692, (Fla. Dist. Ct. App. 2006)(Emphasis added) Courts must weigh all the factors listed in Florida Statute 903.046 when determining the proper amount." Hollander v. Crowder, 952 So. 2d 1289, 1290 (Fla. 1<sup>ST</sup> DCA 2006)( Court held it to be unreasonable when first appearance judge blindly set bond based on a bond schedule without considering criteria set forth in Florida Statute 903.046.) Once all criteria are considered however, the court **has expressly rejected the claim that "reasonable conditions" of pretrial release necessarily means financial**

conditions that a particular defendant “can reasonably meet.” Id., 921 So. 2d at 693. Flores v. Cocalis, 453 So. 2d 1198 (Fla. 4<sup>TH</sup> DCA 1984) (\$125,000 bond for defendant charged with conspiracy to traffick in cocaine was not unreasonable where defendant was unemployed at time of his arrest and owned no property.).

Defense cited a federal civil case, while not directly on point, actually provides support for the constitutionality of monetary bonds. In Pugh v. Rainwater, 572 F.2d 1053, 1059 (5th Cir. 1978) a class action consisting of defendants who had been detained prior to trial because they could not make bonds, sued on the premise that Florida’s statutory scheme involving monetary bonds should be considered unconstitutional. The court refused to grant the petitioners relief instead holding that the statutory bond scheme was constitutional.

Defense cites several other cases that are either unrelated to the topic at hand in order to support their point or actually support the State’s position that monetary bonds are appropriate. For instance, Turner v. Rogers, 564 U.S. 431, 2510, (2011) is completely distinguishable because it concerns civil contempt orders for failure to pay child support which are not subject to the same criteria outlined in Florida Statue 903.046. In the case of United States v. Salerno, 481 U.S. 739, 2105, (1987), the court actually upheld pretrial detention under the Bail Reform Act of 1984. Also of note, defense cites the case Aime v. Com., 611 N.E.2d 204, 206 (1993) but a simple act of Shephardizing shows that the case was expressly overturned by statute and criticized by Com. v. Diggs, 54 N.E.3d 1115, 1119 (2016). In Com. v. Diggs the Court emphasized the intent of the legislature was to protect society at large from the dangers presented by those who await trial and who have been found to be dangerous. Id.

While Defendant’s financial situation is a consideration for the court, there are numerous criteria to be considered in setting bail and each case is dependent upon its individual facts.

Factors to be considered in determining the amount of bail include 1) the nature of the offense and the penalty for it, 2) the character and strength of the evidence or probability of guilt, 3) the probability of the accused appearing at trial, 4) his accessibility to means of flight, his family ties and employment, the length and stability of his residence in the community, 5) the prior record of the accused in responding to process, 6) whether the accused was a fugitive from justice when arrested, 7) whether the accused is under bond for appearance at trial in other cases, and 8) his respect for the law, the accused's character and reputation, and 9) the state of his health. Good v. Wille, 382 So. 2d 408, 410 (Fla. 4<sup>TH</sup> DCA 1980).<sup>1</sup> If Defendant's argument were to be accepted and only the Defendant's financial ability to pay was able to be considered by this Court, it would in essence, require this Court to completely ignore these other factors laid out by the legislature.

**III After Reviewing the Criteria, the Legislature Clearly Contemplated That Individuals Like the Defendant Receive a Fair Monetary Bond Like the One in This Case.**

A review of the criteria outlined by the legislature in Florida Statute 903.046 demonstrates that the bond is appropriate. Criteria six and seven are not applicable to this case as Defendant was not a fugitive from justice when he was arrested and the Defendant is not currently on bond for

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<sup>1</sup> Fla. R. Crim. P. 3.131 states "In determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court may consider the nature and circumstances of the offense charged and the penalty provided by law; the weight of the evidence against the defendant; the defendant's family ties, length of residence in the community, employment history, financial resources, need for substance abuse evaluation and/or treatment, and mental condition; the defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at court proceedings; the nature and probability of danger that the defendant's release poses to the community; the source of funds used to post bail; whether the defendant is already on release pending resolution of another criminal proceeding or is on probation, parole, or other release pending completion of sentence; and any other facts the court considers relevant."

another case. Despite Defendant's crime of dishonesty and felony history, the State is unable to confirm or deny the veracity of Defendant's claim that he has a heart condition. Therefore it will not address criteria number nine. There is however ample evidence to support the State's request for monetary bonds under criterias one, two, five, and eight. Criteria three should be viewed in light of the other criteria.

As to the first factor regarding the nature of the offense and the possible penalty for it, Defendant is charged with two third degree felonies which means he faces a possible maximum sentence of ten years DOC. While the offenses are not violent, by the State's scoresheet, Defendant scores a lowest permissible sentence of 23.1 months in DOC. (Exhibit 2: Scoresheet) By viewing the first criteria, the Defendant is facing the very real likelihood of a prison sentence.

The strength of the evidence and probability is great in this case and so criteria two should also lead this Court to maintain the monetary bond of \$5,000. Law enforcement witnessed the Defendant driving the vehicle with a suspended license. (Exhibit 1: Report) Law enforcement also found the controlled substance in his jacket pocket. (Exhibit 1: Report) The State respectfully contends that Defendant's "not my jacket" defense is unlikely to be successful in trial.

The Defendant has an extensive criminal history and so criteria five and eight should be regarded as additional indicators that the Defendant should remain on a \$5,000 bond. He has not demonstrated a strong character nor has he any respect for the law. Not only has the Defendant been convicted of eleven prior felonies and seven misdemeanors but the Defendant has been sentenced to prison on five separate occasions. In fact, the Defendant currently finds himself before this Honorable Court facing two more felonies just over four years after he was just released from prison.

As to criteria three, there are no indications that the Defendant has failed to appear in court for his numerous other felony or misdemeanor cases but the State contends that the inquiry does not stop there. The question is not limited to whether the defendant failed to appear in the past but rather whether he is likely to not appear for trial in the future. The State submits that Defendant was convicted of aggravated fleeing and attempting to elude. Defendant's prior attempts at flight through evading law enforcement has bearing on the likelihood the Defendant might evade this Court in the future. Defense argues that this Court should disregard this offense as the conviction was more than sixteen years ago. The Defense neglects to mention that Defendant spent eight years and five months of those sixteen years in prison. Additionally, there is no reliable indication in the record that the Defendant has undergone any substantial change as defendant has been convicted of five felony offenses since the date of his sentence on the fleeing and attempting to elude.

Wherefore the State Respectfully asks that this court DENY Defendant's Amended Motion to Modify Bond and to leave all monitory bonds in place.

R.J. LARIZZA  
STATE ATTORNEY

By: s/JAMES NEALIS  
ASSISTANT STATE ATTORNEY  
Florida Bar No.: 70098  
ESERVICEPUTNAM@SAO7.ORG

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by mail/delivery to TRISHA LAISSLE, 514 ST JOHNS AVENUE, PALATKA, FL 32177, on February 21, 2019.

s/JAMES NEALIS  
ASSISTANT STATE ATTORNEY  
Florida Bar No.: 70098  
410 ST JOHNS AVENUE ROOM 109  
PALATKA, FL 32177  
(386) 329-0259  
ESERVICEPUTNAM@SAO7.ORG