

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



JOANNA PISCITELLO PANG

Senior Counsel, Criminal Tax
IRS, Office of Chief Counsel

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June 14, 2025

Seventh Circuit Judicial Nominating Commission
Mr. Travis Mydock, Chair
Mydock Law
309 Kingsley Lake Drive, Suite 904
St. Augustine, Florida 32092
(904) 864-3002

Dear Mr. Mydock,

As a former Assistant State Attorney and Assistant Statewide Prosecutor, I am respectfully requesting that my home address, phone number and all other qualifying personal information be exempt from public disclosure pursuant to Section 119.071(4)(d)(2)(f), Florida Statutes.

Sincerely,

A handwritten signature in black ink that reads "JoAnna Piscitello Pang". The signature is written in a cursive, flowing style.

JoAnna Piscitello Pang

Application

APPLICATION FOR NOMINATION TO THE COUNTY COURT

Full Name: JoAnna Piscitello Pang

Social Security No.: [REDACTED]

Florida Bar No.: 0091592

Date Admitted to Practice in Florida: 9/23/2011

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.

Employer: Department of Treasury, Internal Revenue Service (IRS),
Chief Counsel
Title: Senior Counsel, Criminal Tax
Address: Charles E. Bennett Federal Building
400 West Bay Street, Suite 240
Jacksonville, Florida 32202

Office Phone: 904-661-3017

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

Address: [REDACTED]
[REDACTED]
County: St. Johns
Residence: Beginning April 2017
Florida Resident: 34 years
Phone Number: [REDACTED]
Email Address: joanna.p.pang@gmail.com

3. State your birthdate and place of birth.

Birthdate: [REDACTED]
Place of Birth: Johnson City, New York

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

Yes

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

- **The Florida Bar (Bar No. 0091592) - September 23, 2011 through present**
- **The United States Tax Court (Bar No. PJ0978)- 2019 through present**
- **The Supreme Court of the United States (Bar No. 323632)- January 10, 2025 through present**

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

Maiden Name: JoAnna Lang Piscitello

Date(s): Birth through November 2019

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).

**Law School: Florida State University
College of Law**
Dates of Attendance: August 2008 through April 2011
Degree: Juris Doctorate
Degree Date: April 30, 2011
Class Standing: 35 out of 228 (Top 15%)
GPA: 87.778
Honors: Cum Laude

Undergraduate: Mercer University
Dates of Attendance: August 2005 through May 2008
Degree: Bachelor of Arts in Economics and Political Science
Degree Date: May 10, 2008
GPA: 3.925
Honors: Summa Cum Laude

College: St. Petersburg College
Dates of Attendance: June 2009 through July 2009
Credits Earned: 3 (summer semester course)

College: St. Johns River Community College
Dates of Attendance: August 2004 through May 2005
Credits Earned: 18 (high school dual enrollment)

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

Organization	Date(s)
Alpha Gamma Delta, Sorority	August 2006 through May 2008
Student Government Association, Student Senator	August 2007 through May 2008
Resident Director, Greek Village	August 2007 through May 2008
Resident Assistant	August 2006 through May 2007
Model Arab League	August 2006 through May 2008

EMPLOYMENT:

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

Employment:

Job Titles: Senior Counsel, Criminal Tax (June 2024 to present)
Senior Attorney, Criminal Tax (October 2022 to June 2024)
Attorney, Criminal Tax (September 2019 to October 2022)
Employer: Department of Treasury, IRS, Office of Chief Counsel
Address: Charles E. Bennet Federal Building
400 West Bay Street
Jacksonville, Florida
Date: September 2019 through present

Job Title: Assistant Statewide Prosecutor
Employer: Florida Attorney General,
Office of Statewide Prosecution
Address: 1300 Riverplace Boulevard, Suite 405
Jacksonville, Florida 32207
Date: November 2016 through September 2019

Job Title: Assistant State Attorney
Employer: Office of the State Attorney, Twelfth Judicial Circuit
Address: Manatee County Building
1112 Manatee Avenue West
P.O. Box 1000
Bradenton, Florida 34206
Date: November 2013 through November 2016

Job Title: Assistant State Attorney
Employer: Office of the State Attorney, Seventh Judicial Circuit
Address: 4010 Lewis Speedway,
Suite 2022, Building A
St. Augustine, Florida 32084
Date: September 2011 through November 2013

Job Title: Phonathon Student Caller
Employer: Florida State College of Law
Address: 425 West Jefferson Street
Tallahassee, Florida 32301
Date: September 2008 and February 2011
Phone: 850-644-0231
Description: Contacted alumni to fundraise for the Florida State College of Law annual fund.

Job Title: Summer for Undergraduates Mentor
Employer: Florida State College of Law
Address: 425 West Jefferson Street
Tallahassee, Florida
Date: May 2009 through June 2009
Description: Mentored for the Florida State College of Law, Summer for Undergraduates program, a month-long program for undergraduate students from across the country to assist them in acquiring skills to benefit their undergraduate and future law school studies. Prior to serving as a mentor, in 2007, I attended the program as a participant.

Internships:

Title: Legislative Intern
Employer: Florida Legislature House of Representatives,
Appropriations Committee
Address: 402 South Monroe Street
221 The Capitol
Tallahassee, Florida 32399
Date: October 2010 through May 2011

Title: The Florida Bar Public Interest Fellow
Employer: Legal Services of North Florida
Address: 2119 Delta Boulevard
Tallahassee, Florida 32303
Date: May 2010 through October 2010

Title: Legislative Intern
Florida Senate Alfred "Al" Lawson Jr. Internship Program
Employer: Florida Senate, Policy and Steering Committee on Ways and Means
Address: 404 South Monroe Street
201 The Capitol
Tallahassee, Florida 32399
Date: August 2009 through May 2010

Title: Florida Bar Public Interest Fellow
Employer: Office of the State Attorney, Seventh Judicial Circuit
Address: 4010 Lewis Speedway
Suite 2022, Building A
St. Augustine, Florida 32084
Date: May 2009 through August 2009

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

Presently, I render legal advice to Special Agents (SAs) employed by the Department of Treasury, IRS, Criminal Investigations (CI) on complex white collar criminal investigations. Upon request, I provide oral and written guidance regarding legal issues that surface during criminal investigations. I review SAs referrals to initiate or expand grand jury investigations and provide a written legal analysis to the Special Agent in Charge (SAC). During the investigative process, I review search warrant affidavits prepared by the SAs and render written legal memorandums of law evaluating whether the

affidavit establishes sufficient probable cause to support the warrant, and whether the location to be searched and the items to be seized are described with sufficient particularity. I also review undercover operations and render legal advice on all aspects of the operation. Moreover, I review evidence for privileged records and documents to prevent CI's exposure to the privileged information. Finally, I review SAs reports, exhibits and charging recommendations and prepare an evaluation memorandum for the SAC which discusses the legal and evidentiary issues and evaluates the prosecution potential of the case. I also serve on a Criminal Tax Cyber Cadre, which evaluates cyber issues arising in CI's investigations related to crypto currency, artificial intelligence, and other technologies. In addition to the above, I have represented the United States in several cases filed in the United States Tax Court.

My present practice involves limited litigation; however, my prior practice involved a great deal of litigation. Prior to my employment with the Department of Treasury, from November 2016 through September 2019, I litigated criminal cases as an Assistant Statewide Prosecutor with the Attorney General's Office of Statewide Prosecution. From September 2011 through November 2016, I also litigated criminal cases in my position as an Assistant State Attorney for the Seventh and Twelfth judicial circuits. Moreover, while working as an Assistant State Attorney and Assistant Statewide Prosecutor, I rendered legal advice to law enforcement working criminal investigations. In addition to providing legal advice, I reviewed investigations to determine if prosecution was viable and appropriate, filed informations charging criminal violations, and litigated criminal cases from inception through trial.

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

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

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

In my present employment, I seldom litigate cases or appear in court.

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

Jury?	<u>22</u>	Non-jury?	<u>More than 50 (6 tried to verdict)</u>
Arbitration?	_____	Administrative Bodies?	_____
Appellate?	_____		

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

Not Applicable

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

Not Applicable

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

Not Applicable

16. For your last six cases, which were tried to verdict or handled on appeal, either before a jury, judge, appellate panel, arbitration panel or any other administrative hearing officer, list the names, e-mail addresses, and telephone numbers of the trial/appellate counsel on all sides and court case numbers (include appellate cases).

Case: State of Florida vs. Joseph Walker
Court No.: 2016CF-006364-AX
Defense Counsel: Jahran Newman
904-536-7235
newmanlawfirm@gmail.com
State Co-counsel: Matthew Davenport
[REDACTED]
matthew.davenport@ice.dhs.gov

Case: State of Florida vs. Gerald Mosley
Court No.: 2015CF-002448AX
Defense Counsel: Gail Brannon
[REDACTED]
brannonlaw@comcast.net
State Co-Counsel: Rory Zinna, deceased

Case: State of Florida vs. Nicole Moore
Court No.: 2014CF-002214AX
Defense Counsel: Jeffrey Snelling
(Trial) 941-362-9560
jeffreysnelling@yahoo.com
Defense Counsel: Jeffrey Quisenberry
(Sentencing) [REDACTED]
jeff@thefernandezlawgroup.com
State Co-Counsel: Justin Phillips
[REDACTED]
justinwesley.phillips@gmail.com

Case: State of Florida vs. Robin Morrisey
Court No.: 13CF-1874
Defense Counsel: Maria T. Chuquizuta Clarke
[REDACTED]
maria.clarke@mymanatee.org
State Co-Counsel: Payton Thompson
[REDACTED]
pthompson@co.delaware.oh.us

Case: State of Florida vs. Donnell Henderson
Court No.: 13CF-3951
Defense Counsel: Ron Filkowski
941-366-4636
Filipkowski4law@aol.com
State Co-Counsel: Darlene Ragoonanan
[REDACTED]
dragoonanan@sao12.org

Case: State of Florida vs. Kenneth Hulata
Court No.: 14CF-0563
Defense Counsel: Peter Aiken
941-366-3506
peterdaiken@gmail.com
State Co-Counsel: Rory Zinna, deceased

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

Case: Blanca D. Hiracheta vs. Commissioner of Internal Revenue
Tax Court No.: 8994-22
Counsel: None (Pro-Se)

Case: Gilda Ramos vs. Commissioner of Internal Revenue
Tax Court No.: 9352-22
Counsel: None (Pro Se)

Case: State of Florida vs. Jessica Knight
Court No.: 18CF-305173 (Volusia County)
Defense Counsel: Larry Powers
Phone No.: [REDACTED]

Case: State of Florida vs. Maria Constanza Shults
Court No.: 17CF-271 (Putnam County)
Defense Counsel: Marissa Fallica
Phone No.: [REDACTED]

Case: State of Florida vs. Alexander Schaefer
Court No.: 15CF-661 (Flagler County)
Defense Counsel: Donald Appignani
Phone No.: 386-206-9170

Case: State of Florida vs. Gregory Creel
Court No.: 17CF-129 (St. Johns County)
Defense Counsel: Terry Shoemaker
Phone No.: [REDACTED]

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

From September 2011 through November 2016, in my capacity as an Assistant State Attorney in the Seventh and the Twelfth judicial circuits, I appeared in court several times a week. From November 2016 through September 2019, in my capacity as an Assistant Statewide Prosecutor, I appeared in court approximately four to five times a month. My current practice and employment with the Department of Treasury, beginning in September 2019, seldom involves litigation or requires court appearances; rather, I render legal advice to SAs and SACs regarding complex white collar criminal investigations, as previously described.

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

Not Applicable

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

Not Applicable

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

Case: State of Florida vs. Gerald Mosley

Court No.: 2015CF-2448AX

Charge: Sexual Battery-Victim 12 or Older but younger than 18 years of age

Trial Date: August 30, 2016 through August 31, 2016

Judge: The Honorable Deno Economou

County: Manatee

Defense Counsel: Gail Brannon
[REDACTED]
brannonlaw@comcast.net

State Co-Counsel: Rory Zinna, deceased

Significance: I represented the State of Florida in the above styled case from the filing of the criminal information through trial and sentencing. The trial involved testimony from a child witness, age 13, regarding sexual acts perpetrated on her by the defendant, a family member. I prepared the child witness for trial and solicited her testimony before the jury. Following the conviction, during the defendant's sentencing hearing, I made a motion to designate the defendant as a sexual predator and presented evidence of the defendant's status as a prison releasee reoffender, resulting in a mandatory sentence of 30 years of incarceration with the department of corrections.

Case: State of Florida vs. Nicole Moore

Court No.: 2014CF-2214AX

Charges: Driving While Under the Influence-Manslaughter
Leaving the Scene of Crash with Death
Driving with No Valid Driver's License and Causing Death

Trial Date: February 8, 2016 through February 12, 2016

Judge: The Honorable Susan Maulucci

County: Manatee

Defense Counsel: Jeffrey Snelling
(Trial) 941-362-9560
jeffreysnelling@yahoo.com

Defense Counsel: Jeffrey Quisenberry
(Sentencing) [REDACTED]
jeff@thefernandezlawgroup.com

State Co-Counsel: Justin Phillips
[REDACTED]
justinwesley.phillips@gmail.com

Significance: I represented the State of Florida in the above styled case from the filing of the criminal information through trial, sentencing and several post-trial motions. During the weeklong trial resulting in conviction, the defendant argued the State failed to prove that the defendant caused or contributed to the death of the victim. At trial, we introduced testimony and evidence related to crash reconstruction and blood alcohol content. During the defense's case, the defense called an expert witness to refute the State's witness on blood alcohol content. After conviction, the defendant filed several motions, most notably a motion for a new trial and arrest of judgement, which were denied by the court. See Appendix A for the State's response to defendant's motion for a new trial.

Case: State of Florida vs. Andrew Helderman

Court No.: 2014CF-0951AX

Charge: Attempted Murder in the First Degree with a Weapon
Aggravated Assault

Trial: November 30, 2015 through December 1, 2015

Judge: The Honorable Deno Economou

County: Manatee

Defense Counsel: Harlan Milhorn
(Standby) 941-780-6236
milhornlaw@gmail.com

State Co-Counsel: Darlene Ragoonanan
██████████
dragoonanan@sao12.org

Significance: I represented the State of Florida in the above styled case as second chair counsel at trial. During trial, several legal issues arose including the defendant's request to represent himself following *voir dire* and concerns regarding the defendant's competency. The Court conducted a Faretta inquiry, including warnings, and ultimately, granted the defendant's request to proceed *pro se*. Mid-trial, the defendant sought to consult standby counsel. After the consultation, the defendant's standby counsel moved the Court to evaluate the defendant's competency. Consequently, the Court declared a mistrial and ordered competency evaluations and proceedings. Additionally, the defendant's prior criminal history indicated he was an escape risk, resulting in the enforcement of additional safety protocols in the courtroom during the trial, including proceeding with opening statement and direct examination while seated.

Case: State of Florida vs. Joseph Lewis Walker

Court No.: 2016CF-6364AX

Charge: Trafficking in Illegal Drugs-28 grams to less than 30 Kilograms
Sale or Delivery of Heroin

Trial: October 1, 2018, through October 3, 2018

Judge: The Honorable Steven B. Whittington

County: Duval

Defense Counsel: Jahran Newman
904-536-7235
newmanlawfirm@gmail.com

State Co-counsel: Matthew Davenport
[REDACTED]
matthew.davenport@ice.dhs.gov

Significance: I represented the State of Florida in the above styled case during pretrial motions, trial, and sentencing. In addition to and related to these charges, the defendant also had pending drug conspiracy charges in Duval and drug trafficking charges in Columbia County. These cases were all developed through wire interceptions of communications. With respect to the above styled case, venue was proper in Brevard County Florida. I requested and the defense stipulated to a waiver of venue. Upon conviction on these charges, the defendant was sentenced to a mandatory minimum of 25 years of incarceration with the department of corrections. As a result of the conviction and sentence, the defendant also entered a plea to the remaining conspiracy and trafficking charges in Duval and Columbia County.

Case: State of Florida vs. Donnell Henderson
Court No.: 13CF-3951AX
Charge: Murder in the Second Degree
Robbery with a Firearm
Aggravated Assault with a Firearm
Trial: July 20, 2015 through July 22, 2015
Judge: The Honorable Deno Economou
County: Manatee
Defense Counsel: Ron Filkowski
941-366-4636
Filipkowski4law@aol.com
State Co-Counsel: Darlene Ragoonanan
██████████
dragoonanan@sao12.org
Significance: I represented the State of Florida in the above styled case as second chair at trial. I presented the opening statement and conducted direct and cross examination of State and Defense witnesses. During trial, several unexpected issues arose, most notably, a material State witness to the victim's death initially refused to appear and provide testimony. When the witness materialized, he appeared to be impaired, which we disclosed to the Court and the defense. While the Court permitted the witness to testify, the witness's state of mind at the time of the testimony was subject to examination, resulting in the admissibility of the witness's use of narcotics. In addition to the above, the murder victim was a registered sexual offender.

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

Attached as Appendix A and Appendix B

***Note:* Presently, the majority of my work is written legal advice regarding grand jury investigations and tax related offenses. As such, I am not able to provide my most current writing samples, because it is subject to grand jury secrecy protections under the Federal Rules of Criminal Procedure 6(e)(2), prohibiting the unauthorized disclosure of grand jury information and/or the unauthorized disclosure of tax return information under 26 U.S.C. § 6103. The writing samples provided are from my prior practice as an Assistant State Attorney and Assistant Statewide Prosecutor.**

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

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

Not Applicable

24. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor's Office for consideration.

This is my third application for judicial appointment. My first application was submitted to this Judicial Nominating Commission for the Seventh Judicial Circuit in July 2021, for a newly created county court seat in St. Johns County, and my second application in January 2023 for a Seventh circuit court seat. On both occasions, I was honored by the Commission to have my name certified to the Governor's Office for consideration.

25. List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard.

Not Applicable

26. If you have prior judicial or quasi-judicial experience, please list the following information:

- (i) the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance;
- (ii) the approximate number and nature of the cases you handled during your tenure;
- (iii) the citations of any published opinions; and
- (iv) descriptions of the five most significant cases you have tried or heard, identifying the citation or style, attorneys involved, dates of the case, and the reason you believe these cases to be significant.

Not Applicable

27. Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions.

Not Applicable

28. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, attach copies of the opinions.

Not Applicable

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

Not Applicable

30. Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances.

Not Applicable

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

Not Applicable

NON-LEGAL BUSINESS INVOLVEMENT

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

Not Applicable

33. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received.

Not Applicable

POSSIBLE BIAS OR PREJUDICE

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

My brother is a practicing attorney and is currently employed by the Department of Children and Families in Duval County. While I do not anticipate he would appear before a court in the Seventh Circuit, if he were to do so, I would recuse myself from any cases involving him. Additionally, my cousin is a Patrol Sergeant with the St. Johns County Sheriff's Office. Likewise, I would recuse myself from any cases involving his direct involvement. Otherwise, there are no types of cases, groups or entities, or extended relationships or associates which would require recusal.

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

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

JoAnna L. Piscitello, “Florida Hurricane Catastrophe Fund: Costs of Regulation and Possible Solutions,” Capital to the Courthouse Newsletter, May 25, 2010.

Available at:

http://www.colodnyfass.com/uploads/5511_Florida%20Hurricane%20Catastrophe%20Fund%20-%20Costs%20of%20Regulation%20and%20Possible%20Solutions%20-%20JoAnna%20L%20Piscitello.PDF

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

Not Applicable

37. List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place they were delivered, the sponsor of the presentation, and a summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.

Panel Discussion

**Sponsor: Florida State University-College of Law
Question and Answer Panel Discussion**

Date: June 7, 2021

Place: Online Zoom Presentation

Summary: Florida State University, College of Law hosts Summer for Undergraduates, a program which seeks to expose undergraduate students to the rigors of law school and the legal profession. As a prior participant in the program and Florida State University, College of Law graduate, I was asked to participate in the question-and-answer panel session with several other panelists. I answered questions from current undergraduate students attending the program with respect to my current legal practice and experience in the legal profession.

Presentation

Sponsor: IRS Atlanta Field Office Compliance Council
Fraud Referrals Presentation
Date: March 30, 2021
Place: Online Zoom Presentation
Summary: Presented to the IRS Compliance Council, comprised of employees from IRS Criminal Investigations and the Office of Fraud Enforcement, on fraud referrals, including fraud related to the Covid-19 pandemic.

American Mock Trial Regional Judge

Sponsor: American Mock Trial Association
Date: February 28, 2022
Place: Online Zoom Presentation
Summary: Through Florida State University, College of Law, I was asked to participate as a judge for the online Regional Mock Trial tournaments. The tournament involved a mock trial of a criminal case by college students acting as prosecution and defense teams. Following the mock trial, I provided scores and feedback on their trial presentation.

Presentation

Sponsor: IRS Atlanta Field Office Compliance Council
Fraud Referrals Presentation
Date: February 8, 2022
Place: Online Zoom Presentation
Summary: Presented to the IRS Compliance Council, comprised of employees from IRS Criminal Investigations and the Office of Fraud Enforcement, on fraud referrals, including fraud updates related to the Covid-19 pandemic.

Presentation

Sponsor: IRS Chief Counsel
Cybercrimes Legal Updates Presentation
Date: August 10, 2022
Place: Online Zoom Presentation
Summary: During the 2022 IRS Chief Counsel, Criminal Tax annual training session, I presented an overview of recent developments on several emerging areas related to cybercrimes and cyber issues, specifically concerning Fourth Amendment jurisprudence after the Supreme Court's ruling in Carpenter v. United States, 138 S.Ct. 2206 (2018).

Presentation

Sponsor: IRS Chief Counsel, Criminal Tax
Search Warrants
Date: July 12, 2023
Place: Cincinnati IRS Campus in Covington, Kentucky
Summary: During the 2023 IRS Chief Counsel, Criminal Tax annual training session, I presented an overview of potential issues to consider in reviewing law enforcement's search warrant affidavits.

Presentation

Sponsor: IRS Chief Counsel, Criminal Tax
Whistleblower Interviews
Date: September 13, 2023
Place: Main IRS, 1111 Constitution Avenue, N.W., Washington, D.C.
Summary: During the Criminal Tax new attorney and filter privilege training, I presented privilege review considerations when conducting whistleblower interviews.

Presentation

Sponsor: IRS Chief Counsel
Ethics
Date: May 9, 2024
Place: Online Zoom Presentation
Summary: I presented on ethical considerations attorneys in the IRS Office of Chief Counsel may encounter.

Presentation

Sponsor: IRS Criminal Investigations
Money Laundering Expert Witness Training
Date: April 25, 2024
Place: Ernest F. Hollings National Advocacy Center,
Columbia, South Carolina
Summary: I assisted in training IRS Criminal Investigations Special Agents on testifying as experts in money laundering investigations.

Presentation

Sponsor: IRS Criminal Investigations
National Criminal Investigation Training Academy,
Special Agent Basic Training Program
Date: June 4, 2024 and August 28, 2024
Place: Federal Law Enforcement Training Center, Brunswick, Georgia
Summary: I assisted in training new IRS Criminal Investigations Special Agents on testifying in criminal tax investigations.

Presentation

Sponsor: IRS Criminal Investigations
Tampa Field Office, Continuing Professional Education
Date: July 31, 2024
Place: Cocoa Beach, Florida
Summary: I presented to all Special Agents in the Tampa Field Office on search warrant legal issues and trends.

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

Course

Sponsor: IRS Office of Chief Counsel
Course Title: Scholars Program – Criminal Tax Seminar
Common Tax Fraud Schemes
Date: March 6, 2025
Place: Online Microsoft Teams Training
Summary: I taught a section of a course on Criminal Tax involving common tax fraud schemes, including schemes related to bad return preparers filing false returns on behalf of their clients and employment tax related schemes.

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

Presenting Entity and Achievement	Date(s)
Florida State University, College of Law, Juris Doctorate, Cum Laude	April 30, 2011
Florida State University, Employment Law Book Award	Fall 2010
Florida State University, Intellectual Property Book Award	Spring 2010
The Florida Bar Labor & Employment Law Section Scholarship Award	February 2, 2011
Mercer University, Bachelor of Arts, Summa Cum Laude	May 10, 2008
Mercer University, Phi Kappa Phi	2007 through 2008
Mercer University, President's List	Fall 2005 through Fall 2006
Mercer University, Dean's List	Fall 2005 through Spring 2008
Mercer University, Jesse Mercer Scholarship Award	Fall 2005 through Spring 2008
Mercer University, Honors Program Scholarship Award	Fall 2005 through Spring 2008
Palatka Highschool, Salutatorian	May 2005

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

Not Applicable

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

Organization	Dates of Participation/ Membership
Jacksonville Bar Association	February 2017 through January 2020; July 2021 through present
Putnam County Bar Association	February 2021 through present
St. Johns County Bar Association	August 2021 through present
Jacksonville Women Lawyer's Association	January 2019 through August 2020
The Federalist Society	August 2021 through present

42. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of office.

Organization	Dates of Participation/Membership
Circuit 7 Juvenile Justice Board	2012 through 2013
Junior League of St. Petersburg	July 2015 through November 2016
Big Brothers Big Sisters of Tampa Bay	November 2014 through November 2016
Northeast Florida Human Trafficking Coalition	2017 through 2019
Freedom 7 Human Trafficking Task Force	2017 through 2019
Gateway to Fre33dom Human Trafficking Task Force	2019
Mercer University Alumni Chapter-Jacksonville	January 2017 through present
St. Johns CARES	February 2020 through December 2021

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

No

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

Not Applicable

45. Please describe any hobbies or other vocational interests.

I enjoy spending time with my husband and children traveling, playing board games, visiting local parks with our dog, camping, and swimming.

46. Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge.

Not Applicable

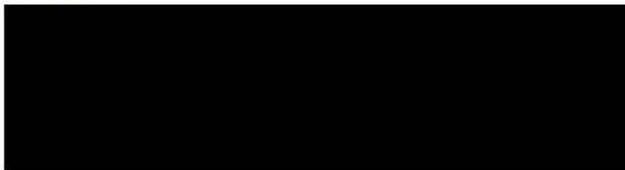
47. Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

Facebook: <https://www.facebook.com/joanna.piscitello/>
Twitter: https://www.twitter.com/piscitello_j
LinkedIn: <https://www.linkedin.com/in/joanna-piscitello-pang-47352126>
Instagram: https://www.instagram.com/j_piscitello/

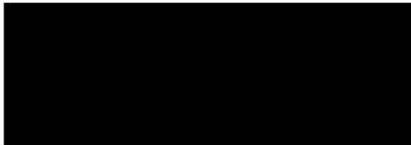
FAMILY BACKGROUND

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

Marital Status: Married
Spouse:
Date of Marriage:
Spouse's Employer:
Spouse's Title:



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



CRIMINAL AND MISCELLANEOUS ACTIONS

50. Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No

51. Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No

52. Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction.

No

53. Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.

Case: **JoAnna Pang and Chris Pang v. Avatar Property & Casualty Insurance Company**
Jurisdiction: **St. Johns County**
Case Number: **CA20-0627**
Status: **Plaintiff**
Nature of Matter: **Contractual dispute related to homeowner's insurance claim**
Disposition: **Settled**

54. To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part?

No

55. To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved.

No

56. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, provide the particulars of each finding or investigation.

No

57. To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior against you with any regulatory or investigatory agency or with your employer? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition.

No

58. Are you currently the subject of an investigation which could result in civil, administrative, or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation, and the expected completion date of the investigation.

No

59. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy.

No.

60. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No

61. Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status.

I have complied with all legally required tax return filings.

HEALTH

62. Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol?

No

63. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism? If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.] Please describe such treatment or diagnosis.

No

64. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner: experiencing periods of no sleep for two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering from extreme loss of appetite, issuing checks without sufficient funds, defaulting on a loan, experiencing frequent mood swings, uncontrollable tiredness, falling asleep without warning in the middle of an activity. If yes, please explain.

No

65. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed.

No

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

No

67. During the last ten years, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal or State law provisions.)

No

68. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned, or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs, or illegal drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action

No

69. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal, and the reason why you refused to submit to such a test.

No

70. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No.

SUPPLEMENTAL INFORMATION

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

My varying life experiences have molded me into the attorney and person I am. As the eldest of four children, my parents embedded in me a dedication to public service, integrity, and hard work. They served as examples of these principles. My father retired after 28 years in law enforcement with the Putnam County Sheriff's Office, and my mother continues to work in public service for the Putnam County School District.

I began my first job at 15-years-old taking drive through orders at a local McDonalds. Since then, I have worked as a restaurant server, babysitter, tutor, summer camp counselor, and a retail sales associate. Through my employment in these capacities, I interacted with people who were frustrated and, at times, angry. I learned to manage their frustrations and engage in civil communication. Often, the first step was listening to their concerns.

These experiences helped me throughout my public service career, first as a prosecutor for eight years and currently, as an attorney advising federal law enforcement officers. In addition, my experiences, as a mother, sister, daughter, and friend (to name a few) have deepened my appreciation for the importance of civility and civil discourse, in all aspects of life, but especially in my profession. Having spent much time in the courtroom litigating, I also observed contentious disagreement between attorneys (and unfortunately, at times judges) in which the ability to engage in respectful dialogue dissolved, and with it cooperation. Both in the legal profession and in life, I have sought civility and developed the skills to promote politeness, courtesy, and respect, which I would carry with me if honored to serve as a county judge.

In many situations, judges are required to exercise discretion within the confines of the law. Thus, I believe humility is vital when listening to and understanding others' life experiences.

In the summer of 2006, while home from college, I served as a camp counselor for the Putnam County "Weed and Seed" program, a Department of Justice community-based program, whose goal was to prevent, control, and reduce violent crime, drug abuse and

gang activity in targeted high-crime neighborhoods. My experience in that role exposed me to an area of our community permeated with poverty and crime. I entered that position anticipating that I would be mentoring children; but quickly learned that the children would, in turn, teach me a lifelong lesson in humility, empathy, and understanding. Similarly, in 2015 and 2016, I volunteered as a big sister to a litter brother in the Big Sisters, Big Brother mentoring program. My little brother was and continues to be eyes into a world different than my own. Moreover, in my role as a prosecutor, I met, almost daily, with victims, victims' family members, witnesses, and at times, defendants' family members. These interactions humbled me further. Should I be honored with your selection as a county court judge, I would also bring with me great humility.

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

Often quoted, Socrates described the four essential qualities of a judge. “Four things belong to a judge: To hear curiously; to answer wisely; to consider soberly; and to decide impartially.” These words have resonated over thousands of years, in countries across the world. And, today, I believe they continue to hold significance in our judiciary. To these four qualities, I would add, a judge should have strong character, courage to follow the law’s ordinary and plain meaning, and a dedication to service, concerned over the people the law serves more than his or her self-interest. If honored with this appointment, it is these characteristics I would strive to bring with me to the bench.

I had the opportunity to litigate in courts across the state of Florida and before countless judges, and throughout my career, I have observed judicial temperament to be vital to the effective functioning of the court. During my practice as a litigator, I observed the impact the courts’ decisions have on the lives of the people who appear before them, their families, businesses, and the community. A good judicial temperament requires the court to be firm but also exercise understanding, compassion, and common sense. Furthermore, it is important that the court communicates clearly and calmly, with courtesy to counsel, witnesses, parties, and jurors, which also requires the ability to listen.

Throughout my legal career, I consistently demonstrated my ability to listen and communicate effectively with victims, witnesses, law enforcement, judges, jurors, counsel, and courtroom personnel. This was crucial in my role as a prosecutor, as I frequently communicated with law enforcement, witnesses, and victims in developing criminal investigations and making decisions to proceed with criminal charges. Upon filing criminal charges and to resolve cases, I presented a willingness to listen to defense counsel and consider all arguments. Should I be honored with this selection, I believe my demonstrated skills in this area would contribute to a respectable judicial temperament.

Likewise, should I be honored with this selection, I would bring with me a high personal standard of ethical conduct and a willingness to do what the law requires, regardless of the popularity of that decision. My commitment to following the law is clear from my trial work in the case of State of Florida vs. Donnell Henderson, one of my

significant cases outlined above. Mr. Henderson was charged with second degree murder, robbery with a firearm, and aggravated assault with a firearm. The victim in the case, Mr. Boyer, was beaten with a firearm and died from a brain injury resulting from the blunt force trauma. Mr. Boyer, 71 years of age, was a homeless, registered sex offender, who, on the night of his death, was believed to be out with the intent to purchase narcotics. Given his status as a sexual offender, to some, Mr. Boyer's murder was described as inconsequential; however, the law does not value one person's life more than another's. Although my co-counsel and I recognized this case would be exceedingly unpopular, we followed the law and proceeded with prosecution. Should I be given the honor of serving as a county court judge, I would endeavor daily to apply the law, impartially, as it is written, to the facts of the case, without regard for the popularity of the decision.

Finally, my experience in both litigation and written legal analyses has equipped me with the foundation for operating a courtroom docket and rendering written legal decisions. I am familiar with the daily operations of a courtroom. Moreover, my experience as a prosecutor imparted extensive knowledge of evidentiary rules, which would be applicable equally in presiding over civil and criminal dockets. My present employment involves rendering written legal advice and analysis, which has resulted in a refinement of my written work. Accordingly, if I were privileged with this selection, I believe I would be prepared to transition quickly, effectively, and efficiently to perform the functions of a county court judge without delay.

REFERENCES

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

- **Justin Phillips**

**Assistant Chief Counsel for the Office of the Principal Legal Advisor,
Department of Homeland Security**

Phone: [REDACTED]
Email: justinwesleyphillips@gmail.com
Address: 401 West Peachtree Street Northwest, Suite 2850
Atlanta, Georgia 30308

- **Ronald Loecker**

**Special Agent in Charge, Tampa Field Office,
IRS-Criminal Investigations, Department of Treasury**

Phone: [REDACTED]
Email: Ronald.loecker@ci.irs.gov
Address: 9450 Kroger Boulevard, Suite 101
Saint Petersburg, Florida, 33702

- **Jamie May**

**Area Counsel, Criminal Tax
Department of Treasury, IRS Office of Chief Counsel**

Phone: [REDACTED]
Email: james.l.may@irscounsel.treas.gov
Address: 400 West Bay Street, Suite 240
Jacksonville, Florida, 32202

- **State Attorney Ed Brodsky**

State Attorney for the Twelfth Judicial Circuit

Phone: [REDACTED]
Email: Edbrodsky@sao12.org
Address: 1112 Manatee Avenue West
P.O. Box 1000
Bradenton, Florida, 34237

- **State Attorney R.J. Larizza**
State Attorney for the Seventh Judicial Circuit
Phone: [REDACTED]
Email: larizzar@sao7.org
Address: 251 N. Ridgewood Avenue
Daytona Beach, Florida, 32114
- **Nicholas Primrose**
Chief of Regulatory Compliance
Jacksonville Port Authority (JAXPORT)
Phone: [REDACTED]
Email: nicholas.primrose@jaxport.com
Address: 2831 Talleyrand Avenue
Jacksonville, Florida, 32206-3417
- **The Honorable Christopher Ferrebee**
Circuit Judge for the Seventh Judicial Circuit
Phone: [REDACTED]
Email: Cferebee@circuit7.org
Address: 4010 Lewis Speedway, Room 344
Saint Augustine, Florida 32110
- **The Honorable Kenneth J. Janesk, II**
Circuit Judge for the Seventh Judicial Circuit
Phone: [REDACTED]
Email: kjanesk@circuit7.org
Address: 4010 Lewis Speedway, Room 277
Saint Augustine, Florida 32084
- **Jeremiah Blocker**
Partner, Douglas Law Firm
Phone: [REDACTED]
Email: jeremiah@dhclawyers.com
Address: 309 Kingsley Lake Drive, Suite 903
Saint Augustine, Florida, 32092
- **Leah Aiken**
Attorney for the 78th Air Base Wing Staff Judge Advocate
Phone: [REDACTED]
Email: Leah.aiken@us.af.mil
Address: 215 Page Road, Suite 186
Robins Air Force Base, Georgia, 31098

Certificate

CERTIFICATE

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

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

Dated this 12th day of June, 2025.

JoAnna Piscitello Pang

Printed Name

JoAnna Piscitello Pang

Signature

State of Florida
County of Duval

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

physical presence OR online notarization

this 12th day of June, 2025.

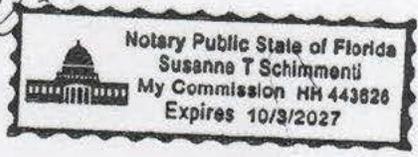
By *Susanne T. Schimmert*

Personally known

Produced ID

Type of Identification

Susanne T. Schimmert
Signature Notary Public



Printed name of Notary Public

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

Financial History

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: \$67,171

Last Three Years: \$139,564 (2024) \$127,084 (2023) \$116,465 (2022)

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: \$67,171

Last Three Years: \$139,564 (2024) \$127,084 (2023) \$116,465 (2022)

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: Not Applicable

Last Three Years: Not Applicable Not Applicable Not Applicable

4. State the amount you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: Not Applicable

Last Three Years: Not Applicable Not Applicable Not Applicable

5. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current Year-To-Date: Not Applicable

Last Three Years: Not Applicable Not Applicable Not Applicable

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

**FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST**

PART A – NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of June 11, 2025, was \$737,023.

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 \$ 100,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
[REDACTED]	\$513,200
Bank Accounts (Wells Fargo, Barclays, Community First Credit Union, and Chase Bank)	\$ 10,000
Brokerage Account (Edward Jones)	\$ 24,000
Federal Retirement (Thrift Savings Plan)	\$143,491
State of Florida Retirement	\$ 86,879
Voya State of Florida Deferred Compensation	\$ 18,114
Three 529 College Savings accounts and Florida Prepaid Accounts	\$ 50,002

PART C - LIABILITIES

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Mortgage (LoanDepot)	\$170,663
Vehicle Loan (Volkswagen Financial Services)	\$ 38,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D – INCOME

You may ***EITHER*** (1) file a complete copy of your latest federal income tax return, *including all W2's, schedules, and attachments*, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.
 (if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
United States Department of Treasury	PO Box 60000, New Orleans, LA 70160	\$139,564

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

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

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

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

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

OATH

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

STATE OF FLORIDA

COUNTY OF Duval

Sworn to (or affirmed) and subscribed before me this 12th day of June, 2025 by _____

Susanne T. Schimmenti

(Signature of Notary Public—State of Florida)

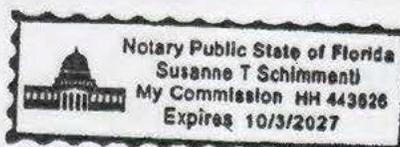
Susanne T. Schimmenti

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

Personally Known OR Produced Identification _____

Type of Identification Produced _____

Johna Piscitelli Pang
SIGNATURE



Judicial Application Data Record

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

Date: May 24, 2025

JNC Submitting To: Seventh Circuit Judicial Nominating Commission

Name (please print): JoAnna Piscitello Pang

Current Occupation: Senior Counsel, Criminal Tax

Telephone Number: [REDACTED] Attorney No.: 0091592

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
Documents**

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

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

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

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

JoAnna Piscitello Pang

Printed Name of Applicant

JoAnna Piscitello Pang

Signature of Applicant

Date: 10/12/2025

Exhibit 1: Writing Sample

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

STATE OF FLORIDA

vs

CLERK CASE NO. 2014CF002214AX

NICOLE M MOORE
_____ /

STATE'S RESPONSE TO DEFENSE MOTION FOR NEW TRIAL

THE STATE OF FLORIDA, represented by Ed Brodsky, State Attorney for the Twelfth Judicial Circuit, in response to Defendant's Motion for New Trial, prays this Court deny the Defense Motion for New Trial and in support of such would state the following:

- (1) The defendant, Nicole Moore, was tried in Manatee County from February 8, 2016 through February 12, 2016 for Driving under the Influence Manslaughter, Leaving the Scene of a Crash Involving Death, and No Valid Driver's License Serious Bodily Injury or Death.
- (2) On February 12, 2016, the Defendant was found guilty by jury verdict on all three counts in the information.
- (3) On February 21, 2016, defense counsel filed a Motion for Arrest of Judgment and Motion for a New Trial.
- (4) Pursuant to Florida Rules of Criminal Procedure Rule 3.600, defense filed a Motion for a New Trial alleging the ground (a) (3), "***New and material evidence***, which if introduced at trial would ***probably*** have changed the verdict or finding of the court, and ***which the defendant could not with reasonable diligence have discovered and produced at the trial, has been discovered.***"
- (5) During trial, the State called Corporal Brunner to testify as to the location of the crash. Corporal Brunner testified the crash occurred in Manatee County.

- (6) Corporal Brunner determined which county the crash occurred in by parking his State patrol vehicle behind the mark on the roadway where the crash occurred. Corporal Brunner's state-issued Florida Highway Patrol GPS system indicated the crash occurred in Manatee County. If Corporal Brunner moved his patrol vehicle one lane to the left, his GPS system indicated he entered Sarasota County.
- (7) Linkster's, the location where the defendant began drinking and driving while her normal faculties were impaired or her blood alcohol level was above .08, is located in Manatee County.
- (8) Linkster's is also the location where the defendant began driving without a valid license.
- (9) The location on Whitfield Avenue where the defendant parked her vehicle with the victim's motor scooter embedded in the front while leaving the scene of the crash, is in Manatee County.
- (10) Timberlake Apartments, the location where the defendant ran on foot in a continuous effort to leave the scene, is in Manatee County.
- (11) The location where the defendant returned on Whitfield Avenue is in Manatee County.
- (12) Manatee County deputies responded to Whitfield Avenue in Manatee County, the location where the defendant left her vehicle in her attempts to leave the scene.
- (13) Manatee County deputies responded to the location of the crash on University to conduct traffic control.
- (14) Manatee County Emergency Services responded to the location of the crash on University to assess the victim's medical condition.
- (15) Venue is not an element of an offense itself and may be proved simply by a preponderance of the evidence. *McClellion v. State*, 858 So.2d 379, 382 (Fla. 4th DCA 2003).

(16) Based on the grounds alleged by defense and pursuant to Florida Rules of Criminal Procedure Rule 3.600(a)(3) the defense has failed to show that (1) *new and material evidence*, which introduced at trial would *probably have changed the verdict or finding of the court.*"

- a. At the conclusion of the State's case, Defense counsel motioned for a judgment of acquittal on the basis that the state failed to put on evidence of venue. The Court reviewed the transcripts and determined that Corporal Brunner testified that the crash occurred in Manatee County. At no time did defense counsel motion for judgment of acquittal based on improper venue or argue that Manatee County was the improper venue.
- b. Venue need not be established beyond a reasonable doubt. If the evidence raises a presumption that the offense was committed within the county, or if the evidence refers to localities and landmarks at or near the scene of the alleged offense, known or probably familiar to the jury, from which they may reasonably infer that the offense was committed in the county, it will be sufficient. *Lowman v. State*, 85 So. 166, 167 (Fla. 1920).
- c. Pursuant to Florida Statutes 910.05, "Where acts constituting one offense are committed in two or more counties, the offender may be tried in any county in which any of the acts occurred."
- d. Further, venue is proper in the county where defendant's criminal activity commenced. *Braddy v. State*, 111 So. 3d 810, 835 (Fla. 2012).
- e. Even if defense counsel properly objected to improper venue during a motion for judgment of acquittal AND the Court determined the crash occurred in Sarasota County, venue would nonetheless have been proper in Manatee County. Numerous acts constituting the offenses occurred in Manatee County, as stated

above. Thus, the **defendant has failed to establish** as required under Florida Rules of Criminal Procedure 3.600(a)(3), "**New and material evidence**, which if introduced at trial would have **probably changed the verdict or finding of the court...**"

f. The elements to prove the crime of Driving Under the Influence Manslaughter are: (1) Nicole Moore drove or was in actual physical control of a vehicle, (2) While driving or in actual physical control of the vehicle, Nicole Moore (a) was under the influence of alcoholic beverages to the extent that her normal faculties were impaired OR (b) had a blood alcohol level of .08 or more grams of alcohol per 100 milliliters of blood, AND (3) As a result of operating the vehicle, Nicole Moore caused or contributed to the cause of death of Dianne Lynn Jaffe. At the very minimum, the **defendant engaged in the following acts in Manatee County** constituting Driving Under the Influence Manslaughter:

i. Nicole Moore commenced the crime of Driving under the Influence Manslaughter at Linkster's in Manatee County, Florida.

ii. The defendant left Linkster's and continued driving in Manatee County, Florida while under the influence to the extent her normal facilities were impaired or with a blood alcohol level of .08 grams of alcohol per 100 milliliters of blood.

iii. After crashing her vehicle, Nicole Moore continued to drive her vehicle while under the influence to the extent that her normal facilities were impaired or with a blood alcohol level of .08 grams of alcohol per 100 milliliters of blood,

with the victim's vehicle attached onto Whitfield and University, which is in Manatee County, Florida.

g. To prove the crime of Leaving the Scene of a Crash Involving Death the State must prove four elements: (1) Nicole Moore was the driver of a vehicle involved in a crash or accident occurring on public or private property resulting in the death of any person, (2) Nicole Moore knew that she was involved in a crash or accident, (3) Nicole Moore knew or should have known from all of the circumstances, including the nature of the crash or accident, of the injury or death of the person, and (4) (a) Nicole Moore willfully failed to stop at the scene of the crash or accident or as close to the crash or accident as possible and remain there until she had given "identifying information" to any police officer investigating the crash or accident OR (b) Nicole Moore willfully failed to render "reasonable assistance" to the injured person if such treatment appeared to be necessary or was requested by the injured person. At the very minimum, ***defendant engaged in the following acts in Manatee County*** constituting Leaving the Scene of a Crash Involving Death:

- i. Nicole Moore, after striking the victim's scooter, continued to drive on University and turned, onto Whitfield Avenue which is in Manatee County, Florida.
- ii. The defendant then exited her vehicle and observed the scooter embedded in the front of her vehicle while in Manatee County, Florida.
- iii. The defendant continued her efforts to leave the scene by running on foot to Timberlake Apartments in Manatee County, Florida.

h. To prove the crime of Driving with No Valid Driver's License and Causing Serious Bodily Injury or Death, the State must prove three elements: (1) Nicole Moore operated a motor vehicle in a careless or negligent manner, (2) At the time, she did not have a driver's license, and (3) As a result of the careless or negligent operation, Nicole Moore caused the death of Diane Lynne Jaffe. At the very minimum, the **defendant engaged in the following acts in Manatee County** constituting No Valid Driver's License and Causing Serious Bodily Injury or Death:

- i. The defendant began operating her vehicle in a careless, negligent manner upon leaving Linkster's in Manatee County, Florida.
- ii. The defendant left Linksters in Manatee County, Florida under the influence of alcohol to the extent her normal faculties were impaired or her blood alcohol level was above .08 grams of alcohol per 100 milliliters of blood.
- iii. The defendant left Linkster's in Manatee County driving at a high rate of speed and following too closely to the vehicle in front of her.

(17) Also required by Florida Rules of Criminal Procedure 3.600(a)(3), the defendant must show: (1) **material evidence was newly discovered** AND (2) the **defendant could not with reasonable diligence have discovered and produced at the trial.**

- a. The location of the crash is not newly discovered and material evidence.
- b. The exact location of the crash was provided to the defendant on August 18, 2014 in discovery, a year and a half prior to trial.

- c. The defendant has failed to show that the survey produced as part of his motion for new trial was one that could not have been discovered with reasonable diligence and produced at trial.
- d. A deposition was conducted of Corporal Brunner on January 29, 2015, a year prior to trial. The defendant did not exam the witness about the location or venue of the crash.
- e. During trial, the defendant did not cross exam Corporal Brunner or any other witness as to the location or venue of the crash. Rather, the defendant waited until after being convicted at trial to investigate the location of the crash, which the defendant accomplished in ten days.
- f. At no point during the discovery process or the trial did any evidence or testimony regarding the location of the crime change.

(18) The defendant's failure to raise the issue of improper venue during or before trial served as a waiver of the issue of improper venue.

(19) In *Braddy v. State*, 111 So. 3d 810, 835 (Fla. 2012), the Court held that the venue was proper when the crime commenced in one county and continued into another. The court emphasized that the defendant waited until after trial to raise the issue of the three different venues and also found that there was no possibility that the alleged error with respect to venue prejudiced the defendant in any manner. *Id.*

- a. In the case before the court, the Defendant has failed to allege she was prejudiced in any manner by any alleged error with respect to venue.
- b. The defense at trial was that the defendant did not cause or contribute to the death of the victim because the defendant did not have time to react as a result of visibility and speed, alleging that the victim was seated on a parked motor scooter in the middle of the road. The defendant further asserted she did

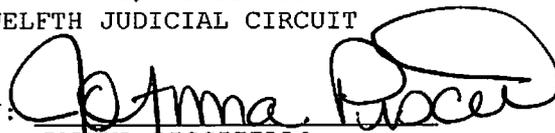
not leave the scene because she parked her car, went to get her mother, and returned to the scene.

- c. The State's information, the discovery provided to the defendant, the numerous depositions conducted by the defendant, and the evidence at trial disclosed the name of a specific victim, the specific locations and vehicles involved in the defendant's crimes, the specific times associated with the acts in this case, and the specific circumstances surrounding those acts with clear, sufficient specificity to eliminate the danger that the defendant could be prosecuted again for the same offense.
- d. The State is hard pressed to discern, and the defense has failed to show, how the issue of venue would have prejudiced the defendant in her defense, or to have been so vague, indistinct, or indefinite as to mislead the accused, or embarrass her in preparation of her defense or to expose her to substantial danger of a new prosecution for the same offense.

WHEREFORE, the State prays that an Order denying Defendant's Motion for New Trial be issued.

ED BRODSKY, STATE ATTORNEY
TWELFTH JUDICIAL CIRCUIT

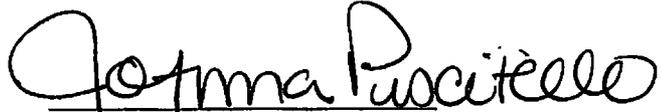
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing State's Motion in Limine has been furnished by EMAIL to Jeffrey Snelling, 2201 Ringling Blvd, Suite 201, Sarasota, FL 34237 this 23 March, 2016.

A handwritten signature in black ink that reads "Joanna Piscitello". The signature is written in a cursive style with a large initial "J".

JOANNA PISCITELLO
Assistant State Attorney

Exhibit 2: Writing Sample

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

STATE OF FLORIDA
Plaintiff,

CASE NO.: 2017-00271-CF-54

v.

MARIA SHULTS
Defendant.

_____ /

**STATE’S RESPONSE TO DEFENDANT’S MOTION TO SUPPRESS STATEMENTS
BASED ON INVALID WAIVER OF MIRANDA RIGHTS**

COMES NOW the State of Florida, by and through the undersigned, designated Assistant Statewide Prosecutor and files this response to the Defendant’s Motion to Suppress Statements and prays that the Court deny said motion. In support thereof, the State provides the following information:

1. The defendant is charged by Information with one count Organized Scheme to Defraud greater than \$50,000, a first-degree felony.
2. The information alleges that the defendant committed the criminal offenses specified in the above count beginning on August 1, 2012 and continuing through July 1, 2015.
3. The defendant was interviewed on March 16, 2017 at 7:00 pm at the Jacksonville Regional Operations Center for the Florida Department of Law Enforcement.

ISSUE ONE:

Legal Analysis:

Custodial Interrogation:

In Miranda v. Arizona, the United States Supreme Court ruled that the state cannot introduce a statement stemming from the custodial interrogation of a defendant, unless the defendant is provided with warnings or rights, which have since come to be referred to as Miranda warnings. Miranda, 384 U.S. 436, 444 (1966). The Court further defined custodial interrogation to mean, “questioning initiated by law enforcement officers after a person has been

taken into custody or otherwise deprived of his freedom of action in any significant way.” Id.

The mere fact that law enforcement had a warrant for an individual’s arrest at the time of the statement, does not per se make the statement custodial for the purposes of Miranda. Davis vs. State, 698 So.2d 1182 at 1188 (Fla. 1997).

In Davis, The Florida Supreme Court further elaborated and held as follows:

“Although custody encompasses more than simply formal arrest, the sole fact that police had a warrant for Davis’s arrest at the time he went to the station does not conclusively establish that he was in custody. Rather, there must exist a “restraint on freedom of movement of the degree associated with a formal arrest.” Roman vs. State, 475 So.2d 1228, 1231 (Fla. 1985). The proper inquiry is not the unarticulated plan of the police, but rather how a reasonable person in the suspect's position would have perceived the situation. Id.”

The Court in Timmons v. State provided additional clarification, “[t]he focus of the inquiry is primarily upon the perceptions of the suspect, rather than the intent of the police officers.”

Timmons, 961 So. 2d 378, 380 (Fla. 4th DCA 2007).

Under the current standard, Miranda warnings must only be given when a reasonable person in the suspect's place would believe he or she were not free to leave. United State vs. Long, 866 F.2d 402 (11th Cir.1989); Caso vs. State, 524 So.2d 422 (Fla.) cert. denied, 488 U.S. 70, 109 S. Ct. 178, 102 L. Ed. 2nd 147 (1988). See also United States vs. Bengivenga, 845 Federal Second 593 (Fifth Circuit), cert. denied, 488 U.S. 924 109 S. Ct. 306, 102 L. Ed. 2nd 325 (1988). In Long, the Eleventh Circuit identified three situations in which a reasonable person might believe he or she was not free to leave: if an officer (1) brandished a weapon, (2) touched the suspect, or (3) used language or a tone indicating compliance could be compelled.” Id. at 18-19.

The Court must consider if in the totality of the circumstances, a reasonable person in the suspect’s position would feel a restraint of the freedom of movement such that one would not

feel free to leave or terminate an encounter with the police. Lee v. State, 988 So. 2d 52 (Fla. 1st DCA 2008); Meredith v. State, 964 So. 2d 247 (Fla. 4th DCA 2007). There are numerous relevant factors the Courts have provided to assist in the analysis including: (1) the location of the questioning, (2) its duration, (3) statements made during the interview, (4) the presence or absence of physical restraints during the questioning, and the release of the interviewee at the end of questioning. MacKendrick v. State, 112 So. 3d 131 (Fla. 1st DCA 2013).

In Rameriz v. State, the Court provided additional considerations in making the determination whether a reasonable person in the suspect's position would consider himself in custody, to include: (1) the manner in which police summon the suspect for questioning; (2) the purpose, place, and manner of the interrogation; (3) the extent to which the suspect is confronted with evidence of his or her guilt; (4) whether the suspect is informed that he or she is free to leave the place of questioning. Ramirez v. State, 739 So. 2d 568, 574 (Fla. 1999). However, the Court cautioned that the entire context and the totality of the circumstances must be considered, and no one factor in isolation. State v. Pitts, 936 So. 2d 1111, 1124 (Fla. 2d DCA 2006). The fact that law enforcement does not tell a suspect they are free to leave is not dispositive, particularly where there is nothing to suggest that the suspects freedom of movement was curtailed in any manner. State v. Scott, 786 So.2d 606, 610 (Fla. 5th DCA 2001); *See also* Roman v. State, 475 So.2d 1228, 1231 (Fla.1985). Furthermore, a person is not considered to be in custody merely because the questioning took place at the police station or the questioned person is one whom the police suspect. Pitts, 936 So. 2d 1111, 1126 (Fla. 2d DCA 2006).

Additionally, the Court in Monroe v. State quashed the argument that a suspect is effectively under arrest and in custody when law enforcement interviewed the suspect after

having already obtained an arrest warrant. Monroe v. State, 148 So. 3d 850, 856 (Fla. 1st DCA 2014).

In Monroe v. State, the defendant was charged with sexual battery and lewd and lascivious molestation. Id. at 852. Law enforcement had an arrest warrant but waited to execute the warrant with the objective of conducting a non-custodial interview. Id. The interview was conducted in a publicly accessible conference room on a college campus. Id. The agent wore jeans and a T-shirt and did not display a weapon. Id. at 853. The defendant sat closest to the door and the agent sat on the other side of the table. Id. The defendant repeatedly denied wrongdoing and the agent repeatedly accused him of lying, reiterating the seriousness of the allegations. Id. The agent said, “What do you think I should do with you? Do you think I drove all the way up here to have you tell me nothing happened?” Id. The agent told the defendant he was “missing an opportunity” and advised the defendant he would continue the investigation. Id. at 854. The agent told the defendant the investigation was ending, but that the matter was not going away. Id. He also told the defendant that he could not “undo what he did” but that the defendant “could make it better.” Id. The agent told the defendant that “most cops” would have “walked in, put handcuffs on him and taken him away.” Id. At that point the defendant gave admissions. Id.

The Court reasoned that the defendant was not in custody, as law enforcement did not disclose the existence of the warrant during the interview, and the record does not suggest that Monroe had any prior independent information that the officer had an arrest warrant. Id. at 856. The Court found that “[a]bsent a restraint on the defendant’s movement to a degree associated with an actual arrest, the fact that the agent already had a warrant for the defendant’s arrest and hoped to obtain a confession does not conclusively establish that the defendant was in custody

for Miranda purposes.” Id. The Court also considered the following factors (1) the interrogation took place in a conversational tone free of threats or promises (2) nothing indicated that the defendant, who sat closer to the exit, was in any way prevented or hindered from leaving and (3) although the agent was persistent, opinionated, and orally confrontational, he did not use coercive measures to elicit information from Monroe during the relatively brief interview. Id.

Argument:

Defendant was *not* in custody

When evaluating the totality of circumstances surrounding the defendant’s statement in conjunction with the reasonable person standard, the defendant was not in custody at the time she provided her statement to law enforcement. A reasonable person in the defendant’s circumstance would not have perceived that her “freedom of movement was curtailed to the same degree as that associated with a formal arrest.”

The defendant voluntarily came to the Jacksonville Regional Center for the Florida Department of Law Enforcement (FDLE). When considering the manner in which the defendant was summoned, law enforcement reached out to the defendant through a telephone call to her husband. There was no force nor any promises. Law enforcement did not even speak with the defendant. Yet, even if a conversation with a third party is considered by the Court as a form of communication “through” the third party, law enforcement did not tell the defendant that she was required to appear. The conversation between Christopher Shults and Special Agent William Bowes (hereinafter referred to as SA Bowes) setting up the interview occurred on March 9th. The interview was conducted *seven days later* on March 16th. There were no additional conversations between SA Bowes and either Christopher Shults or the defendant during that seven-day time frame. The defendant decided to meet SA Bowes voluntarily. The defendant transported herself to the location. The defendant’s husband accompanied her to the facility and

the two arrived in separate vehicles. The interview took place inside of a meeting room in the lobby area of the FDLE building. Although law enforcement had a warrant for her arrest, the defendant was not aware of the warrant and was never told that she could not leave. The interview was not lengthy and lasted just over an hour. The defendant was not handcuffed prior to the statement nor at any time during the statement. Law enforcement was not blocking the defendant's access to the door of the interview room. The defendant sat closest to the exit. The door to the interview room was open and not locked. There were no physical barriers to the defendant's ability to leave the interview room.

Deceit by law enforcement only influences the analysis of custody to the extent it would affect the reasonable person standard in determining if a reasonable person would have believed they were free to leave or that their freedom was curtailed in any way. In the case before the Court, the deceit works to the contrary. Law enforcement set the meeting up with the defendant through her husband, Christopher Shults. If, as alleged in the defendant's motion, the defendant was advised of the information provided to Christopher Shults, then the defendant would believe she was not under arrest and that she would be free to leave after providing her statement.

At no time did the defendant give an appearance or suggestion of being intimidated or subdued by the presence of the agents or the questions being asked. Rather to the contrary, the defendant laughed throughout the conversation with law enforcement. The agents never raised their voice during the interview. The tone of the interview was mostly conversational and explanatory, and no threats or promises were made. Although at points law enforcement was orally confrontational and opinionated, these comments never rose to the level of coercion.

While the standard is whether a reasonable person in that circumstance would believe they were free to leave and not what the defendant believed; one of the factors to consider is

nevertheless the actual statements made in the interview. Nowhere is it clearer that the defendant herself believed she was free to leave than toward the end of the interview. The defendant references going to work at a new McDonald's the next day and engages in a conversation with law enforcement about working the next day. The obvious implication is that the defendant believed that she was going home following her interview, as would a reasonable person in her circumstances. Excerpts from the interview are outlined below:

Exhibit 1 Page 17 (lines 34-36) of Translated Transcript of Maria Shults Interview:

SA WB: Where do you work at?

MC: In McDonald's, but, since you went one of these days, they fired me, but they already gave me back my job. Actually, tomorrow I start to work in Atlantic.

Exhibit 1 Page 18 (lines 27 through 35) of Translated Transcript of Maria Shults Interview:

SA YC: Are you working at McDonald's..

MC: No.

SA YC: No?

MC: Tomm- tomorrow?

SA YC: Tomorrow, you work at McDonalds.

MC: Tomorrow I go in at around 6 am in Atlantic, at the Atlantic store.

SA YC: In the store in Atlantis, or Atlantic or..

SA WB: Oh. Good, that's good.... (continues)

Exhibit 1 Page 23 (lines 23 through 27) of Translated Transcript of Maria Shults Interview:

SA WB: But I just, if you wanted to be honest with me Maria, you know deep down in your heart, inside, there's no way you can pay that money back, there's no way, you work at McDonalds.

MC: Well,

SA WB: You don't even work at McDonalds; you start there tomorrow.

MC: No but, it's just that I, I, I am trying to get to that..

When taking into consideration the totality of the circumstances and the entire context leading up to and during the interview, it was clear the defendant believed she was free to leave, as would any reasonable person in the defendant's circumstances.

ISSUE 2

Legal Analysis & Argument:

Miranda warnings were sufficient

As previously discussed at length, Miranda is only required where there is a custodial interrogation. While the state fervently asserts the defendant was *not* in custody during her interview with law enforcement, we address the remaining arguments made by the defendant. The defendant fails on these arguments as well. The defendant knowingly, voluntarily, and intelligently waived her Miranda rights and agreed to talk to law enforcement.

The state must prove that Miranda was waived by a preponderance of the evidence. Balthazar v. State, 549 So.2d 661, 662 (Fla.1989). The voluntariness of the waiver is a two-part inquiry. The first is whether the waiver was a free choice on the part of the defendant and not the product of intimidation, coercion, or deception. The second is whether the waiver was made with a full awareness of the nature of the right being abandoned and the consequences of the abandonment. Moran v. Burbine, 475 U.S. 412, 421, 106 S.Ct. 1135, 89 L.Ed.2d 410 (1986). Although the state's burden in proving voluntariness is heavier when a defendant claims a language barrier, the standard of proof remains the same. Balthazar, 549 So.2d at 662.

In Louis v. State, the Court held that the defendant and the requisite level of English comprehension to waive Miranda. Louis v. State, 855 So. 2d 253, 255 (Fla. 4th DCA 2003). The Court relied on the fact that the defendant was of average intelligence, suffered from no mental infirmity, was an adult just shy of his 19th birthday, was in the US for two years and attended a public high school. Id. at 255. The Court also found that the defendant was able to converse with the officer in English and answer the officer's questions. Id. Further, the Court

relied heavily on the the recording and transcript of the interrogation, which showed that Louis understood the questions posed to him and was able to respond. Id.

In Martin-Godinez v. State, the Court, in citing to Louis v. State, held that the defendant, who was a Guatemalan native and spoke Mayan Mam, but interviewed in Spanish, voluntarily, knowingly, and intelligently waived his right to Miranda. The Court reasoned that the defendant was able to answer the detective's background questions in Spanish, there was no indication that he had anything but average intelligence, he acknowledged he understood the rights he was waiving, and his answers indicated he had a sufficient understanding of the judicial system. Martin-Godinez v. State, 225 So. 3d 926, 928 (Fla. 1st DCA 2017).

In this case, the defendant had the requisite level of comprehension of English to waive her Miranda rights. The defendant's interview shows the defendant has a very clear understanding of English and had a clear understanding of her rights. Prior to reading the defendant's Miranda rights, the defendant and SA Bowes communicate in English. After a few preliminary questions, SA Bowes advises the defendant that he is going to read her Miranda rights and the following conversation ensues:

Exhibit 1 Page 1 (Lines 32-44) continued on Page 2 (Lines 1-14) of Translated Interview of Maria Shults

SA WB: Before we go any further, I want to read your Miranda Rights to you, do you know what Miranda Rights are? Ok. If you have any questions please feel free to ask but before we go any further, since this is an investigation, I just want to read these to you. You have the right to remain silent and anything you say may be used as evidence against you. Understand? (In Spanish) You have the right to talk to an attorney and have him or her with you now or at any time during questioning. If you cannot afford an attorney one will be appointed to represent you.

MC: Mhm.

SA WB: Do you understand that?

MC: Yes, I understand. (in English) Sorry, he is telling me that I have the right to an attorney and if I don't have one, they give me one, right? (Spanish)

SA YC: You have the right to have an attorney present when we are speaking to you. (Spanish)

MC: Ok. (English)
SA YC: If you want one. (Spanish)
MC: Mhm, Ok. (English)
SA YC: He is telling you all your rights, ok? (Spanish)
MC: Mhm, Okay. (English)
SA WB: If at any time you wish to stop talking or have an attorney present, all questioning will be stopped at your request, do you understand that?
MC: Yes, I do. (English)
SA YC: Understand? (Spanish)
MC: Yes, I do.(English)
SA WB: Do you understand your rights?
MC: Yes sir.
SA WB: With these rights in mind are you willing to talk to me?
SA YC: Do you want to talk to us, and tell us your story?
MC: Oh yes, yes, no problem.

The defendant's responses clearly indicate she understands her rights. In fact, the defendant restates in Spanish exactly what SA Bowes told her in English about her right to an attorney. When asked if she understands her right to stop questioning and have her attorney present, the defendant clearly states in English, "Yes, I do." When asked if she understands her rights, the defendant again articulates that she does. SA Carbia asks her again in Spanish if she understands, and the defendant confirms again that she does.

To suggest that she is merely acquiescing to law enforcement is inconsistent not only with how she responds during this portion of the interview, but also her conduct during the interview in its entirety. The defendant was very cautious to ensure she understood before responding. During the reading of her Miranda rights, to confirm that she in fact did understand what she was being told, the defendant stopped the reading and asked a question. Throughout the interview, the defendant consistently responded to SA Bowes English questions practically immediately without hesitation or without waiting for an interpretation. Her answers were responsive to the question, indicating a clear understanding of the English question. This is true of practically the entire interview. If at any point during the few times the defendant did not

understand, she asked for clarification using SA Carbia or advised SA Bowes and/or SA Carbia. See Exhibit 1 (Translation of Maria Shults Interview) pg. 4 lines 14-17, pg 9, lines 31 through 36, pg 12, lines 28-29, pg 22, lines 7-10 and pg 25, lines 20-36.

Perhaps the defendant's understanding of English and a complex English term is no clearer than the point during the interview where the defendant corrected SA Carbia's Spanish to English translation:

Exhibit 1 Page 13 (Lines 41-43) continued on Page 14 (Lines 1-14) of Translated Interview of Maria Shults

SA WB: So one thing that I can't understand, you told a couple of customers of yours the trip wasn't going to happen but you couldn't give them you're their money back because you had a stroke?

MC: (In Spanish) I don't know, I don't say, No.. like, I never said that, I told everyone that I was going to give them their money back, like, I never said I would not give it back, and even less would I mention something that has nothing to do with it.

SA YC: (In English) She said it has nothing to do with anything.

MC: (In Spanish) No, I didn't say anything, like, it didn't go through my, I've always recognized that I owe the money.

This is notable as it shows the defendant's ability to understand the proper use of a sophisticated English term in the English language. It also shows the defendant was not intimidated by the officers and was willing to speak up when she believed SA Carbia inaccurately characterized what she said.

The defendant appeared to be intelligent and suffered no mental infirmity. In fact, the defendant acknowledged that at the time of the interview she attended a local college/university. See Exhibit 1 pg 17, lines 15-31. She also referenced previously taking a course on business administration at Florida Atlantic University. See Exhibit 1, pg. 2, lines 38-44. The defendant was 62 years of age. See Exhibit 1 pg. 22, lines 7 through 12. At the time of the interview, as acknowledged during the interview, the defendant had been in the United States for at least seven

years. *See* Exhibit 1, pg. 2, lines 38-44. The defendant indicated she worked at McDonald's in Jacksonville. *See* Exhibit 1, pg 17, lines 34-43.

When considering the totality of the circumstances, including the defendant's background described above, the transcript of both the Miranda warnings and the interview in its entirety, the state has demonstrated substantial evidence that the defendant understood the English questions posed to her and was able to respond appropriately, whether her responses were in English or Spanish. Thus, the defendant's waiver of Miranda was knowingly, voluntarily and intelligently made.

WHEREFORE, the State prays that an Order denying Defendant's Motion to Suppress Statements Based on Invalid Wavier of Miranda Rights be issued.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Marissa Fallica, Office of the Public Defender for the 7th Judicial Circuit, Attorney for Defendant by e-service this _____ day of March, 2019.

NICHOLAS B. COX
Statewide Prosecutor

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