

APPLICATION FOR NOMINATION TO THE COUNTY COURT

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

Full Name: Steven Neale Gosney

Social Security No.: #####

Florida Bar No.: 0180830

Date Admitted to Practice in Florida: September 22, 1999

Cell Phone No.: #####

E-Mail: steve_gosney@hotmail.com

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

Public Defender's Office – Seventh Judicial Circuit, Assistant Public Defender, 444 Seabreeze Blvd.
Daytona beach Florida 32118 386-254-3758

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

Ormond Beach, Volusia County, Florida 32174. I have resided at this location for approximately seven years, and I have lived in Florida my entire life, except for brief out of state residence during law school.

3. State your birthdate and place of birth.

September 7, 1967 in Daytona Beach, Florida.

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

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

Admitted to practice Florida BAR 1999 (BAR Number 0180830); U.S. District Court, Middle District of Florida 2001; U.S. District Court of Appeals for the 11th Circuit, 2003 (current status unknown); Supreme Court of the United States, 2003.

6. Have you ever been known by any aliases? If so, please indicate and when you were known by such alias. No.

EDUCATION:

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

University of Central Florida, Orlando, Florida. Earned Master of Science, Criminal Justice in Spring 2017. Final GPA 3.979

Washington & Lee University School of Law, Lexington, Virginia. Earned Juris Doctor in Fall 1997 to May 1999. Transfers not ranked.

Stetson University School of Law, St. Petersburg, Florida. Attended Fall 1996 and Spring 1997 and earned Highest grade award - Criminal Law, Contracts I. Foreign study sponsored by Tulane University School of Law: Trinity College, Cambridge, United Kingdom. Transferred to Washington and Lee. Ranked 24 of 154 at the time of transfer.

Stetson University, DeLand, Florida. Earned Bachelor of Arts in History. Attended Fall 1985 to Winter 1990, with additional Post-Graduate work in Education.

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

Sigma Nu fraternity. Served as treasurer, approximately 1988-1989.

EMPLOYMENT:

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

Office of the Public Defender

Palatka/Daytona Beach

Assistant Public Defender September 2010 to present

Currently assigned as Senior Attorney – Appellate Training. Promoted to Capital Division Appeals in March 2019 (position also maintains a regular appellate docket). To date, I have personally handled over 360 direct appeals, several appeals to the Florida Supreme Court and several petitions for writ of certiorari to the Supreme Court of the United States. This position requires superior written communications skills, and the capacity to function with minimal guidance in a highly demanding environment. During my tenure in the appellate division, I

developed a file management system and train all new appellate attorneys, as well as occasionally training trial attorneys in individual boot camp format. I also continue to assist the trial division with targeted trial assistance. Prior to serving in the appeals division, served in the Putnam County felony division from September 2010 to March 2011. Responsibilities included client contact and management, drafting of motions and the conduct of felony jury trials when necessary. After reducing the docket load in trial Division 53 as was my mandate from the Public Defender, I was reassigned to the appellate division. Temporarily reassigned to major felony docket October to December 2020 due to reduction in appellate work from shutdowns.

Office of the State Attorney, 7th Judicial Circuit Bunnell

Assistant State Attorney November 2004 to September 2010

I served in the Flagler County felony division from August 2007. This position handled one half of the felony docket in Flagler County, Florida. This was a large docket, with a caseload ranging in the 350 open file range, approximately 10% of which were major felonies. During my tenure in this position, I prosecuted fifteen felony jury trials to conclusion in addition to handling one half of the felony division arraignments and pre-trial docket soundings, with a total of 2327 felony cases closed. Additionally, I handled the entire juvenile docket for Flagler County during first quarter of 2009 during administrative transition. I was involved in the restructure of docket assignments in Flagler County as well as correcting an imbalance in numbers of juvenile probation officers assigned to Flagler County. Prior to promotion to the felony division, I was responsible for all juvenile prosecution for Flagler County from 2004 to 2007, conducting over thirty bench trials in 2007 alone, with a total number of bench trials conducted exceeding 50 and total number of juvenile cases closed equaling 1602.

Landis Graham French, P.A.

DeLand

Associate Attorney August 1999 to November 2004, Clerk: Summer 1998

This position's primary focus was civil litigation. This mid-sized law firm allowed for a tremendous freedom of action in regards to case management. My duties included all aspects of civil litigation such as conducting initial client interviews, drafting of pleadings and legal briefs, conducting discovery and trial. I was primarily responsible for client management, timekeeping, billing, and training and supervision of my staff assistant. Areas of practice include real estate law including landlord tenant law, quiet title, foreclosure and other real property and probate litigation as well as consumer litigation. During my time at the firm, I was involved with several complex multiparty and multi-firm cases.

East Florida Building Industry Association

Port Orange

Executive Officer March 1993 to August 1996

I was the Executive Officer (CEO) for the Volusia County-wide non-profit trade association affiliated with the National Association of Homebuilders. During my tenure, the financial stability of organization was reestablished. I obtained and maintained funding for a three-year, \$650,000 legal challenge involving school impact fees, representing the board of directors in the settlement negotiations. As editor and coordinator of all Association communications, the Association won three National AEA Awards for publications and communications. Other duties

included payroll, budgeting, computer systems, and employee relations. Responsibilities of this position included coordination of the political action committee and the organization's legislative programs as well as events including a greatly expanded Parade of Homes. Also during my tenure, we reviewed and updated all policy and bylaws for the organization. It was an honor to be nominated for the 1995 National Association of Homebuilder's Executive Officer "Rookie of the Year" Award by the Florida Home Builder's Association Executive Officer, Carla Roehl.

Daytona Beach Area Association of Realtors, Inc. Holly Hill
Executive Assistant March 1990 to March 1993

I was primarily responsible for a monthly sixteen-page newsletter, monthly four-page brief, and numerous other publications. As editor, I managed content, layout, and design of legal forms, policy manuals, annual reports, and brochures. During my tenure, the Association won the 1993 National Association of Realtors Excellence Award in Realtor Association Publications. Other responsibilities included oversight of a major interoffice computer conversion. The Rapattoni Corporation, a national software developer, adopted the UNIX file structure that I designed. My job also included coordination of education and training relating to office computers and the Multiple Listing Service.

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

The public defender's appellate division in Daytona Beach handles criminal appeals of indigent defendants in the thirteen counties composing the Fifth District. This position requires superior written communications skills, and the capacity to function with minimal guidance in a highly demanding environment. I am Board Certified by the Florida BAR in Criminal Trial Law and obtained Capital appellate qualification with the case James Terry Colley, Jr. v. State of Florida SC18-2014. I assist the trial division with difficult criminal cases, focusing on appellate preservation. See answers to question 9 above.

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

State Criminal Appellate approximately 90%

State Criminal Trial approximately 8%

Federal Criminal Appellate approximately 2%

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

Last five years have been in criminal appeals with other areas covered above.

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

Jury? Approximately 50

Non-jury? Approximately 75

Appellate? Approximately 360 direct criminal appeals to date

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

If this is asking about appellate cases generally, then there are too many to mention. If this question is directed at appellate oral arguments, then I would list as the most significant *Farley v. State*, 76 So. 3d 1107 (Fla. 5th DCA 2011); *Taylor v. State*, 256 So. 3d 950 (Fla. 5th DCA 2018); *James Terry Colley, Jr. v. State*, 310 So. 3d 2 (Fla. 2020), reh'g denied, SC18-2014, 2021 WL 100575 (Fla. Jan. 12, 2021), and cert. denied sub nom. *Colley v. Florida*, 142 S. Ct. 144 (2021) (second chair).

15. 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.

16. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain full. No.

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

Since I handle both appellate and trial work, I will list the last six of each.

Last six trials:

State v. Michael Trecki Misdemeanor Jury trial 2/15,18/2016

Charge: Domestic Battery.
Result: Not guilty.
Case number 15-00138-MM
Judge Dawn Melissa Moore (Distler) 386-313-4520
ASA Dominic Piscitello 904-380-8955 dominic.piscitello@myflfamilies.com
Lead counsel: APD Steven N. Gosney
Second chair: APD Noble Mac Brunton (retired)

State v. JTN Juvenile Felony Bench trial 3/28/2016
Charge: L&L molestation touching at school.
Result: guilty, but juvenile sanctions
Case number 15-00025-CJJA
Judge Dawn Melissa Moore 386-313-4520
ASA Susan Dannelly telephone unknown. sd92748@aol.com
Lead counsel: APD Steven N. Gosney
Co-counsel: APD Noble Mac Brunton 386-313-4545 brunton.noble@pd7.org

State v. Errol Ramikissoon Misdemeanor Jury Trial 6/20, 23/2016
Charge: DUI
Result: Guilty
Case number 15-01029
Judge Dawn Melissa Moore 386-313-4520
ASA Dominic Piscitello 904-380-8955 dominic.piscitello@myflfamilies.com
Lead counsel: APD Noble Mac Brunton (retired)
Second chair APD Steven N. Gosney

State v. ADM Juvenile Felony Bench trial 6/?/2016;
Charge: Grand Theft (3F);
Result: JOA down to 2nd degree misdemeanor petit theft
Case number 2016-10318 CJDL
Judge Mary G. Jolley 386-736-5945 mjolley@circuit7.org
ASA Leanne Whitaker 407-836-2400 lwhitaker@sao9.org
Lead counsel: APD Allison Hughes 386-822-5770 hughes.allison@pd7.org
Second chair APD Steven N. Gosney

State v. James Taylor Felony Jury trial 4/17-19/2017
Charge: L&L Molestation.
Result: Guilty, life in prison. Overturned on appeal.
Case number 2014-43-CFFA
Judge Dennis Craig 386-239-7792 dcraig@circuit7.org
ASA Joseph Phillip LeDonne 386-239-7710 ledonnej@sao7.org
Co-counsel: APD Regina Nunnally 386-313-4545 nunnally.regina@pd7.org
Second chair and appellate counsel: APD Steven N. Gosney

State v. Grady Edmondson Felony Jury trial August 2017

Charge: Aggravated Battery with a firearm.

Result: guilty of lesser included attempted manslaughter

Case number 2016-100580-CFDL

Judge James R. Clayton 386-740-5270

ASA James Russell Disinger 386-626-4000 disingerlaw@outlook.com

Lead counsel: APD Betty Wyatt 386-822-5770 wyatt.betty@pd7.org

Second chair Steven N. Gosney

State v. Brian Keith Johnson Felony jury trial August 2020.

Charges: Aggravated fleeing and eluding, grand theft auto.

Case number 2019-00663-CFFA

Judge Terrence R. Perkins. 386-313-4510

ASA Philip Bavington 904-225-2730 philipb@coj.net

Lead counsel: William Bookhammer 386-313-4545 bookhammer.william@pd7.org

Second chair: Steven N. Gosney

Last six appellate cases:

Robert S. Smithers v State

Case number: 21-1984

Assistant Attorney General Daniel P. Caldwell Daniel.caldwell@myfloridalegal.com 386-238-4990

Daniel Eckhart v State

Case number: 5D21-1795

(Voluntarily dismissed before State appearance)

Anthony Michael Charpentier v State

Case number: 5D21-1516

Assistant Attorney General Carmen Corrente Carmen.Corrente@myfloridalegal.com 386-238-4990

Alyssa Marie Stocklin v State

Case number: 5D21-1003

Assistant Attorney General Kristen L. Davenport Kristen.davenport@myfloridalegal.com 386-238-4990

Elithes Etienne v State

Case Number: 5D21-0519

Assistant Attorney General Kristen L. Davenport Kristen.davenport@myfloridalegal.com 386-238-4990

Alicia Ofelt v State

Case number: 5D21-0245

Assistant Attorney General Kaylee D. Tatman 386-238-4990 kaylee.tatman@myfloridalegal.com

18. For your last six cases, which were either settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

In appellate, all cases are contested and not settled. I only handle trials at the trial level and do not maintain a regular trial docket, therefore this question is inapplicable.

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

This can fluctuate depending on the trials that I am assisting with. My most frequent court appearances occurred during the period November 2004 through March 2011 and then again October to December 2020 wherein I covered the felony trial docket in front of Judge Matt Foxman for one of our trial attorneys who was on maternity leave.

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

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

22. List and describe the five most significant cases which you personally litigated giving the case style, number, court and judge, the date of the case, the names, e-mail addresses, and telephone numbers of the other attorneys involved, and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant.

State v. Sanford Harris Arch No. 10-002007-CFMA; Client was Sanford Arch; Putnam County Circuit Court; Judge Terry Larue; Date: September 23, 2010 to February 8, 2011; Opposing Counsel was ASA Putnam Division Chief (now judge) Joe Boatwright 386-329-0269 jboatwright@circuit7.org Served as Chief Counsel; Reason for significance: This case was one of my first cases on the defense side and opened my eyes to the value of the adversarial process. Mr. Arch was charged with two third degree felony counts of interference with custody and was arrested on that intake warrant on 10/5/2010. The case was based on the allegations from the ex-wife that Mr. Arch had absconded from Texas to Florida with two of their children, in violation

of a court order. However, on the face of the Texas custody order, which was not signed by a judge, Mr. Arch was not notified of the custody hearing (having been served constructively) and was only represented at the custody hearing in Texas by an ad litem. Further, the order stated in its body that one child was 18 years old. The State would not agree to a release or a charge reduction, despite client having no prior criminal history and the extreme weakness of the evidence against him. On behalf of Mr. Arch, I filed a demand for an Adversarial Preliminary Hearing, a Motion to Dismiss Count 1, as well as a variety of other motions to gain the release of Mr. Arch. At hearing, the Court granted all of the defense's motions, including the dismissal of the first count and the client's release on his own recognizance after spending 72 days in jail. After my client's release, I negotiated an immediate return of all evidence seized in the case to Mr. Arch. Thereafter, Mr. Arch signed a three (3) month, no cost, no supervision deferred prosecution agreement on one second degree misdemeanor count of failure of child to attend school.

State v. Norman Nicholson III 10-00192-CFFA. I was the prosecutor in this case, therefore the client was the State of Florida, which includes assuring that Mr. Nicholson, as a Florida resident, was protected. This young, 21-year-old defendant was arrested and jailed on very serious charges of Home Invasion Robbery and Burglary with a Battery, both first degree felonies. The felony intake division filed an information based on the police reports. Upon review of the file and discussions with supervisors at the police agency, it became apparent that there was insufficient evidence for the arrest. Basically, Mr. Nicholson was located at a residence with two other accused boys, and another resident stated that he left and returned with the others. As the Assistant State Attorney in charge of the case, I immediately initiated a release of Mr. Nicholson, walking through a release order. Working with the defense attorney in the case, I dismissed the charges against the accused after a short proffer of the facts. In the proffer, Mr. Nicholson stated that he was with the other two individuals, but never entered the house or participated in the fight. I believe this case is significant because I was able to swiftly identify an innocent person and have them released from wrongful incarceration, ultimately dropping the case on my own initiative. Further, I brought the case to the attention of the appropriate police agency for follow up and remedial action. Mr. Nicholson was represented by Assistant Public Defender Richard A. Price 386-597-7749 rprice@richpricelaw.com

State of Florida v. Brandon Elshawon Washington 08-00355-CFFA, date of trial October 20; 23 and 24, 2008 before Judge Harris. I was the lead and only prosecutor in this case, therefore the client was the State of Florida. The defendant was found guilty of Robbery and of False Imprisonment and received a sentence of 15 years. The defense attorney was Stephen P. Sapienza, Esq., PO Box 635, Bunnell, Florida 32110 386-437-1814 stephensapienza@bellsouth.net Reason for Significance: The defendant was the gang leader of the "Bloods" in Flagler County. The victim was a drug seller who did not want to do business with the Bloods. Defendant felt that he was owed \$400 lost profits from the drug deal. During discussion over "debt" the defendant displayed handle of gun in his waistband. He took car keys and cell phone from the victim and forced him into car with his friends for him to go get the money. This was a difficult case because the context of the robbery was criminal, making the victim unsympathetic. A key part of

the case was when the defendant took the stand. During his testimony I was able to identify six separate lies he told while on the witness stand. In the closing argument, I focused on these lies. I believe that because of this cross and the closing, the jury convicted. A memorable side note to this trial was that after the closing arguments, the defendant whispered across the tables to me, "Hey Gosney ... Good job." Important background to this case is the fact that the defendant was charged and convicted of RICO and Murder as the leader of the local "blood" gang in Flagler County. This Robbery charge was a predicate offense for the RICO conviction.

State of Florida v. Coty Eldridge 06-00564-CFFA; PCA affirmed on appeal in Fifth DCA case 5D08-1815. The case was tried the week of March 18, 2008 before Senior Judge Richard O. Watson. I was the prosecutor in this case; therefore, the client was the State of Florida. The defendant was found guilty of Aggravated Battery after a four-day jury trial and was sentenced to 10 years in prison. Defense attorney was Bryan D. Savy, 997 S Wickham Road, West Melbourne Florida 32904 321-728-4911 bsavy@brosslawoffice.com Reason for Significance: This was a very serious and very complicated four day jury trial that I conducted from beginning to end. A confrontation began with two separate parties exchanging words. One group went over to second group's house to demand an apology. The witnesses testified that defendant wanted to stab somebody before the victim arrived on scene. The victim was a passenger in that vehicle. When victim's vehicle arrived at house, defendant attacked unarmed victim in the middle of a street, stabbing him four times. One strike penetrated the victim's heart, causing severe injury, loss of consciousness and loss of blood. Victim has over \$1 Million in medical bills and suffered a stroke because of the attack. In the case in chief, I called approximately 15 witnesses, most of whom were lay witnesses. The defense made a big issue out of a dog being taken out of the house during the confrontation between the two groups, but Judge Watson specifically ruled that the use of deadly force was not justifiable in defense of property, and would not allow the defense to argue that to the jury in closing arguments. Another interesting twist was that the defense attorney was the brother to one of the witnesses and the controller of the crime scene. In fact, this defense attorney actually called his brother as a defense witness at trial. I had to file a rather unusual pretrial conflict of interest motion to protect any potential verdict from probable appellate reversal. The victim in this case, Marvin Carlin, was a very sympathetic individual who was permanently injured by the defendant, having a massive stroke caused by blood loss, and had to relearn how to read and speak. The case was not being pursued by the previous prosecutor, who had offered 90 days in jail and five years' probation. Upon my review of the files left by the previous prosecutor, I flagged this case as extremely serious. When I called Mr. Carlin and his family, he became very emotional because he had felt that the system had abandoned him. I will never forget that call.

State v. Tommy Ray Banks 08-00823-CFFA Defendant was charged with Aggravated Battery (Firearm) and four counts of Aggravated Assault (Firearm). After a guilty verdict on all counts, the Defendant received 15 years Department of Corrections as a Prison Release Reoffender (PRR). The defense attorney was Lynn W. Martin 904-213-8056 attorneylmartin@gmail.com Reason for Significance: The new State Attorney has made a priority of status cases such as PRR offenders, and this case was the first PRR convicted in Flagler County since the new

administration took over. The case, tried before Senior Judge Richard O. Watson, involved a drive by shooting on August 1, 2008 at 1:15:57 am. Within 3 minutes of 911 dispatch call a Flagler County deputies had eyes on car. Dep. Erik Pederson conducted the traffic stop on the defendants. His professional observations were key to establishing the principal theory. He noted that Tommy Banks was the driver, Gerrel Smith was in the front passenger seat, and Sahmi Green was the back passenger. Deputy Pederson conducted a demonstrative video at my request, driving the path of the suspect vehicle from 22 Prosperity Lane to the location on Belle Terre Blvd. where Deputy Pederson had eyes on car. This showed a timeline of how far the suspect car could travel within the time parameters given. We were also able to place a large map of the area into evidence as a demonstrative aid. This made it clear for the jury just how close the locations were and how perfect the timing was for the stop. The jury found the defendant guilty on the State's main principal theory. There were many memorable lessons from this case, many from the bench, that have stuck by me making this a significant case to me. For example, I had allowed another attorney to second chair the case, almost resulting in a mistrial, but was able to cover the problem with the help of the trial court judge sufficient to prevent appellate reversal. This is still a sore point for my current office neighbor in appeals! Also, Judge Watson verbally sanctioned defense counsel outside the presence of the jury during the trial. The next day, he apologized from the bench to the defense attorney for being too harsh. This humility shown by Judge Watson was notable.

Larry Steven Harrell v State. Case numbers: 5D19-1630; 05-1990-CF-014321-A Assistant State Attorney Jason M. Anderson 321-617-7510 janderson@sa18.org Judge Jeffrey Mahl 321-617-7260. This was a complex recent case with a successful outcome. Back in February of 1991, the client committed multiple felonies and pled, for which he received the following sentences: Count I: a term of imprisonment for 20 years, with 204 days credit. Count II & III: 15 years' probation concurrent, but consecutive to Count I. Counts IV and V: two second degree felonies, 15 years' probation concurrent, but consecutive to Counts II & III. During his period of incarceration for Count I, Mr. Harrell earned gain time for 11 years, earning him a release from custody in February 1, 1999. Thereafter, Mr. Harrell successfully completed his sentences in Counts I, II, and III without any probation violations. Aged 66 years old in 2017, Mr. Harrell was serving out his final 15 years' probation on Counts IV and V, the last two remaining second degree felony counts. Due to failing mental faculties and inadvertence, Mr. Harrell was violated on his probation. On March 27, 2018, admitted the VOP and was sentenced to 22 years, with the expectation that he would receive full credit for the original 20-year incarcerative sentence, resulting in an expected sentence of 2 years net. When he arrived at DOC, he discovered that they would not award him eleven of the 22 years credit, resulting in a net 13-year sentence. When Mr. Harrell attempted to withdraw his plea by motion, the trial court denied his motion. I received the case on direct appeal. Thankfully, I was able to discover error in the pre-CPC, 1990 scoresheet in effect at the time of the crimes. The Motion to Correct Sentencing Error filed in this case is attached as a writing sample. Working with the Assistant State Attorney I was able to return the sentence to the expectation of the parties. This case was significant because it saved a person who had served a model life after imprisonment from what was essentially, at his age, a life ending sentence. It must be also noted that the Assistant State Attorney, Mr. Alexander,

engaged in eminently fair play, and saw the injustice in what had happened. Further, the Judge at the 3.800(b)(2) hearing, Judge Mahl, was extremely courteous and intelligent in understanding a complex error and was able to issue an Order that saved Mr. Harrell's remaining life.

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

Professional writings attached on thumb drive.

Initial Brief in *Bova v. State*, 311 So. 3d 1000 (Fla. 5th DCA 2021) Sole author.

Motion to Correct Sentencing Error. *State v. Larry Harrell*, Circuit Court Case No. 05-1990-CF-014321-AXXX-XX Brevard County. Sole author.

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

- 24.** Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved, the dates of service or dates of candidacy, and any election results. No.
- 25.** If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor's Office for consideration.

County Court 2007, Circuit Court 2009, Circuit Court 2011, Circuit Court 2017, County Court 2018, County Court 2020, all in the 7th Judicial Circuit. 5th District Appellate Court 2018. I have not yet been certified to the Governor.

- 26.** List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard. N/a.
- 27.** If you have prior judicial or quasi-judicial experience, please list the following information: N/a.
- 28.** Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions. N/a.
- 29.** Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, attach copies of the opinions.

Farley v. State, 76 So.3d 1107 (Fla. 5th DCA 2011); Tyler v. State, 90 So.3d 346 (Fla. 5th DCA 2012); Tales v State, 108 So.3d 721, (Fla. 5th DCA 2013); Fisher v State, 124 So.3d 413, (Fla. 5th DCA 2013); State v Thomas, 133 So.3d 1133, (Fla. 5th DCA 2014) oral argument only; Peterson v. State, 150 So.3d 219 (Fla. 5th DCA 2014); Little v. State, 152 So.3d 770 (Fla. 5th DCA 2014); M.B. v State, 159 So. 3d 960 (Fla. 5th DCA 2015); Morris v. State, 5D15-3119, 2016 WL 439398 (Fla. 5th DCA 2016); Basaldua v. State, 199 So. 3d 1129 (Fla. 5th DCA 2016); Oliver v. State, 201 So. 3d 210 (Fla. 5th DCA 2016); J.J.N. v State, 5D16-2404, (Fla. 5th DCA 2017); Bell v. State, 216 So.3d 751 (Fla. 5th DCA 2017); Cumberland v. State, 225 So. 3d 952 (Fla. 5th DCA 2017); Taylor v. State, 256 So. 3d 950 (Fla. 5th DCA 2018); Bova v State, 311 So.3d 1000 (Fla. 5th DCA 2021).

30. Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give the date, describe the complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution. No.
31. Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances. No.
32. Have you ever held or been a candidate for any other public office? If so, state the office, location, dates of service or candidacy, and any election results. No.

NON-LEGAL BUSINESS INVOLVEMENT

33. 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.
34. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received. No, other than activities listed herein: DSC adjunct teaching in 2007 and 2008 and Volusia Senior Learning in 2019, which was de minimus.

POSSIBLE BIAS OR PREJUDICE

35. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you, as a general proposition, believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None come to mind. As a judge, I would seek to uphold the Florida Code of Judicial Conduct, including those standards set out specifically in Canon 3(E). I would review any bias I may have in each case individually. In cases wherein I feel that such a limitation would impact my functioning as a fair and impartial judge, I would disclose that to the parties and in the appropriate circumstance, recuse myself from the case.

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

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

Attached on thumb drive:

- “Facial Recognition in the Courtroom. The Challenges of the Photo and Video Identification Witness in a World of Improving Facial Recognition Technology” with Danielle M. Rumschik and Brian L. Cutler, *The Champion*, p. 36-38, November, 2021 (published by the National Association of Criminal Defense Lawyers).
- “Concealed Carry in a Vehicle: Combining Second Amendment Constitutional protections with Stand Your Ground laws” November 2021. Available at SSRN <https://ssrn.com/abstract=3943611> WPS (rewrite and update of earlier 2016 article). Selected for publication by *Stetson Journal of Advocacy and the Law*, 2022.
- “Contradictory Evidence is Insufficient: The Reasoning and Safeguards of the Rule Protecting Innocence” November 2021 Available at SSRN <https://ssrn.com/abstract=3943605> (rewrite and update of earlier 2019 article). Listed on SSRN's Top Ten download list for: LSN: Procedure (Criminal Procedure) on February 2, 2022.
- “Florida’s Prove Yourself Innocent Absurdity - The Unresolved Burden of Proof Question in Florida’s Prescription Drug Affirmative Defense.” *Stetson Journal of Advocacy and the Law*, September 2021. Available at SSRN <https://ssrn.com/abstract=3919088>
- “Identification and Interpretive Testimony from Photo/Video Evidence: The Coming Battle of Experts over Facial Recognition.” With Danielle M. Rumschik and Brian L. Cutler, 20 *Appalachian J.L.* 59, 59 April 14, 2021, Available at SSRN: <https://ssrn.com/abstract=3826434>
- “The BB Gun: A Harmless Toy or Deadly Weapon? Practical Guidance for Objective Fact Finding in a Criminal Case.” with undergraduate intern John Zak. *The American University Washington College of Law Criminal Law Practitioner* Vol. 5: Iss. 1, Article 3, August 20, 2019. Available at SSRN: <https://ssrn.com/abstract=3770213>
- “Internally Contradictory Evidence Requires Dismissal When it is Uncorroborated and the Sole Basis for Conviction” published Volume 31, Number 2: Summer 2019 issue of *The Florida Defender* magazine.
- “Trial Techniques for a Florida Prosecutor - A Positive Prescription for Ethical Closing Arguments” published in *The American Journal of Trial Advocacy*, August 20, 2018. *American Journal of Trial Advocacy*, Vol. 42, No. 151. Available at SSRN: <https://ssrn.com/abstract=3816895>

“What Are My Chances on Appeal?” Comparing Full Appellate Decisions to Per Curium Affirmances” published in Volume 18, Issue 2 of The Journal of Appellate Practice and Process, published by the William H. Bowen School of Law, University of Arkansas at Little Rock, August 20, 2017. Available at SSRN: <https://ssrn.com/abstract=3770217>

“Applying the Deterrence Rationale of the Exclusionary Rule to the “Good Faith” Exception: A Way Forward.” published in the Spring 2017 issue of The American Journal of Trial Advocacy, Vol. 40, No. 245, August 20, 2016. Available at SSRN: <https://ssrn.com/abstract=3816902> A summary of this article selected for the 2017 UCF Graduate Research Forum.

“Florida Constitutional Concealed Carry in a Vehicle: The Second Amendment Protects the Right of an Individual to Carry a Readily Accessible Handgun in a Private Vehicle in Light of Section 776.013 Florida Statutes (Stand Your Ground) and District of Columbia v Heller, 554 U.S. 570 (2008), Rendering Section 790.25(5) Unconstitutional.” published December 2016 issue of The Florida Defender magazine.

Authored letter in the April 30, 2013 Florida BAR newsletter on the burden of proof in prescription drug cases. (Note that I slightly modified my position after further research on this issue in the article discussing jury instruction 3.6(n) listed above.)

Authored letter in the November 2004 Florida BAR newsletter on the utility cutoff statute.

Authored letter in the July 2004 Florida BAR newsletter on the probate law of the body.

Not attached:

Editor, contributing author of the following family history titles: Marione’s Story, 1999; Buster’s Story, 2015; Evelyn’s Story, 2016. Also, editor of Reflections on Daytona’s Museum – The Early History of The Museum of Arts and Sciences, from 1948 to 1973, 2015. Author of “My memories of Derek Brooks to his daughter Anna” 2015. Author of semi-fictional short story manuscript “The Summer Friend” 2017. Private family stories and therefore not published. Drafting work of American history, working title When America Was Great, 2022. Drafting work of fantasy fiction, currently untitled, 2022.

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

Substantial writing as Editor of “The Construction Connection” from 3/93 to 8/98, major editor and contributor of “The Realtor” 3/90 to 3/93, and associated publications with the East Florida Building Industry Association and the Daytona Beach Area Association of Realtors, Inc. Not available online. I do have copies of the some of those Newsletters from those times in storage.

38. List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer

sessions. Include the date and place they were delivered, the sponsor of the presentation, and a summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.

Guest host, Marc Bernier Show, weeklong appearance while regular host was out, from June 21, 22, 25, 26, 27, 2018 (3-hour live radio show).

Special guest, Marc Bernier Show, regular appearances from December 12, 2017 to September 2021 (end of show).

Frequent radio talk show guest on WNDB “Volusianaries” one-hour live panel discussion of current events, 2001 through 2004, and invited co-host December 12, 2017, other appearances as guest i.e. October 15, 2019 with topic of foreign policy. As of this writing, many of the radio appearances can still be accessed at <https://www.marcberniershow.com/>

Instructor, Volusia Senior Learning “Epic Battles in the Pacific Theater in World War Two” June 2019.

Instructor to the Public Defender’s Office appellate division attorneys: “New Appellate Attorney Quickstart” multiple day long sessions.

Instructor to the Public Defender’s Office misdemeanor division trial attorneys: “Presenting Body Cam Video Evidence at Trial” November 30, 2021, with Stephanie Park.

Instructor to the Public Defender’s Office homicide division trial attorneys: “Objectionable Conduct and Discussion” November 2, 2021, with Rosemarie Peoples and Nancy Ryan.

Instructor to the Public Defender’s Office trial attorneys: “There’s a Motion for That” June 3, 2021, with Rosemarie Peoples and Trisha Laissle.

Presenter at Saratov State Law Academy, Russia, “Individual Gun Ownership and Deadly Self Defense in the United States of America: History, Practicality, and Problems.” June 3, 2021.

Instructor to the Public Defender’s Office appellate attorneys: “Florida Criminal Punishment Code Scoresheets” January 11, 2019.

Instructor to the Public Defender’s Office appellate attorneys: “Improper Closing Arguments in Florida” November 28, 2017.

Instructor to the Public Defender’s Office appellate attorneys: “How to Write an Anders Brief,” November 19, 2015.

Christ Renews His Parish (CRHP) Participant, 2014; Team Leader 2015, Team Leader 2019.

Conducted training seminar for Sheriff Volunteers, Flagler County Sheriff’s Office in 2008, 2009, 2010.

Conducted training seminar for Flagler Beach Police Department, October 27, 2008.

Conducted training for School Resource Officers, Flagler County Sheriff’s Office, 2007.

Real Property Council of Volusia County “Transaction Brokerage in Florida.” This was a 2004 presentation to real estate transactional lawyers in Volusia County. The focus of the talk was to provide a litigation perspective of the newly created transaction brokerage concept.

Frequent speaker at Bob Fritze School of Real Estate, 2003 to 2004, “Top Three Reasons Real Estate Agents Get In Trouble.” This was a monthly presentation made to candidates for real estate licensure. The 20 to 25-minute presentation and Q&A presented real world examples and tips on how to avoid frequent mistakes made by Florida real estate agents.

Other than indicated above, there are no press reports, transcripts or recordings of the listed items.

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

Yes. Adjunct Instructor at Daytona State College. Taught Introduction to Paralegal Studies in the Fall of 2007 and Fall of 2008. Also taught Business Law II during the Summer 2008 Term (100% online). Syllabi not retained.

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

Selected presenter at UCF's 2017 graduate research forum.

Florida Association of Licensed Investigators (FALI) educational scholarship recipient, 2015.

Highest Grade in Criminal Law and Contracts I.

East Florida Building Industry Association Recognition Award for Outstanding Accomplishments 1993-1996 (Awarded 1996).

National Association of Home Builders 1994 AEA Award, Best Comprehensive Communications.

National Association of Home Builders 1993 AEA Award, Best Newsletter Communication.

National Association of Home Builders 1993 AEA Award, Best Special Communication.

National Association of Realtors Executive Officer's Committee 1993 Award, 11th Annual Publications Contest.

41. Do you have a Martindale-Hubbell rating? If so, what is it and when was it earned? No.

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

Florida BAR member since 1999.

Commissioner, 7th Circuit Judicial Nominating Commission, (Florida BAR Appointment) 2012 to 2016.

The Florida BAR 7th Circuit Unlicensed Practice of Law Committee, 2009 to 2015; Chair 2012-2015. (Florida BAR Board of Governors appointment).

The Florida BAR 7th Circuit Grievance Committee B, 2005 to 2009. Vice-Chair 2007; Chair 2008 (Florida BAR Board of Governors appointment).

Member - FACDL, occasional member 2011 to present.

Member - Volusia County BAR Association, occasional member 1999 to present.

43. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged

since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of office.

Gosney Homeschool, Principal, 2020-2022.

Parishioner, Prince of Peace Catholic Church since 2010. Knights of Columbus 3rd Degree.

Juvenile Justice Council (7th Circuit), State Attorney Representative 2005 to 2007.

Flagler County Juvenile Justice Council, member 2005 to 2007.

Member - 7th Circuit Juvenile Justice Council, State Attorney Representative 2005 to 2007.

Real Property Council of Volusia County, 2002 to 2004; Chairman 2004.

Volusia County Building Trades Board, County Council appointment, 2000-2004, Secretary 2002; Vice Chair 2003-2004.

Cultural Council of Volusia County, County Council appointment, 2001-2004, Vice-Chair 2002; Chair 2003; Chair 2004.

Member - Attorney's Title Insurance Fund - Level II (currently inactive).

DeLand Mainstreet Association firm representative 1999 to 2002.

44. Do you now or have you ever belonged to a club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion (other than a church, synagogue, mosque or other religious institution), national origin, or sex (other than an educational institution, fraternity or sorority)? If so, state the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

Not as defined in Canon 2 in the Florida Code of Judicial Conduct, but yes as generally defined as follows: Knights of Columbus, a Catholic men's organization. I intend to remain in and continue my activities within the Knights. Also joined Sigma Nu fraternity in college - a men's social fraternity. I have not been active with Sigma Nu since graduation.

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

Most of my pro-bono hours were done through Central Florida Legal Services, who would send me miscellaneous assignments on landlord tenant and consumer law generally between the dates of 2000 to 2004. As a prosecutor in Flagler County, I would assist and support the excellent Teen Court program. As an Assistant Public Defender, I am unable to volunteer for criminal matters outside of the office. Currently, I do not feel comfortable assisting pro-bono clients in non-criminal matters when my area of practice is confined to the criminal law sphere. To meet my own standards of competency in a non-criminal matter would require me to devote significant resources away from my duties assigned to me by the State of Florida, which would be unfair to my employer. Instead, my volunteer activities are confined to my parish, Prince of Peace Catholic Church, which is my outlet for charity since 2011 when I was confirmed and will continue to be into the future. I have also volunteered at my son's school: i.e. chaperoning orchestra field trips, presenting at career day, etc. Since 2020 I have homeschooled my son,

Steven. Steven is on track to graduate in May 2022 and has been accepted into the computer engineering program at Embry Riddle Aeronautical University. Further, with the continuing support of the elected public defender, I plan on continuing my mentoring and academic writings which I believe are a contribution to the marketplace of ideas and will hopefully have some lasting positive impact on the profession.

46. Please describe any hobbies or other vocational interests.

Family, art, music, philosophy, and history. My areas of historical interest are American Constitutional formation and American military history - especially World War II.

47. Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge. No.

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

<https://www.facebook.com/steven.gosney.9>

<https://www.linkedin.com/in/steven-gosney-83219410/>

FAMILY BACKGROUND

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

Married to Michiko Acosta Cervantes Gosney since October 2, 1999. I was not previously married and therefore never divorced. Michiko works in the Human Resources Department at Embry Riddle Aeronautical University.

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

Steven Cervantes Gosney, 17 years old.

CRIMINAL AND MISCELLANEOUS ACTIONS

51. Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms. No.

52. Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style,

date of conviction, and terms of any sentence imposed, including whether you have completed those terms. No.

- 53.** Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction. No.
- 54.** Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.
- Yes. Case #12-06645-3F7. Personal bankruptcy resulting in discharge. Case is closed. See question 60.
- 55.** To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part? No.
- 56.** To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved. No.
- 57.** Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, provide the particulars of each finding or investigation. No.
- 58.** To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior against you with any regulatory or investigatory agency or with your employer? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition. No.
- 59.** 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.
- 60.** Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy.

Yes. Case #12-06645-3F7. Personal bankruptcy resulting in discharge. Case resulted from financial difficulties resulting from job change, the great recession, and other personal circumstances. As a result, I lost my longtime home at 85 Hidden Hills, Ormond Beach and had to relocate to my present address. Case is closed and my finances are now stable.

61. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain. No.
62. Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status.

I have complied with all tax return filings. I have not paid a tax penalty and have never had a tax lien placed against me.

HEALTH

63. Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol? No.
64. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism? If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.] Please describe such treatment or diagnosis. No.
65. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner: experiencing periods of no sleep for two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering from extreme loss of appetite, issuing checks without sufficient funds, defaulting on a loan, experiencing frequent mood swings, uncontrollable tiredness, falling asleep without warning in the middle of an activity. If yes, please explain. No, other than mortgage and personal credit card debt as described in question 60.
66. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed. No.

67. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, provide full details as to court, date, and circumstances. No.
68. During the last ten years, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal or State law provisions.) No.
69. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned, or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs, or illegal drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action. No.
70. 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.
71. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full. No.

SUPPLEMENTAL INFORMATION

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

Florida BAR Board Certified - Criminal Trial Law 2012, renewed 2017.

Qualified as NRA Certified Instructor - Pistol Shooting, 2016 (decided against certification, so I did not make final payment of qualification fees).

Wrote, produced, performed and self-published music CD entitled "Shelley's Challenge" 2005.

Assisted in Supreme Court brief in Volusia County v. Aberdeen at Ormond Beach, 760

So.2d 126 (Fla. 2000) for firm client School Board of Volusia County [the merit points that I briefed were addressed in head notes 13, 14 and 16]. This is one of the most cited cases for the summary judgment standard in Florida.

Studied with Deborah A. DeMott, Reporter for ALI's Restatement of Agency (Third), and surveyed the nationwide changes in agency law as applied to real estate licensees.

Coordinated and obtained funding for major school impact fee litigation during tenure at the East Florida Building Industry Association in the case Florida Home Builders Association v County of Volusia No. 93-10992_CIDL, Div. 01 (Fla. 7th Cir. Nov. 21, 1996).

Certified PADI Open Water Diver since 1987.

Licensed Real Estate Salesman since 1985.

Florida Educator's Certificate, Social Science (Grade 6-12) Florida DOE number 682790 (current status unknown).

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

Thank you for the opportunity to submit this application for your consideration. As a past JNC Commissioner, I would suggest the following criteria when evaluating judicial candidates. A judge should be fair to all parties before the court, consciously aware of the limitations of judicial action and decrees (or judicially humble), and knowledgeable of the various practice areas that come before the court. Additionally, the selection must understand the community and able to defend the appointment from potential challengers. Further, the list should include those whom the Governor would likely appoint. Finally, the list should include those who have a wide range of professional experiences, including trial experience. I believe that my selection would pass these tests.

My roots in Volusia County are numerous and deep. I was born and raised in Ormond Beach, having attended Osceola Elementary, Ormond Beach Middle School, Seabreeze High School and Stetson University -- all in Volusia County, Florida. All through my life and career I have resided, socialized, and worked in Volusia County. My working career began at the Daytona Beach Area Association of Realtors, where I developed skills while interacting with members of the real estate industry. These connections were further developed when I led the East Florida Building Industry Association as their executive officer. During my tenure at the builder's association, I was honored to serve with most of the individuals listed in their "Housing Hall of Fame." In recognition of my service to this group, the VBIA specifically endorsed me in a previous judicial application in a resolution passed by their leadership.

In addition, my six years in private law practice consisted primarily of cases within Volusia County. Much of my community involvement during this time covered all parts of Volusia County. I am honored that my support spans beyond the legal profession and into the wider Volusia County community. Many of my friends and supporters have committed to supporting me as I go forward into the process, including assisting in any defense of the seat should the circumstance require it.

I did not know that I wanted to be a lawyer until about six years out of college when I was at the EFBI. Two things precipitated this: observing lawyers at work and achieving the goals of the Association. When I watched the high-powered lawyers at work on the school impact fee litigation, I understood what was being done. Being in this proximity allowed me to think that lawyering was something I could do. Also at the time, we had achieved and surpassed our initial goals at the Association, and the new leadership goals were not aligned with my own. Further, I did not want to repeat myself and continue to do that which I had already done. I decided to go to law school.

After law school, as my practice developed, I found that I was focused on civil litigation. I needed trial experience to be a more effective litigator. I remember seeking out the advice of the then Division Chief Raul Zambrano who encouraged my thoughts regarding the move. I moved to prosecution. Under State Attorney John Tanner, I was on the fast track to Capital Division at the State Attorney's Office, and I set this as my professional goal.

I was blessed to have conducted most of my felony trials before the late Judge Richard O. Watson, whom I consider one of the finest trial judges to have served in Florida. My extensive trial experience before this great judge, as well as his personal mentoring of me when I practiced before him, have given me insights into what a great judge should and can be. Judge Watson encouraged me, and I saw his example. I began to think that I would be capable of serving as a judge. I had not considered judging until I had confidence in my trial abilities and comfort in the courtroom. Judge Watson was a great mentor and advocate for me, and his confidence in me gave me the confidence to first apply for a judge position in 2008. I would pray that if selected for this position, I could attain a similar level of skill and competence as Judge Watson.

Justice Thomas advised me in 1998 that good judging involves humility and hard work, and it would be to those ideals that I would measure myself. My life has been one of overcoming challenges, and this has given me wisdom that I may not have acquired had I grown up with a more privileged background. I am proud to have struggled against the odds, and I am blessed to even be in a position for you to consider my application.

I have been a lifelong Constitutionalist and originalist, having developed my legal philosophy over many years of study. For example, when I was a regular "Volusianary" on the Marc Bernier Show, I was regularly called upon to advocate for the conservative position. During this time, Volusia County was majority Democratic, including a strongly Democratic newspaper that strongly influenced Volusia County politics. While maintaining my conservative positions, I was able to discuss difficult issues respectfully, occasionally forging consensus with many of my Democratic colleagues, many of whom I still count as friends. I can only think that these qualities would be an asset to the judiciary and looked upon favorably by the Governor's appointment office.

Having written numerous academic articles, I observe that my legal philosophy leans towards objective tests whenever available. I strongly believe that objective tests aid in equality and fairness before the law and diminish arbitrary applications of law that reduce the credibility of the legal system.

As to the merits of my individual application, you will find that I have extensive expertise and experience in many different subject areas, and a diverse background in many areas of the community, including real estate and the arts. My primary focus for the last sixteen years has been in the criminal law area. I have knowledge of felony and misdemeanor criminal court (both juvenile and adult) a diverse civil litigation background on complex cases, extensive trial experience on both the defense and prosecution side of the case, as well as extensive experience in appellate law. I have a working knowledge of information systems and workflow procedures and the ability to work with people of all social and political stripes. I have a team-oriented

enthusiasm and big picture understanding that would aid in a judicial decision making. Further, I believe that my private work experience has forged efficiency and dependability into my professional makeup -- two essential qualities in a judge. My appellate work has greatly boosted my reading and writing efficiency, and I am able to navigate and review large appellate records both quickly and accurately.

Note that in each of my work positions, I have sought to improve the workflow of the wider organization. For example, during my tenure in Flagler County I facilitated the transition of the Flagler County prosecutor's office, public defender's office and clerk's office to a 'defendant last name' based case allocation system. This systematic change resulted in a much quicker response time from felony intake to felony trial attorney in Flagler County. While managing the Flagler juvenile docket, my team-oriented approach enabled the Flagler County juvenile system to function efficiently and effectively and led directly to the doubling of the number Juvenile Probation Officers assigned to Flagler County. I am proud that I was able to contribute to the redress of this long-standing inequity in Flagler County. This directly led to a 10% decrease in the juvenile case load at the State Attorney's Office. These accomplishments illustrate management skills that would be available to the Court team, should I be selected.

During my tenure at Landis Graham French, P.A., my legal emphasis was in the civil docket. I would regularly handle smaller cases for firm clients and would handle much of the client intake and call-ins at the firm. Many of my clients would be unrepresented were it not for the firm's total service commitment. During my private practice, I handled a multitude of landlord tenant cases including mobile home park cases, recreational vehicle park cases, commercial leasehold cases including numerous gas station tenant evictions and lease terminations, residential cases, and other leasehold terminations from both the landlord and tenant side of the case. My practice also included substantial research and litigation support for the firm in many major probate, personal injury, contract, and real estate cases. Many of these cases were multi-party and multijurisdictional and involved millions of disputed dollars. Because of this experience, I understand that speed and efficiency are a critical part of justice.

My pre-law school career in association management gives me insight into the working world which the law nourishes. I was the Executive Officer (CEO) for the Volusia Countywide non-profit trade association affiliated with the National Association of Homebuilders. During my tenure, the financial stability of organization was reestablished. I obtained and maintained funding for a three-year, \$650,000 legal challenge involving school impact fees, representing the board of directors in the settlement negotiations. As editor and coordinator of all Association communications, the Association won three National AEA Awards for publications and communications. Other duties included payroll, budgeting, computer systems, and employee relations. Responsibilities of this position included coordination of the political action committee and the organization's legislative programs as well as events including a greatly expanded Parade of Homes. Also during my tenure, we reviewed and updated all policy and bylaws for the organization. It was an honor to be nominated for the 1995 National Association of Homebuilder's Executive Officer "Rookie of the Year" Award by the Florida Home Builder's Association Executive Officer, Carla Roehl.

While employed at the Realtor organization, I was primarily responsible for a monthly sixteen-page newsletter, a monthly four-page brief, and numerous other publications. As editor, I managed the content, layout, and design of legal forms, policy manuals, annual reports, and brochures. During my tenure, the Association won the 1993 National Association of Realtors Excellence Award in Realtor Association Publications. Other responsibilities included oversight of a major interoffice computer conversion. The Rapattoni Corporation, a national software developer, adopted the UNIX file structure that I designed. My job also included coordination of education and training relating to office computers and the Multiple Listing Service.

During my careers in association management and law, I have always been able to work with people with different points of view. This ability to work with all political and economic circles is an essential quality in the modern courtroom. I believe that humility, evenhandedness, and civility are very important in a judge, and I would strive to serve these ideals if selected for this judgeship. I also believe that my broad and unique background will aid me in the diversity of cases that a County Court judge must confront.

My private work experience has given me the organizational tools to operate efficiently when confronted with the heavy caseloads that are now before the courts. I understand that speed and efficiency are critical in many cases. My management experience will help me move the cases through the system expeditiously while giving each individualized attention. I also have a high level of comfort in computer aided legal research, allowing me to operate efficiently when dealing with any legal issues confronted by the court.

My background has given me extensive insight and experience specifically suited to fulfill the role of Volusia County judge.

REFERENCES

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

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* supervisor

** former supervisor

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 9th day of February 2022.

Steven N. Gosney

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.