

APPLICATION FOR NOMINATION TO THE COUNTY COURT

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

DATE: August 3, 2019 Florida Bar No.: 24351

GENERAL: Social Security No.: _____

1. Name Milan "Bo" Samargya E-mail: _____

Date Admitted to Practice in Florida: 10/6/1994

Date Admitted to Practice in other States: 06/26/2015 - Washington State

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

TAC Law Group - Attorney

3. Business address: 12724 Gran Bay Parkway W, Suite 410

City Jacksonville County Duval State FL ZIP 32558

Telephone (904) 406-7788 FAX (None) -

4. Residential address: _____

City _____ County _____ State _____ ZIP _____

Since 08/29/2018 Telephone _____

5. Place of birth: Deland, FL

Date of birth: November t, 1966 Age: 52

6a. Length of residence in State of Florida: 48 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 Debra Lynn Samargya

Date of marriage July 13, 2003

Spouse's occupation Registered Nurse

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>
Tabitha L. Samargya	14	Student	same as applicant
Danica L. Samargya	13	Student	same as applicant

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
Active Duty	Army	E-4	11/84-01/87
Rank at time of discharge	<u>E-4</u>	Type of discharge	<u>Honorable</u>

Awards or citations Army Achievement Medal, Good Conduct Medal, NCODPR Medal, Overseas Medal, Service Medal, Unit Commendation from 42nd FA Commander USAREUR, Represented the 5/srd FA BN at the V Corps Change of Command, Certificate of Achievement from 5/3rd FA BN CMDR, Expert Qualification on M60 Machine Gun and Sharpshooter on M16A1

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
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.]

N/A

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.

N/A

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

N/A

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

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, give full details as to court, date and circumstances.

No

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

EDUCATION:

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

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Hudson Sr. High	5	8/81-6/84	Diploma
USF		1/87-5/88	AA
UCF		8/88-5/91	BSBA
Oklahoma City Univ.	136	8/91-5/94	JD

18b. List and describe academic scholarships earned, honor societies or other awards. National Honor Society, Arnold Air Society (US Air Force Academic Fraternity), State Science Fair finalist, USAF commendation for State HS Science Fair

NON-LEGAL EMPLOYMENT:

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

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
8/87-9/91	Sales Manager	West Florida Medical Supplies, Inc.	Homosassa, FL
1/17-4/18	Sales Manager	AutoNation Honda Renton	3701 E. Valley Road, Renton, WA 98057

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.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Florida Bar	10/6/1994
USDC MDFL	12/20/1994
USSC	03/23/1998
USDC NDFL	05/02/2005
11 th CCA	05/27/2011
Washington State Bar	06/26/2016 Resigned 01/12/2018

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>
Attorney	TAC Law Group	12724 Gran Bay Pkwy., W, Jacksonville, FL 32558	06/2019 - Present
Asst. State Attorney	State Attorney's Office, 7 th Circuit	1769 E. Moody Blvd., Bunnell, FL 32110	08/2018 - 06/2019

Attorney	Bo Samargya, LLC	114 N. Walnut Street, Starke, FL 32091	01/2014 - 10/2014
Managing Partner	Robitaille & Samargya, LLC	1904 W. Main Street, Inverness, FL 34452	02/11-12/13
Asst. Regional Counsel	Office of Civil & Criminal Regional Conflict Counsel	101 Sunnyside Road, Ste. 310, Casselberry, FL 32707	12/07-09/11

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.

Currently, I develop factual data for R.J. Reynolds Tobacco Company primarily. I interview witnesses for the trial team and assist them to resolve cases based on interviews in the field. Previously, I handled criminal, family, wills and trusts, personal injury and mediation for my clients. I was a Circuit Civil Mediator while in private practice.

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

	Court		Area of Practice	
Federal Appellate	_____	%	Civil	<u>15</u> %
Federal Trial	_____	%	Criminal	<u>50</u> %
Federal Other	_____	%	Family	<u>25</u> %
State Appellate	_____	%	Probate	_____ %
State Trial	<u>85</u>	%	Other	<u>10</u> %
State Administrative	<u>15</u>	%		
State Other	_____	%		
	_____	%		
TOTAL	<u>100</u>	%	TOTAL	<u>100</u> %

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

Jury?	<u>-86</u>	Non-jury?	<u>100 plus</u>
Arbitration?	<u>0</u>	Administrative Bodies?	<u>50</u>

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

Question 21

Grant & Samargya, LLC 123 N. Apopka Avenue Inverness, FL 34450	Partner	11/2004-02/2011
Office of the State Attorney 110 N. Apopka Avenue Inverness, FL 34450	Felony ASA	04/2002-11/04
Law Office of Milan "Bo" Samargya 529 N. Magnolia Avenue Orlando, FL 32801	Attorney	03/1998-04/2002
Office of the State Attorney 415 N. Orange Avenue Orlando, FL 32801	Felony ASA	07/1995-03/1998
Office of the Public Defender 101 Bush Boulevard Sanford, FL 32773	Misdemeanor APD	01/1995-07/1995

6-A

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).

Richard Buxman, , 2012-CF-569

Jeffrey Foster, 352-341-6670, 2012-CF-543

Paul Norville & Julia Metts, , 2010-CF-785

Joshua Houston, , 2008-MM-3538 & 2009-CT-3657

Brian Trehy, , 2008-CF-793

- 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).

William Bookhammer, 386-313-4545, 2018-CF-001253 - Plea

Flem K. Whited, 386-253-7865, 2018-306254MMDB - Plea

Jason Cameron, , 2018-304567MMDB - Plea

Michael Lambert, 386-310-2669, 2018-CF-000921- Plea

Rich Price, , 2018-CF-000960 - Plea

Kurt Teifke, , 2018-CF-001010- Plea

- 27c. During the last five years, how frequently have you appeared at administrative hearings?

1 average times per month

- 27d. During the last five years, how frequently have you appeared in Court?

5 (3.5 years of that time I did not practice law) 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? 100% Defendants? 0%

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.

During my employment as both an assistant public defender and an assistant state attorney I would appear in Court on a daily basis for the most part. I was lead counsel in some 65 jury trials during this period and probably a minimum of 100 non-jury/VOP trials.

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.

None

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. Jay Fine, CR1997-958. Client: State of Florida and I was Chief Counsel. The charge was Possession of Firearm by a Violent Career Criminal. This guy had an extensive criminal history and tried to blame everything on his family and the jury saw through it. This case was important to me because this defendant needed to be taken off the streets in order to keep the community safe.

Ninth Judicial Circuit, Judge Michael Cyczmanik, Trial date was 8/25-26, 1987. Defense Counsel was APD Robert Larr.

2. State v. Shawn Hunt, CR1997-4877. Client: State of Florida and I was Chief Counsel. The charges were Arson of a Dwelling and Throwing Deadly Missile. The defendant had an extensive history of violence. The defendant took the stand and opened the door to allow me to bring in evidence that he failed to call a family member as a witness which discredited his story. Defendant was trying to burn up his girlfriend's apartment with a molotov cocktail device and put the entire apartment complex in jeopardy. The defendant was sentenced to life.

Ninth Judicial Circuit, Judge Dorothy Russell, Trial date was 9/23-24/1997 and Defense Counsel was APD Robert Larr.

3. State v. Shannon Gene Michael, 2003-CF-501. Client: State of Florida and I was Chief Counsel. The charges were Attempted Sexual Battery and False Imprisonment. The defendant tried to blame the victim and denied any prior rape conviction. I had to secure all documents from the US Army Court Martial where defendant was convicted of raping a German civilian on base in Germany. The Army conviction allowed us to habitualize the defendant after the jury found him guilty. The victim was very distraught over this incident and found the strength to testify. This was an excellent learning experience from the aspect of making sure preparation is done to include aspects in the event a conviction is secured and this was instrumental in protecting the citizens of the community from this rapist.

Fifth Judicial Circuit, Judge Richard A. Howard. Trial Date was 9/2 and 9/5/2003. Defense Counsel was APD Mark Solomon.

4. State v. Ronald Williams, Jr., CR1998-6050. Client: Ronald Williams, Jr. and I was Chief Counsel. The charge was Arson Second Degree. My client was wrongfully accused based on our expert and the evidence. He had been previously convicted of 5 felonies and had changed his story to law enforcement one time, which I believe was why charges were filed against him. The defendant had no motive and we put him on the stand, as well as, our expert who corroborated his testimony. The jury found him not guilty and it was good to see the justice system working properly.

Ninth Judicial Circuit, Judge A. Thomas Mihok. Trial Date: 2/2-4/1999. Opposing counsel was ASA Ken Barlow.

5. State v. Margaret Warren, 2006-CF-1299. Client: Margaret Warren and I was Chief Counsel. My client was charged with Battery on a Law Enforcement Officer. My client was about 65 YOA and proclaimed her innocence from day one. This case was fast tracked to trial within about 2 months. Ms. Warren cooperated with law enforcement by going down to the police station voluntarily and allowing herself to be interviewed. During the interview the detectives called for a break and when she was walking out she took her cellphone and they told her not to take it with her and then fought her for it. The jury found her not guilty.

Fifth Judicial Circuit, Judge Richard A. Howard. Trial Date: 1/8 and 1/11/2007. Opposing counsel was ASA Paul Norville.

6. State v. Kelly McDonald, 2003-CF-665. Client: Kelly McDonald and I was Chief Counsel. My client was charged with DUI Manslaughter and DUI serious bodily injury. My client was involved in a traffic crash where the victim came over the middle line, however, the State claimed it was her fault. We agreed from day one that she was guilty of DUI. The victim had a suspended driver license and was told by this Court not to drive based on that we got a ruling from the Court allowing this information into evidence. Law enforcement did not follow their own policies and procedures and failed to preserve the crash scene properly. When on the stand the investigator said he followed all of the policies and procedures and on cross-examination he had to then tell the jury he did not follow the procedures. We were also allowed to tell the jury about the drugs found in the victim's system. Our crash reconstruction expert was able to identify how it was impossible for the crash to occur the way the State indicated and the jury found our client guilty of simple DUI. It was very important to investigate all aspects of the State's evidence in order to mount a defense consistent with what our client told us from day one, that the victim came into her lane of travel and hit her.

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. *I prepared and I was responsible for this pleading.*

See Attached

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.

Citrus County Court Judge 5/04-8/04 and Fifth Circuit Court Judge 3/14-8/14.

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.

Public Defender Candidate for Fifth Circuit - 4/12-8/12.

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.
- (ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.
- (iii) List citations of any opinions which have been published.
- (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.
- (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.
- (vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.
- (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.

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, I was a Sales Manager at AutoNation Honda Renton from 1/17-4/18.

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.

I was paid as an employee of AutoNation during the dates mentioned above.

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.

No

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.

DOC Inmate John Kist, 2009-CA-2526 & 2008-CA-5166. The Client was trying to extort my firm for free legal services basically and ultimately the case was dismissed.

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.

Yes. Fifth Judicial Circuit in and for Citrus County Florida.

Milan "Bo" Samargya v. William J. Grant v. The Law Offices of Grant & Associates, LLC v. Capital City Bank Group, Inc. - Case No. 2011-CA-1108. The lawsuit was for injunctive relief as a line of credit was used without my permission. The line of credit was used after I had resigned from my former law firm. I was responsible for line of credit of \$250,000 as a guarantor on the note.

I was the Plaintiff, the matter was resolved and the case was voluntarily dismissed with prejudice.

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.

No

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

Crystal Aero Group Pilot Training Student of the Year 1987, Deans List UCF Fall 1990 & Spring 1991, United States Air Force Science Award, Spelling Bee Champion, Top Sales Team for West Florida Medical Supplies, Inc., Most Valuable Player Golf Team

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

Citrus County Law Television show, Preneed Guardianships for Serenity House Pediatric AIDS Foundation, Criminal Justice System and Mock Trial for Orange & Marion

County Public Schools, Wills & Trusts presentations for various organizations

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.

Florida Bar

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

Director on Pine Ridge HOA 2006-2007, Knights of Columbus, NRA, Central Florida Criminal Justice Council, Orange County Bar Association, Central Florida Association of Criminal Defense Lawyers, F&AM, Shriners, National District Attorney Association, Airplane Owner & Pilot Association, Orange County Republican Executive Cmte., Citrus County REC, Marion County REC, Sponsor Citrus County Bar Association Scholarship, Hernando County Teen Court Judge, Marion County Teen Court Judge, Flagler County Teen Court, Knights of Columbus, Sertoma, Ducks Unlimited, Citrus County Chamber of Commerce, Florida Association of Criminal Defense Lawyers, Mission House Volunteer

48c. List your hobbies or other vocational interests.

Extracurricular Activities with my children, Golf, Travel, Avid Sports Fan & Flying

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.

Citrus County Abuse Shelter to include providing holiday meals for them - 2004 - 2009, referrals from the Bar and legal aid and miscellaneous self referral cases

SUPPLEMENTAL INFORMATION:

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

Criminal law, Ethics, Estate Planning, Family Law, Death Penalty, Civil Mediation, Real Estate & various other courses please see attached

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

Status and Credit History

for Milan Samargya (Bar #24351) as of 08/03/2019

CLER Cycle

Incomplete	Gen Credits	PR Credits	Tech Credits
	0.0 of 33.0	0.0 of 5.0	0.0 of 3.0
	Cycle Start	Completed	Cycle End
	05/01/2019	--	04/30/2022

Basic Skills

Phase 1 Compliant	End	Completed
	12/30/1998	10/19/1994
Phase 2 Compliant	End	Completed
	12/30/1999	10/19/1994

Credit Date	Reference	Title	Item	Gen Cred	PR Cred	Tech Cred	Cycle	Date Posted
04/18/2019	1904358N	7th Judicial Circuit SAO Spring 2019 (Afternoon)	Live	3.5	1.0	0.0	--	05/28/2019
03/17/2019	1707282N	Changing of Public Utility Models to Address Clima	On-line	1.0	0.0	0.0	04/30/2019	03/18/2019
03/17/2019	1805640N	What Florida Business Owners Need to Know About	On-line	1.0	0.0	0.0	04/30/2019	03/18/2019
03/17/2019	1808456N	The ABCs of Trademarks	On-line	1.0	0.0	0.0	04/30/2019	03/17/2019
03/17/2019	1704484N	Temporary Visas for Business &	On-	1.0	0.0	0.0	04/30/2019	03/17/2019

		Work	line						
03/17/2019	1704533N	Medicaid: Obstacles & Challenges	On-line	1.0	0.0	0.0	04/30/2019	03/17/2019	
03/17/2019	1707075N	Utilizing Government Contracts For Disaster Relief	On-line	1.0	0.0	0.0	04/30/2019	03/17/2019	
03/17/2019	1706696N	SCOTUS Review: Salman v. United States	On-line	1.0	0.0	0.0	04/30/2019	03/17/2019	
03/13/2019	1903174N	PHONE TRACKING TO SOLVE A CASE	Live	1.0	0.0	1.0	04/30/2019	04/15/2019	
03/09/2019	1809343N	How to Structure a Trademark Clearance Opinion	On-line	1.0	0.0	0.0	04/30/2019	03/17/2019	
03/08/2019	1801211N	Corporate Life Before and After the Recent Tax Cut	On-line	1.0	0.0	0.0	04/30/2019	03/17/2019	
03/06/2019	1901966N	Medical Marijuana in Florida	Live	1.0	0.0	0.0	04/30/2019	04/04/2019	
03/06/2019	1706698N	SCOTUS Review: The Roberts Court & the 1st Amendment	On-line	1.0	0.0	0.0	04/30/2019	03/17/2019	
02/26/2019	1802842N	The Supreme Court Immigration Roundup (2017-18)	On-line	2.0	0.0	0.0	04/30/2019	02/28/2019	
02/25/2019	1804128N	Cybersecurity & The Energy Sector: Managing	On-line	1.0	0.0	0.0	04/30/2019	02/28/2019	
02/24/2019	1809341N	GDPR Compliance & Due Diligence for M&A Transactions	On-line	2.0	0.0	0.0	04/30/2019	02/24/2019	
02/24/2019	1706692N	Bivens at the Border: Special Factors in Assessing	On-line	1.0	0.0	0.0	04/30/2019	02/24/2019	
02/17/2019	1706691N	Best Practices & Tips for Appellate Advocacy	On-line	1.0	0.0	0.0	04/30/2019	02/19/2019	
02/17/2019	1802838N	Business Immigration in the Trump Era: The First	On-line	1.0	0.0	0.0	04/30/2019	02/19/2019	
02/13/2019	1902286N	VETERANS COURT ACROSS THE CIRCUIT	Live	1.0	1.0	0.0	04/30/2019	03/21/2019	
02/02/2019	1706699N	SCOTUS Review: Trinity Lutheran Church v. Comer	On-line	1.0	0.0	0.0	04/30/2019	02/02/2019	
01/27/2019	1801137N	The Effect of the Tax Cuts and Job Acts (TCJA)	On-line	1.0	0.0	0.0	04/30/2019	01/27/2019	
01/27/2019	1707289N	Ethical Risks & the Human Element of Information	On-line	2.0	2.0	0.0	04/30/2019	01/27/2019	
01/26/2019	1707294N	Ethics of End of Life Decision Making	On-line	1.0	1.0	0.0	04/30/2019	01/26/2019	

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01/26/2019	1707290N	Ethics and Legal Writing Update	On-line	1.0	1.0	0.0	04/30/2019	01/26/2019
01/26/2019	1707285N	Cybersecurity- A Legal How-To Guide For Advanced	On-line	1.0	0.0	1.0	04/30/2019	01/26/2019
01/26/2019	1707281N	Can Attorney's Help Secure the Internet of Things?	On-line	1.0	0.0	1.0	04/30/2019	01/26/2019
01/26/2019	1707299N	The Future of Legal Malpractice: Cybersecurity	On-line	1.0	1.0	1.0	04/30/2019	01/26/2019
01/25/2019	1807488N	Ethics Update: How to Deal with Bullies Without	On-line	1.0	1.0	0.0	04/30/2019	01/26/2019
01/24/2019	1804503N	What Every Lawyer Should Know About DUI Defense in	On-line	1.0	0.0	0.0	04/30/2019	01/24/2019
01/09/2019	1900588N	Gearing up for Trial	Live	1.0	0.0	0.0	04/30/2019	02/12/2019
04/09/2018	1800113K	Exemption Removal, Reference	Block	10.0	0.0	0.0	04/30/2019	04/09/2018
05/22/2013	4234-3	OPENING STATEMENTS A RECI	On-line	3.0	0.0	0.0	04/30/2016	05/22/2013
05/21/2013	5227-3	Choppy Waters: Navigating the Longshore Harbor Wor	On-line	1.0	0.0	0.0	04/30/2016	05/21/2013
05/21/2013	4243-3	PROTECTING PRIVILEGED CO	On-line	1.0	1.0	0.0	04/30/2016	05/21/2013
05/21/2013	5029-2	AVOID ETH VIOLATIONS AND	On-line	1.0	1.0	0.0	04/30/2016	05/21/2013
05/20/2013	4244-3	SOCIAL MEDIA AND LITIGATI	On-line	1.0	1.0	0.0	04/30/2016	05/21/2013
05/20/2013	4235-3	MOVE TO STRIKE RALLYING	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013
05/20/2013	1661-3	IRA TRUSTS PRAC GUIDE PT2	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013
05/20/2013	1660-3	IRA TRUSTS PRAC GUIDE PT1	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013
05/20/2013	9661-2	FL FAMILY LAW UPDATE	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013
05/20/2013	9658-2	INTRO BANKRUPTCY LAW FL	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013
05/20/2013	3484-3	RETIREMENT ACCTS AND QDRO	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013
05/20/2013	1659-3	INTRO TO MEDIATION IN FLA	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013

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05/20/2013	9393-2	FRAUD AND UCC MORTG FOREC	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013
05/20/2013	7732-2	ETH AND EST PLAN IN FL	On-line	1.0	1.0	0.0	04/30/2016	05/20/2013
05/19/2013	1301513N	Assessing an Automobile Negligence Claim in FL	On-line	1.0	0.0	0.0	04/30/2016	05/20/2013
05/19/2013	4232-3	NOT YOUR MOTHERS REMEDY	On-line	1.0	0.0	0.0	04/30/2016	05/19/2013
05/17/2013	4219-3	BULLETPROOF EVERYDAY SUPE	On-line	1.0	0.0	0.0	04/30/2016	05/19/2013
05/17/2013	1662-3	INTOXICATING FLA DUI LAW	On-line	1.0	0.0	0.0	04/30/2016	05/17/2013
05/17/2013	1658-3	TRICKS OF THE TRADEMARK	On-line	1.0	0.0	0.0	04/30/2016	05/17/2013
05/17/2013	5030-2	ETH PRACT ON INTERNET DON	On-line	1.0	1.0	0.0	04/30/2016	05/17/2013
05/17/2013	9390-2	WHAT FL BUSINESS OWNERS N	On-line	1.0	0.0	0.0	04/30/2016	05/17/2013
05/17/2013	4228-3	TRAVELING BANKRUPTCY FREE	On-line	1.0	0.0	0.0	04/30/2016	05/17/2013
05/16/2013	4221-3	TALE OF TWO COURTS WHY FE	On-line	1.0	0.0	0.0	04/30/2016	05/16/2013
05/16/2013	4218-3	LEFT RIGHT LEFT DIVIDING	On-line	1.0	0.0	0.0	04/30/2016	05/16/2013
05/16/2013	4229-3	FALSE CLAIMS ACT ENFORCEM	On-line	2.0	0.0	0.0	04/30/2016	05/16/2013
05/15/2013	1200007N	Florida Asset Protection: Why Debtors Seek Sunshi	On-line	2.0	0.0	0.0	04/30/2016	05/15/2013
04/11/2013	1301353N	2013 Criminal Law Certification Review Seminar	Live	14.5	1.0	0.0	04/30/2013	04/15/2013
02/29/2012	6629-2	E-FILING RULE 2.240 AND		1.0	0.0	0.0	04/30/2013	03/02/2012
09/16/2011	9661-1	BLOOD BREATH TEARS XVIII		9.5	1.0	0.0	04/30/2013	09/19/2011
04/15/2011	5214-1	2011 CRIMINAL LAW CERTIFI		12.0	1.0	0.0	04/30/2013	04/15/2011
10/02/2010	8082-0	MAKING THE CASE FOR LIFE	Live	16.0	1.0	0.0	04/30/2013	10/03/2010
09/24/2010	8317-0	BLOOD BREATH TEARS XVII	Live	12.5	0.0	0.0	04/30/2013	09/25/2010
08/31/2010	0994	TOPICS IN EVIDENCE 2010	Audio Tape	7.5	1.0	0.0	04/30/2013	08/31/2010

08/29/2010	4830-0	2010 CRIMINAL LAW CERTIFI	Live	14.0	1.0	0.0	04/30/2013	08/31/2010
05/05/2010	9464-9	ETHICAL APP LGL NEGOTIATI	On-line	1.5	1.0	0.0	04/30/2013	05/05/2010
05/05/2010	9453-9	A LAWYERS GUIDE TO LITIGA	On-line	1.0	0.0	0.0	04/30/2013	05/05/2010
05/05/2010	5891-9	BASIC OF OPERATING ONLINE	On-line	1.0	0.0	0.0	04/30/2013	05/05/2010
05/05/2010	4549-0	PRIMER ENVIRNMENTL MARKET	On-line	1.0	0.0	0.0	04/30/2013	05/05/2010
05/05/2010	4547-0	LEGAL PRIMER ON MEDICAL	On-line	1.5	0.0	0.0	04/30/2013	05/05/2010
05/04/2010	4569-0	ETHICS OF E DISCOVERY	On-line	1.5	1.5	0.0	04/30/2013	05/04/2010
05/03/2010	9475-9	ENVIR DUE DILIGENCE PT 2	On-line	1.5	0.0	0.0	04/30/2013	05/03/2010
05/03/2010	9461-9	WEALTH AND GROWTH 1031 EX	On-line	2.5	0.0	0.0	04/30/2013	05/03/2010
05/03/2010	9456-9	HOW TO HANDLE EMPLOYMENT	On-line	2.5	0.0	0.0	04/30/2013	05/03/2010
05/02/2010	9478-9	FEDERAL IMMIGRATION DEPOR	On-line	2.0	0.0	0.0	04/30/2013	05/02/2010
05/02/2010	9477-9	ETHICAL CONSIDERATIONS	On-line	1.0	1.0	0.0	04/30/2013	05/02/2010
05/02/2010	9474-9	ENVIRONMENTL DUE DILIGENC	On-line	1.0	0.0	0.0	04/30/2013	05/02/2010
05/02/2010	9462-9	PRACTICAL APPROACH MEDICA	On-line	2.0	0.0	0.0	04/30/2013	05/02/2010
05/02/2010	9460-9	BASICS OF LEGAL WRITING	On-line	2.0	0.0	0.0	04/30/2013	05/02/2010
05/02/2010	9459-9	SOCIAL NETWORKING AND ADV	On-line	1.5	0.0	0.0	04/30/2013	05/02/2010
05/02/2010	9457-9	OVERVIEW OF NON IMMIGRANT	On-line	2.0	0.0	0.0	04/30/2013	05/02/2010
05/02/2010	5894-9	ETHICS PROFESSIONAL RESPO	On-line	1.0	1.0	0.0	04/30/2013	05/02/2010
05/02/2010	5892-9	ETHICS CONFLICTS OF INTER	On-line	1.0	1.0	0.0	04/30/2013	05/02/2010
05/02/2010	4783-9	ETH ISSUES LITIGATION PRO	On-line	1.0	1.0	0.0	04/30/2013	05/02/2010

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05/02/2010	4776-9	TRANSPARENCY SEC RESPONSE	On- line	1.0	0.0	0.0	04/30/2013	05/02/2010
05/02/2010	4553-0	ASSET PROTECTION PLANNING	On- line	1.0	0.0	0.0	04/30/2013	05/02/2010
04/15/2010	4785-9	FORMS OF BUS ORGANIZATION	On- line	1.0	0.0	0.0	--	04/15/2010
04/15/2010	4781-9	DEAL STRUCTUR BUY SELL BU	On- line	1.0	0.0	0.0	--	04/15/2010
04/15/2010	4779-9	BUS SUCCESSION AND EXIT P	On- line	1.0	0.0	0.0	--	04/15/2010
03/27/2010	9466-9	ARGUING IN FRONT US SUPRE	On- line	1.0	0.0	0.0	--	04/15/2010
03/27/2010	9458-9	PERMANENT RESIDENCY EMPLO	On- line	1.5	0.0	0.0	--	04/15/2010
03/27/2010	4787-9	LEGAL ASPECTS OF BLOGGING	On- line	1.0	0.0	0.0	--	04/15/2010
03/27/2010	4780-9	CORP RECORDS BOOKS I THIN	On- line	1.0	0.0	0.0	--	04/15/2010
03/26/2010	4784-9	ETHICS DECEP UNDERCOVER I	On- line	1.0	1.0	0.0	--	04/15/2010
03/26/2010	4775-9	SUP LEG RESEARCH ETHI AND	On- line	1.0	1.0	0.0	--	04/15/2010
03/25/2010	9463-9	PRIMER ON RULES GOV CHARI	On- line	1.0	0.0	0.0	--	04/15/2010
03/24/2010	9455-9	ETHICS SHOULD LAWYERS BE	On- line	1.0	1.0	0.0	--	04/15/2010
03/24/2010	4786-9	INTELLECT PROP GEN PRACTI	On- line	1.0	0.0	0.0	--	04/15/2010
04/05/2009	9662-8	CIRCUIT CIVIL MEDIATION	Live	48.0	5.0	0.0	--	04/07/2009

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

National Institute for Trial Advocacy - Notre Dame Law School - Representing the Accused in a Capital Trial & NACDL - Making the Case for Life.

Circuit Civil Certified Mediation Course

FL Real Estate Broker's License

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

I have practiced law with integrity and with a profound dignity for the principles of law. Every day I practice law, either with a client, attorneys or Judges, I am re-invigorated, each and every time, to know that a very certain set of principles, standards, and rules are applied to established law to produce a fair and just outcome.

My track record shows that I have the ability to make the tough decisions because they are right. These decisions are not always the easy decision or the status quo, but they must be made because they are right. I do have the strength and conviction to do the right thing.

This opportunity to potentially serve as a Judge is both professionally and intellectually stimulating and challenging. My experiences allow me to now stand ready to meet the challenges as a member of the judiciary

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.

The Eighth Judicial Circuit JNC for Bradford County Judge with application date of September 4, 2013. The Fifth Judicial Circuit JNC and the applications were submitted on or about July 2005 & 2010, August 2011 & 2013, November 2013 and December 2010 & 2013. The Seventh Judicial Circuit JNC and the application was submitted on or about October 2013 & November 2018.

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

I was appointed by Federal Judge Anne Conway to the Criminal Justice Act Panel appointed counsel list in January 2011.

I also have participated as a trial coach for the Marion County Technical High School trial competition and enjoy and will continue to assist in these areas when opportunities arise.

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. Denise Lyn, 110 N. Apopka Avenue, Inverness, FL 34450, 352-341-6579
2. Judge Carol Engel Draper, Osceola County Courthouse, 2 Courthouse Square, Kissimmee, FL 34741, 407-343-2513
3. Judge Belle Schumann, 125 E. Orange Avenue, Daytona Beach, FL 32114, 386-257-6042
4. Ismael Solis, 115 S. Lake Avenue, Groveland, FL 34736, 352-255-9966
5. Lawson Lamar, Former State Attorney,

6. Judge Richard A. Howard, 110 N. Apopka Avenue, Inverness, FL 34450, 352-341-6705
7. Capt. Tom E. Davis, USN Ret'd., 882 N. Lindburgh Drive, Crystal River, FL 352-795-6868
8. Kurt Kelly, ,
9. Michael Lambert, 428 N. Halifax Avenue, Daytona Beach, FL 32118, 386-310-2669
10. Pamela J. Smith,

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 03, day of August, 2019.

Milan Samargya

Printed Name



Signature

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

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	38,000		
List Last 3 years	18300	0	0

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	34000		
List Last 3 years	15800	0	0

3. State the gross amount of income or loses 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	25,500	88,600	0

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	19,300	72,300	0

**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 July 31, 2019 was \$61,600.

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 \$ 40000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

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

VALUE OF ASSET

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
2012 Toyota Camry	12000
Panther Strand art	7500
Keepers of the Promise art	7500
Home	351,000
KY Property	29,000

PART C - LIABILITIES

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

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Credit Card Chase	23000
USAA CC	4,500
HCU CC	2,200
Renovate	4,500
Barclay	2,200

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Mortgage	271000
USAA Loan	38000

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	1769 E Moody Blvd, Bunnell, FL 32110	21,000
TAC Law Group	12724 Gran Bay Pkwy. W, JAX, FL 32558	16,875

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

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

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITTY			
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.



SIGNATURE

STATE OF FLORIDA

COUNTY OF St. Johns

Sworn to (or affirmed) and subscribed before me this 3rd day of Aug, 2019 by Milan Samargya

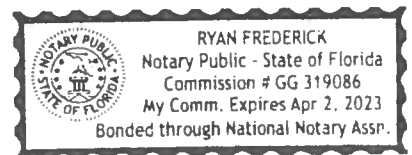


(Signature of Notary Public—State of Florida)

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

Personally Known _____ OR Produced Identification X

Type of Identification Produced Drivers I.D



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:

- (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: 08/03/2019

JNC Submitting To: 7th Judicial Circuit

Name (please print): Milan Samargya

Current Occupation: Attorney

Telephone Number: _____ Attorney No.: 24351

Gender (check one): Male Female

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

County of Residence: St. Johns

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

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

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

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

Printed Name of
Applicant:

Milan Samargya

Signature of Applicant:



Date: 08/03/2019

IN THE DISTRICT COURT OF APPEAL
FIFTH DISTRICT OF FLORIDA
Daytona Beach, Florida

SANJAYKUMAR RAMANBHAI PATEZ
A.K.A. SANJAYKUMAR RAMANBHAI PATEL,

Petitioner,
vs.

Case No.: 5D12-_____
Original Proceeding
L.T. Case No. 2012-CF-290

STATE OF FLORIDA,
JEFFREY DAWSY, AS
SHERIFF OF CITRUS COUNTY,
FLORIDA, & CORRECTIONS
CORPORATION OF AMERICA

Respondents.
_____ /

PETITION FOR WRIT OF HABEAS CORPUS

The Petitioner, SANJAYKUMAR RAMANBHAI PATEL, by and through his undersigned counsel, and pursuant to Rule 9.100, Florida Rules of Appellate Procedure, petitions this Court for a writ of habeas corpus directed to the Respondents, the State of Florida, Jeffrey Dawsy, as Sheriff of Citrus County, Florida, and Corrections Corporation of America, and in support thereof, states as follows:

Jurisdiction

This court has jurisdiction to issue a writ of habeas corpus pursuant to Article V, section 4(b)(3) of the Florida Constitution, and rule 9.030(b)(3) of the

Florida Rules of Appellate Procedure. Habeas corpus is the proper remedy to challenge a trial court's order denying pretrial release. *Wilson v. State*, 669 So.2d 312 (Fla. 5th DCA 1996); *Alvarez v. Crowder*, 645 So.2d 63 (Fla. 4th DCA 1994). No remedy other than habeas corpus would be an adequate or appropriate vehicle to prevent the Petitioner's continued unlawful detention.

Statement of the Facts

At the time of the Bond Hearing the Petitioner is charged by Arrest Affidavit with one count of Sexual Battery victim between 12 YOA and 16 YOA with force (F1), five counts of Lewd and Lascivious Battery victim between 12 YOA and 16 YOA (F2), one count of Lewd and Lascivious Molestation victim between 12 YOA and 16 YOA (F2), and three counts of Contributing to the Delinquency of a Minor (M1), in violation of sections 794.011(4)(a), 800.04 (4)(a), 800.04 (5)(a), and 827.04 (1), Florida Statutes.¹ (A:1). The allegation of wrongdoing relates to sexual conduct between Defendant and 15 year old female which allegedly took place in Citrus County, Florida on or between November 1 and February 13, 2012.

The Petitioner was arrested on March 18, 2012. Although the court ordered Petitioner be held without bond on March 20, 2012 at first appearance (A:5), the state did not file a motion for pretrial detention pursuant to section 907.041.

¹ References to the pleadings and transcript contained in the appendix to this Petition will be made by the appropriate appendix number, ex.: A:, followed by the appropriate page number.

Florida Statutes. As a result, the Petitioner filed a motion to set bond on March 22, 2012. (B:1).

A hearing was held on March 22, 2012, on Petitioner's Motion to set bond. (C:1). Prior to taking testimony, the trial court inquired as to whether an Arthur hearing applied in the case at bar. Mr. Brian Trehy, assistant state attorney, answered that he did not believe Arthur applied; the Defendant was not charged with a capital offense or any life felonies. (G:4-5). The trial court agreed (G:5). The State's first, and only, witness was Detective Kathleen Liotta, Special Victim's Unit, Citrus County Sheriff's Office, who testified that the Petitioner owned a store in Floral City (G:8) and a second store in Dade City. (G:41). She further stated that Petitioner, even though he is an Indian National with a Green Card (G:38), had told her that he had been living in the United States for over 25 years (G:42), and had a wife and two children. (G:42). She testified that "...word had gotten out that there had been a wiring or a possible attempt to record a conversation between the alleged victim and the Defendant, so we didn't approach the defendant for a period of time. This was in February that we got the case. (X:10). On cross examination, the witness indicated that the allegation about the Petitioner forcing the victim to have sex with him occurred early February. (X:45). The witness stated that after that incident, the Petitioner told the victim that "...if she went to the cop he would have her killed." (X:38).

However, on cross examination, the witness admitted that the Petitioner made contact with the alleged victim subsequent to the alleged threat, without battering or threatening the alleged victim. (G:46). Based on her testimony, the Petitioner allegedly knew an investigation was taking place, and he did not carry out his alleged threat. (G:10), (G:46).

The Defense then offered the Court a proffer, or the Petitioner's testimony; the Court stated: "I'll take a proffer." (G:51).

Defendant then offered the following proffer:

MR. SAMARGYA: I think a lot of it's been confirmed by testimony. But, Your Honor, what we would tell the Court is that my client is charged by, you know, by -- or has been arrested and charged by a probable cause affidavit --

THE COURT: Uh-huh.

MR. SAMARGYA: -- for several charges, none of which are life felonies or capital felonies. He's been in the United States for 25 plus years. He has a wife and children that live with him in Dade City.

He has a convenient (sic) store that he runs in Floral City, another one in Dade City. His parents also live with him at his residence in Dade City. He has extended family members throughout this community.

THE COURT: Uh-huh.

MR. SAMARGYA: He has no prior felony record that I know of and that -- and I believe there might be a petit theft, if that's in fact my client, and at least a -- maybe a misdemeanor driving offense.

The way I look at it and the way I ask the Court to look at it is in terms of my client, they -- whether they have a strong evidence against my client or not, based on the fact it's our position that he is entitled (sic) to a bond based on the offenses that he was arrested on.

THE COURT: Uh-huh.

MR. SAMARGYA: He -- there's an alleged threat made by my client. So based on that allegation, the Court has to consider that and determine if you can protect the victim and the community if he was, in fact, allowed a bond.

Judge, I believe, first of all, that at the time that threat was made was sometime before that February arrest in Pasco County. There was allegedly information about a wire.

I realize he may not know the police were involved, but the fact that there was a wire going around and even the employees thought he was arrested for a sex offense when it was, in fact, just a Driving with License Suspended, I think my client could have determined a wire being around might have been set up with the police.

Certainly the employee thought that that was possible because they thought he was arrested for a sex offense. After he got out of custody, he certainly didn't go after the victim. I mean, if anything, the victim comes in the store. He talks to her.

If the Court is still concerned, I believe that the Court could order, as a condition of the bond, that my client not be -- do not return to the Floral City location, that he would only be allowed to stay at his home in Dade City or his store, operate his store in Dade City.

The Court could further put a GPS on my client which would also protect the victim and the community. And I just think, Your Honor, based on the lack of criminal history, no violent history, no failures to appear, he has substantial ties to the community, his children were both born here, they go to school down in San Antonio, that we would ask the Court to grant a bond that is reasonable because my client is entitled to it. Thank you, Your Honor.

THE COURT: Thank you very much.

MR. SAMARGYA: I just failed to mention one other thing, Your Honor, that I believe also the Court, obviously, it's within your province, coupled with the other things I mentioned, another method would be is to have my client turn in his passport --

THE COURT: Very Good. (G:51-55).

The court ruled as follows:

THE COURT: Okay. Well, those are all matters that I can consider in this kind of a case. Now, although he's not charged with a life felony or a capital felony, I have to read into the record. Mr. Patel, 903.046 of the Florida Statutes.

And I do this -- the attorneys know full well, but I just want to make sure that anyone who looks at this at any level of review knows that I'm looking at the law when I make these rulings.

The purpose of a bail determination is to insure the appearance of the criminal defendant at subsequent proceedings and to protect the community against some reasonable danger.

Number two, when determining whether to release a defendant on bail, the Court shall consider the following, and there's twelve different things: The nature and circumstances of the offense charged.

We've got a couple second-degree felonies punishable by up to 15 years in prison and/or a \$10,000 fine; that's just from what the FMT-1 says.

The weight of the evidence against the defendant, we'll come to that in a sec.

Family ties to the community, that goes well for you because apparently you're living in Pasco County. Where's Grassy Hill Lane in Dade City? Is that off of Clinton or is it off of Fort Dade?

THE DEFENDANT: Fort Dade, Your Honor.

THE COURT: Fort Dade. All right. Let me see. And then the defendant's past record, it's that one year in

Indiana if it is in fact the same guy; could have been a felony reduced to a misdemeanor.

The nature and probability of danger which the defendant releases pose to the community.

Source of funds used, would be family, no doubt.

Whether he's already on parole or probation or release, he's not.

Street value of any drugs, that's a nonapplicable.

Nature and probability of intimidation and danger to victims, that will come, too.

Whether there's probable cause to believe he committed a new offense while on pretrial, that goes to zero.

Any other facts that the Court considers to be relevant. That he -- it sounds like he's a substantial businessman in two counties, has extensive family criminal history, and is alleged to have committed sexual offenses against a -- how old was the girl, fifteen?

MR. TREHY: Fifteen, sir.

THE COURT: Fifteen. And I have to -- although the Arthur Hearing is not necessarily restricted just to capital cases. It has a situation it's incumbent upon trial judges to look at whether or not the burden of proof -- or the presumption great, the proof evident and presumption great.

And so that's the highest standard in the law, Mr. Patel. It's higher than beyond a reasonable doubt. It basically says that no reasonable person could look at the underlying facts and not feel that the proof is evident and the presumption's great.

But for those tapes, there would be a more argument for your attorneys. But the tapes are pretty clear on those things regarding our, you know, request to -- and this is what was said on the tape -- both suck and fuck on the tapes to this little girl.

So the fact of the matter is, I find the proof is evident and presumption great, bond motion's denied, bond will stay at zero. I find no reasonable terms of release could insure his attendance here. He's Green Card residence of India.

While he has substantial interest here, the potential penalties are so devastating that it could cause a person to lose their good judgment and try to flee our jurisdiction.

So bond's going to remain at no bond. (G: 55-58).

On March 28, 2012, subsequent to the bond hearing at which the Petitioner faced 10 charges including a first degree felony, the Petitioner was charged by Information with one count of Sexual Battery victim between 12 YOA and 16 YOA (F2), two counts of Lewd and Lascivious Battery victim between 12 YOA and 16 YOA (F2), one count of Lewd and Lascivious Molestation victim between 12 YOA and 16 YOA (F2), and one count of Contributing to the Delinquency of a Minor (M1), in violation of sections 794.011(5), 800.04 (4)(a), 800.04(5)(a) and (c)(2) and 827.04 (1), Florida Statutes. (E:1-3). The State of Florida filed a No Information as to the remaining five counts on the same date. (I:1) most specifically the Sexual Battery with use of Force (F1) was abandoned.

On April 2, 2012, Petitioner filed a Motion for Reconsideration and/or Rehearing of Motion to Set Bond on March 22, 2012. (H:1-2). Said Motion was summarily denied *in toto* on April 4, 2012. (I:1).

Nature of the Relief Sought

Petitioner seeks the issuance of a writ of habeas corpus for his immediate release on reasonable bond as the Court denied the Petitioner's Motion for bond, where the State failed to establish that a no bond was required to reasonably protect the community from risk of physical harm to persons, assure the presence

of the accused at trial, or assure the integrity of the judicial process. As mentioned above, the charges are neither life offenses nor capital offenses, thereby entitling Petitioner to a reasonable bond, as there was no evidence presented that a no bond was required in order to protect the community or assure the presence of Petitioner to court.

Discussion of Law

Article I, section 14, of the Florida Constitution guarantees the right of defendants to pretrial release in all criminal cases, except capital and life felonies in which the State establishes the proof is evident and presumption is great. Specifically, every defendant is guaranteed that

Unless charged with a capital offense or an offense punishable by life imprisonment *and* the proof of guilt is evident or the presumption is great, every person charged with a crime . . . *shall be entitled to pretrial release on reasonable conditions*. Art. I, sec. 14 Fla. Const. (emphasis added).²

² The quote does not include the second sentence of this constitutional provision, which provides as follows: "If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained."

This sentence is inapplicable to a bond hearing unless the state seeks pretrial detention pursuant to Rule 3.132, Florida Rules of Criminal Procedure. *Eld,rbroom v. Knowles*, 621 So.2d 518 (Fla. 4th DCA 1993) (stating that persons are entitled to pretrial release "unless no conditions of release can reasonably protect community from harm . . . *or* the accused is charged with . . . [a] life offense . . . and proof of guilt is evident or presumption is great." (emphasis added)).

In *Ex parte McDaniel*, 97 So 317 (Fla. 1923), the Florida Supreme Court stated that

“...[i]f the person who is duly charged with a crime was faced with a crime is denied the right to bail when the offense is not a capital offense, or when the charge is of a capital offense and the proof is not evident or the presumption is not great of the guilt of the accused of the capital offense charged, such denial of the right to bail is a deprivation of liberty without due process of law, in violation of the Constitution, as well as a denial of the organic right to bail in all cases except the capital offenses...” *Id.* at 148-49.

In the 4th District Court of Appeal case of *Alvarez v. Crowder, Sheriff*, 645 So.2d 63 (Fla. 4th DCA 1994), the Defendant “...was arrested and charged with trafficking in cannabis over 100 pounds.” *Id.* at 63. “Without a hearing, bond was set at one million dollars because the trial court considered Petitioner to be a flight risk back to the Bahamas.” *Id.* At the hearing for Petitioner’s Motion for bond reduction,

“...[t]he trial court was presented with evidence that Petitioner had resided in Miami since he was thirteen years old and had no prior criminal record. Furthermore, the court heard that Petitioner and wife have been married for eight years and have many relatives living in the Miami area. Moreover, evidence was presented that Petitioner had operated a gym for nine years and that Petitioner and his wife operate a financially stable travel agency. The trial court, however, ultimately denied Petitioner’s Motion to reduce bond.” *Id.*

The Appellate Court ultimately ruled that

“[a]lthough there might be a concern of flight, the one million dollar bail in the instant case is clearly excessive. Petitioner has no past criminal record and is a long term resident of the community.

Furthermore, Petitioner has strong family and business ties to the community and is financially stable. In addition, the trial court was presented with absolutely no evidence that Petitioner was dangerous to the community... Therefore, under the particular facts of this case, we find one million dollars bail to be excessive” *Id.* at 63-64.

The 5th District Court of Appeal concurred with the abovementioned analysis in *Vetri v. State*, 558 So.2d 1097 (Fla. 5th DCA 1990). In said case, the Defendant was charged with Capital Sexual Battery. Upon Petitioner’s motion to set bond, the trial court ordered a \$50,000 bond. *Id.* at 1098. The Appellate Court stated that “

“[a]lthough charged with sexual battery upon a child under 12 years of age, a capital felony, the state relied entirely at the bond hearing on defendant’s admission of a single act of touching. No other evidence, or even argument, concerning the circumstances of the alleged crime is contained in the record...On this record, there is no basis to conclude that \$50,000.00 is reasonable.” *Id.*

Furthermore, in *Patterson v. Neuman, Sheriff*, 707 so.2d 946 (Fla. 4th DCA 1998), the Petitioner filed a Writ of Habeas Corpus after his bail was set at \$100,000.00. He was charged with a sexual offense on a child, but was not charged with a capital offense or one punishable by life in prison. *Id.* at 947.

“In his motion, he alleged that he had strong family ties, no prior criminal history, was not a flight risk or danger to the community, and he suggested that conditions of bond could be set so that he would have no contact with the alleged victim...The assistant state attorney only argued that the probable cause affidavit identified a confession to the crime by petitioner and that, as a law enforcement officer, petitioner presumably knew that he was violating the law...Although we recognize that this was a sexual offense on a child, who was age

twelve, we reiterate that petitioner is not being charged with a capital offense or one punishable by life in prison.

The purpose of bond is to ensure the appearance of a criminal defendant at subsequent proceedings and to protect the community from unreasonable danger from the defendant. Where, as here, the evidence at a bond hearing is insufficient on these concern and the other criteria, including whether the accused can meet bond conditions, then habeas corpus should be granted..." *Id.*

Moreover, in *Narducci v. State*, 952 So.2d 622 (Fla. 4th DCA 2007), the Defendant was charged with lewd computer solicitation of a child. He and his family had lived in Interlachen, Florida for over 17 years and his criminal record showed only one DUI conviction and no record of failure to appear. "The state advised the trial judge that petitioner had confessed to the computer solicitation charges in this case." The Judge subsequently set the bond at \$300,000.00, "...in light of the easy access people have to the internet." *Id.* at 623.

"The decision here appears to not have been based on legally relevant factors, such as petitioner's financial resources, family ties, length of residence in the community, employment history, past and present conduct, and record of appearing or failing to appear at prior court proceedings. In addition, the court failed to consider defense counsel's suggestion to bar petitioner's access to the internet as a condition of the petitioner's release. Accordingly, we grant the petition for writ of habeas corpus..." *Id.* at 624.

Application of Law to the Facts

Petitioner filed a motion seeking pretrial release pursuant to Rule 3.131, Florida Rules of Criminal Procedure. Since he is not charged with a felony punishable by life or a capital offense, pretrial release is a matter of right. The Court denied the Petitioner a reasonable bond and, in doing so, the court departed from well-established law.

The Court accepted the Defense attorney's proffer and said proffer was not rebutted by the State. Under those facts, according to *Vetri v. State*, 558 So.2d 1097 (Fla. 5th DCA 1990), a \$50,000.00 bond was ruled excessive, even though the Defendant had confessed and he was charged with a capital sexual battery. Unlike the case at bar, where the alleged victim is 15 years old, *Vetri's* alleged victim was less than 12 years of age.

Moreover, in *Narducci v. State*, 952 So.2d 622 (Fla. 4th DCA 2007), the Defendant confessed to the charges of lewd computer solicitation of a child. The Appellate court ruled that the \$300,000.00 bond was not reasonable, since the trial court's ruling was not based on legally relevant factors such as petitioner's financial resources, family ties, length of residence in the community, employment history, past and present conduct, and record of appearing or failing to appear at prior court proceedings. In addition, the trial court had failed to consider defense counsel's suggestion to bar petitioner's access to the internet as a condition of the

petitioner's release. Like the case at bar, the court relied on the Defendant's admissions, similar to the tape in the instant case, and relied on Defendant's easy access to computers in today's society, similar to this case, where the trial court assumed the Petitioner was a possible flight risk, even though no evidence of that fact was adduced, and the only evidence of "potential flight" was the fact that Petitioner is an Indian National with a green card.

In *Patterson v. Neuman, Sheriff*, 707 So.2d 946 (Fla. 4th DCA 1998), the Defendant was charged with a sexual offense on a child, but was not charged with a capital offense or one punishable by life in prison, and the only evidence presented by the State was the Defendant's confession. The Defendant contested a \$100,000.00 bond and was granted relief by the Appellate Court. In the case at hand, while the facts are similar, the trial court denied bail altogether based on the State's presentation of Petitioner's conversation with the alleged victim.

Moreover, In *Ex parte McDaniel*, 97 So 317 (Fla. 1923), the Court stated that "such denial of the right to bail is a deprivation of liberty without due process of law, in violation of the Constitution, as well as a denial of the organic right to bail in all cases except the capital offenses..." *Id.* at 148-49.

Furthermore, even though the bond schedule, as delineated in the Administrative Order issued by the 5th Judicial Circuit (J: 1-13), is not binding, it is enlightening that the Petitioner would be entitled to a \$5,000.00 bond on counts

one through four, and a \$1,000.00 bond on Count five, for a total bond of \$21,000.00, were the Court inclined to follow said schedule.

Finally, it is interesting to note that the State of Florida argues that the victim requires protection from Defendant. However, the only charge that alleged the use of force (Sexual Battery Victim between 12 YOA and 16 YOA, a First Degree Felony) was abandoned by the State. (F:1). Furthermore, the alleged victim made contacts with Petitioner subsequent to the alleged threat and Petitioner never exhibited any violent behavior.

WHEREFORE, Petitioner, SANJAYKUMAR RAMANBHAI PATEL, respectfully requests that this Court issue a writ of habeas corpus directing the Respondent to immediately release Petitioner from the Citrus County Jail on a reasonable bond, and any special conditions of bond this honorable court deems appropriate.

Respectfully Submitted,

ROBTAILE & SAMARGYA, LLC

By: 

MILAN "Bo" SAMARGYA, ESQ.

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Attorney for Sanjaykumar Ramanbhai Patez

A.K.A. Sanjaykumar Ramanbhai Patel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail to the Office of the Attorney General, State of Florida, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118, Brian Trehy, Assistant State Attorney, 110 N. Apopka Avenue, Inverness, Florida 34450, Sheriff Jeffrey Dawsey, Citrus County Sheriff Office, 1 N. Martin Luther King, Inverness, Florida 34450, and Corrections Corporation of America, 2604 West Woodland Ridge, Lecanto, FL 34461 this 10th day of April, 2012.

Respectfully Submitted,


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Attorney for Sanjaykumar Ramanbhai Patez
A.K.A. Sanjaykumar Ramanbhai Patel

CERTIFICATE OF COMPLIANCE

Undersigned counsel hereby certifies that this petition complies with the font requirements of Florida Rule of Appellate Procedure 9.100(1).

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