

# **Application for Nomination**

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**Circuit Court**

**Seventh Judicial Circuit of Florida**

**R. Lee Smith**

**January 2016**



**R. Lee Smith**

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

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

**DATE:** January 25, 2016 Florida Bar No.: 0630578

**GENERAL:** Social Security No.: \_\_\_\_\_

1. Name Ray Lee Smith II "Lee" E-mail: rleesmith1@gmail.com

Date Admitted to Practice in Florida: April 13, 2003

Date Admitted to Practice in other States: Not Applicable.

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

Assistant State Attorney, Traffic Homicide Division Chief, State Attorney's Office, Fourth Judicial Circuit, Florida

3. Business address: 311 West Monroe Street Jacksonville, FL 32202

City Jacksonville County Duval State FL ZIP 32202

Telephone (904) 255-2732 FAX (904) 255-2672

4. Residential address: \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Since December 31, 2013 Telephone \_\_\_\_\_

5. Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Age: 43

6a. Length of residence in State of Florida: 24 years

6b. Are you a registered voter?  Yes  No

If so, in what county are you registered? St. Johns County

7. Marital status: Married

If married: Spouse's name \_\_\_\_\_

Date of marriage June 21, 2003

Spouse's occupation Marketing Consultant

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

Not Applicable.

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
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9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
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N/A	N/A	N/A	N/A
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Rank at time of discharge	<u>N/A</u>	Type of discharge	<u>N/A</u>
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Awards or citations	<u>N/A</u>		
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**HEALTH:**

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

No.

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

Yes  No

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

Please describe such treatment or diagnosis.

Not Applicable.

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

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite

- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes  No

If yes, please explain.

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

Yes  No

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

Yes  No

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

Not Applicable.

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

No.

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

No.

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

No.

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

No.

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

No.

**EDUCATION:**

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

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Florida Coastal School of Law	top 25%	1999-2002	Juris Doctor
Florida State University	Unknown	1997-1999	Bachelor of Science
Florida Community College at Jacksonville	Unknown	1992-1997	Associates of Arts Degree
Linganore High School	Unknown	1986-1990	High School Diploma

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

Dean's Merit Scholarship Recipient - Florida Coastal School of Law, 1999

**NON-LEGAL EMPLOYMENT:**

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

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
8/1991 - 8/1997	Manager	Café on the Square	1974 San Marco Boulevard Jacksonville, FL 32202

**PROFESSIONAL ADMISSIONS:**

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

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
The Florida Bar	April 13, 2003

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

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

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Assistant State Attorney, Division Chief of Traffic Homicide	State Attorney's Office, Fourth Judicial Circuit	Ed Austin Building 311 West Monroe Street Jacksonville, FL 32202	January 2009 - present
Assistant State Attorney	State Attorney's Office, Seventh Judicial Circuit	251 North Ridgewood Ave. Daytona Beach, FL 32114	August 2007 - December 2008
Legislative Counsel	Congressman Ander Crenshaw, United States House of Representatives	2161 Rayburn House Office Building, Washington, DC	August 2002 - September 2007

Haynsworth, Baldwin,  
Johnson and  
Greaves

Riverplace Tower  
Ste. 800,  
Jacksonville, FL  
32207

Legal Clerk

Summer 2001

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

I am the Division Chief of the Traffic Homicide unit for the State Attorney's Office, Fourth Judicial Circuit and I prosecute homicides and other major crimes cases. I supervise a group of attorneys who collectively prosecute all vehicle related fatalities that occur in Duval County. I am the on-call attorney for all traffic homicide detectives working for the Jacksonville Sheriff's Office, the Florida Highway Patrol, and the Jacksonville Beach Police Department. I respond to scenes of traffic fatalities to assist law enforcement with witness interviews, issuance of search warrants, and to provide guidance with the collection of evidence. In every traffic homicide case, I personally meet with the families of the victims to discuss the case and familiarize them with the criminal justice system. These cases typically require extensive litigation and often end in extremely emotional trials and sentencing hearings. With each of these cases, I employ a firm but fair approach which I believe will be attested to by many of the opposing counsel listed in this application. I previously supervised five county court divisions and trained all new attorneys employed at the State Attorney's Office.

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

	Court		Area of Practice	
Federal Appellate	_____	0 %	Civil	_____ 0 %
Federal Trial	_____	0 %	Criminal	_____ 100 %
Federal Other	_____	0 %	Family	_____ 0 %
State Appellate	_____	0 %	Probate	_____ 0 %
State Trial	_____	100 %	Other	_____ 0 %
State Administrative	_____	0 %		
State Other	_____	0 %		
	_____	%		
<b>TOTAL</b>	_____	<b>100 %</b>	<b>TOTAL</b>	_____ <b>100 %</b>

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

Jury? 51 Non-jury? 4



Arbitration? N/A

Administrative Bodies? N/A

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

No.

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

No.

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

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

(1) State of Florida vs. Adam Sheppard, Case Number 16-2011-CF-001893-AXXX-MA

First District Court of Appeals Case Number, 1D15-3836, Appeal Pending

Trial Judge: The Honorable Scott Mitchell (904) 255-1333

Representing the State of Florida: Jessica Garcia, Esq. (904) 327-2773 and R. Lee Smith

Representing the Defendant: Matthew Kachergus, Esq., and Brian DeMaggio, Esq., (904) 356-9661

\*See tab 27(a) for articles related to this case.

(2) State of Florida vs. Kenneth Bicking, Case Number 16-2011-CF-13092-AXXX-MA

First District Court of Appeals Case Number 1D14-4758, Appeal Pending

Trial Judge: The Honorable Mark Hulse (904) 255-1279

Representing the State of Florida: R. Lee Smith and Alan Mizrahi, Esq. (904) 255-2571

Representing the Defendant: Donald Mairs, Esq. (904) 598-0245

\*See tab 27(a) for articles related to this case.

(3) State of Florida vs. Robert Hall, Case Number 16-2011-CF-16-2014-CT-00776-  
AXXX-MA

This conviction was not appealed

Trial Judge: The Honorable Scott Mitchell (904) 255-1333

Representing the State of Florida: R. Lee Smith and Chase Harris, Esq. (904) 255-2648

Representing the Defendant: Vanessa Newton, Esq. (904) 396-6100

(4) State of Florida vs. Christopher Anderson, Case Number 16-2013-CF-004703-AXXX-  
MA

First District Court of Appeal Case Number 1D14-420, Affirmed - Per Curiam

Trial Judge: The Honorable Tatiana Salvadore (904) 255-2400

Representing the State of Florida: David Thompson, Esq. (904) 493-3400 and R. Lee  
Smith

Representing the Defendant: Assistant Public Defenders Melina Buncome, Esq. (904)  
255-4673 and Aaron Brown, Esq. (904) 255-4673

\*See tab 27(a) for articles relating to this case.

(5) State of Florida vs. Klay Williams, Case Number 16-2011-CF-003967-AXXX-MA

First District Court of Appeal Case Number: 1D13-1490 BOOK 16803 PAGE 2419-2420;  
Affirmed - Per Curiam

Trial Judge: The Honorable Adrian G. Soud (904) 491-7275

Representing the State of Florida: R. Lee Smith and Janeen Kirch, Esq. (904) 255- 2877

Representing the Defendant: Flem Whited, Esq. (386) 253-7865

\*See tab 27(a) for articles related to this case.

(6) State of Florida vs. William Roderick, Case Number 16-2010-CF-008841-AXXX-MA

First District Court of Appeal Case Number: 1D12-4510 BOOK 16666 PAGE 1213-1214  
Affirmed Per-Curiam

Division: CR-E

Trial Judge: The Honorable Tyrie Boyer selected the jury and The Honorable Charlie  
Mitchell presided over the trial

Representing the State of Florida: R. Lee Smith, and Alan Mizrahi, Esq. (904) 255-2971

Representing the Defendant: Tiffany Poore, Esq. (904) 885-9544, and Todd Niemczyk,  
Esq. (904) 854-8822.

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

(1) State of Florida vs. Matthew David Frye, 16-2015-CF-003268-AXXX-MA

Representing the Defendant, Fred Gazaleh, Esq. (904) 255-4673

Presiding Judge, The Honorable Russell Healy (904) 255-1324

\*See tab 27(b) for articles related to this case.

(2) State of Florida vs. Mary Jane Huffman, 16-2014-CF-008482-AXXX-MA

Representing the Defendant, Fred Gazaleh, Esq. (904) 255-4673

Presiding Judge, The Honorable Angela M. Cox (904) 255-1360

\*See tab 27(b) for articles related to this case.

(3) State of Florida vs. Stanley Jefson, 16-2014-CF-009798-AXXX-MA

Representing the Defendant, Mitch Stone, Esq. (904) 396-3335

Presiding Judge, The Honorable Mallory Cooper (904) 255-1288

\*See tab 27(b) for articles related to this case.

(4) State of Florida vs. Brandon Ramdass, 16-2014-CF009798-AXXX-MA

Representing the Defendant, Gonzalo Andux, Esq. (904) 791-1101

Presiding Judge, The Honorable Tatiana Salvadore (904) 255-2400

\*See tab 27(b) for articles related to this case.

(5) State of Florida vs. Andrew Kauffman, 16-2013-CF-011616-AXXX-MA

Representing the Defendant: Fred Gazaleh, Esq. (904) 255-4673

Presiding Judge, The Honorable Mark Hulsey (904) 255-1279

\*See tab 27(b) for articles related to this case.

(6) State of Florida vs. Darrell Lundy, 16-2014-CF-007004-AXXX-MA

Representing the Defendant, Tom Fallis, Esq., (904) 356-6440

Presiding Judge, The Honorable Charles Arnold, retired

\*See tab 27(b) for articles relating to this case.

- 27c. During the last five years, how frequently have you appeared at administrative hearings?  
0 average times per month
- 27d. During the last five years, how frequently have you appeared in Court?  
15 - 20 average times per month
- 27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? N/A% Defendants?  
N/A%
28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

Not Applicable.

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

None.

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

(1) State of Florida vs. Kenneth Bicking, Case Number 16-2011-CF-13092-AXXX-MA

First District Court of Appeal Case Number 1D14-4758, Appeal Pending

Trial Judge: The Honorable Mark Hulse (904) 255-1279

Representing the State of Florida: R. Lee Smith and Alan Mizrahi, Esq. (904) 255-2571

Representing the Defendant: Donald Mairs, Esq.(904) 598-0245

The jury was selected on September 2, 2014 and the trial concluded on September 4, 2014

This case involved an Armed Sexual Battery and Armed Kidnapping that occurred in Atlantic Beach in 1992. The victim was inside her apartment folding clothes in the middle of the afternoon. The defendant snuck into her house with a firearm and threatened to shoot her if she did not comply with his demands. He then bound her arms behind her back, blindfolded her and forced her upstairs to her bedroom. He raped her on the floor of her bedroom. He left her arms and legs tied up and exited out of the back of the apartment. She was able to make her way to her bathroom where she rubbed her face along the edge of the vanity to remove the tape. She then made it to a phone and dialed 911 still bound by his ropes. The investigation into this and several other similar rapes in the area went on for several years but a suspect was never identified. Almost 20 years later the defendant became a suspect when the DNA evidence was retested at the urging of the then retired Detective who originally worked the case. A CODIS hit revealed Kenneth Bicking, then living in South Florida, as a suspect. Investigators discovered he was stationed at Mayport Naval Station in 1992 and lived a short distance from the victim's home. We were able to obtain photographs of the suspect taken around the time of the crime and he very closely resembled the sketch drawing done at the direction of the victim. This case was significant because of the heinous nature of the crime and the fact that it was committed in 1992, more than twenty years before the defendant was arrested. The case presented many challenges associated with a twenty year old case, including locating witnesses and compiling reports and evidence. The defendant was convicted of Armed Sexual Battery and Armed Kidnapping and sentenced to life in prison on both counts. The conviction is currently under appeal in the First District Court of Appeal.

\*Articles related to this case are located under tab 27(a)

(2) State of Florida v. Klay Williams, Case Number 16-2011-CF-003967-AXXX-MA

Division: CR-C

Charge: Driving Under the Influence - Manslaughter

First District Court of Appeals Case Number: 1D13-1490 BOOK 16803 PAGE 2419-2420; Affirmed - Per Curiam

Trial Judge: The Honorable Adrian G. Soud (904) 491-7275

Representing the State of Florida: R. Lee Smith, Esq., and Janeen Kirch, Esq. (904) 255-2877

Representing the Defendant: Flem Whited, Esq. (386) 356-9661

This trial began on January 14, 2013 and concluded on January 17, 2013.

The charge in this case was DUI Manslaughter. It was a tragic case involving two underage friends who were drinking alcohol. The defendant was very impaired by alcohol but refused the victim's plea to stop driving the vehicle. The defendant was driving at a high rate of speed down a two lane road when he lost control and drove through a wooden horse fence. Boards from the fence penetrated the windshield and one struck the victim in the head causing his death. When a witness drove up to the scene, the defendant was standing outside of the vehicle and the victim was laying across the driver's side floorboard with his feet pointed toward the passenger side of the vehicle. The defense hired a traffic reconstructionist who gave an opinion that the victim was driving the vehicle at the time of the crash. With the help of experts in blood spatter expert and traffic reconstruction, we were able to establish that defendant was the driver and that we believed he was attempting to pull the victim into the driver's seat moments before the witness drove up. The defendant was convicted of DUI Manslaughter and received a fifteen year prison sentence.

\*Articles related to this case are listed under tab 27(a).

(3) State of Florida v. Ismet Sijamhodzic, Case Number 16-2012-CF-009097-AXXX-MA

Division: CR-I

This case was not appealed

Trial Judge: The Honorable Suzanne Bass (904) 255-1306

Representing the State of Florida: R. Lee Smith

Representing the Defendant: Alan Rosner, Esq., (904) 777-7777

The defendant entered a plea to the Court. A sentencing hearing was held on November 14, 2013. The defendant was sentenced to 12 years Florida State Prison followed by three years probation.

The charge in this case was DUI Manslaughter. The defendant, impaired by Xanax, drove through a stop sign and crashed into the home of 17 year old Janay Jackson who was asleep in her bed. Janay's parents heard a large crash in their daughter's bedroom and ran in to find her pinned between the defendant's vehicle and her bedroom wall.

Paramedics desperately tried to save her life but her injuries were too severe and she died at the hospital. The case ended in a plea to the Court and a day long sentencing hearing. The parents and many other loved ones read heartfelt impact statements and the traffic homicide detectives and fire and rescue personnel provided compelling testimony. The Judge imposed a 12 year prison sentence followed by three years of drug offender probation.

\*See tab 30 for articles related to this case.

(4) State of Florida vs. Rodney Probst, Case Number 16-2009-CF-012676-AXXX-MA  
First District Court of Appeal Case Number: 1D11-6683 BOOK 15795 PAGE 2153-2153  
Affirmed - Per Curiam

Trial Judge: The Honorable Mark Hulsey (904) 255-1279

The State of Florida was represented by R. Lee Smith, Esq. and Stacie French, Esq.  
(904) 255-2988

The defendant was represented by Victoria Mussallem (904) 365-5200

The charge in this case was Capital Sexual Battery. The victim was less than 12 years old and the nephew of the suspect's girlfriend. The victim would occasionally go the apartment the defendant shared with the victim's aunt. The defendant sexually battered the victim in a patio area by manipulating the young boy and assuring him that what he was doing to him was completely normal. The victim finally told his family what the defendant was doing to him and the defendant was arrested. The defendant had a prior conviction for a sexual battery on another young boy. That individual, now an adult, testified as a William's Rule witness. This was a very emotional trial for both the current victim and the William's Rule victim. The defendant was convicted as charged and sentenced to life in prison. The First District Court of Appeal upheld the conviction per curiam.

(5) State of Florida vs. William Roderick, Case Number 16-2010-CF-008841-AXXX-MA  
First District Court of Appeal Case Number: 1D12-4510 BOOK 16666 PAGE 1213-1214  
Affirmed Per-Curiam

Division: CR-E

Charge: Sexual Battery (Familial or Custodial Activity)

Trial Judge: The Honorable Tyrie Boyer selected the jury and the Honorable Charlie Mitchell presided over the trial

Representing the State of Florida: R. Lee Smith, Esq., and Alan Mizrahi, Esq. (904) 255-2971

Representing the defendant: Tiffany Poore, Esq., (904) 885-9544, and Todd Niemczyk, Esq. (904) 854-8822

This jury was selected on April 2, 2012 and the trial concluded on April 5, 2012

The charge in this case was Sexual Battery. The defendant was the victim's biological

daughter. The defendant drank alcohol with his daughter and later that evening, sexually battered her inside a hotel room. The victim got away from him and ran to the front desk for help. Officers arrived and took the defendant into custody. After his arrest, the defendant denied doing anything inappropriate with his daughter. The victim's trial testimony was extremely compelling and the defendant was convicted as charged. He was sentenced to twenty-five years in prison. This was an extremely emotional case given the relationship between the victim and the defendant. The conviction was upheld on appeal.

(6) State of Florida vs. Della Foss, Case Number 16-2009-CF-003929-AXXX-MA

First District Court of Appeal Case Number: 1D10-1847 BOOK 15698 PAGE 60-61  
Affirmed: Per-Curiam

Division: CR-E

Charge: DUI Manslaughter

Trial Judge: The Honorable David Gooding

Representing the State of Florida: R. Lee Smith, Esq., and The Honorable Mark Borello  
(904) 278-4760

Representing the Defendant: Assistant Public Defender, Fred Gazaleh, Esq. (904) 255-4673

This jury was selected on February 1, 2010 and the trial concluded on February 2, 2010

The charge in this case was DUI Manslaughter. The defendant was out drinking and ingesting drugs all night. While driving home, she swerved her vehicle off the road and struck the victim who was walking to work. After striking the victim, the defendant overcorrected, drove back across the road and struck a telephone pole on the opposite side of the street. Witnesses saw the defendant's vehicle drive off the road but did not see her strike the victim and did not notice his body laying in the grass. They ran to the defendant's vehicle, which was under a downed power line, and helped her out of the vehicle. The victim's body was not discovered for over an hour when one of the witnesses happened to observe one of his shoes laying in the road. The defendant was found guilty as charged and sentenced to fifteen years in prison. The case was affirmed on appeal.

\*See tab 30 for articles related to this case.

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

\*See tab 31 for a writing sample.

#### **PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:**



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

No

32b. List any prior quasi-judicial service:

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

Types of issues heard: N/A

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

No

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

No

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

**BUSINESS INVOLVEMENT:**

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

Not Applicable.

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

No

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

None

**POSSIBLE BIAS OR PREJUDICE:**

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

I do not believe there are any conflicts that would require my recusal.

**MISCELLANEOUS:**

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

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

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

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

Yes  X  No \_\_\_\_\_ If "Yes" what charges? \_\_\_\_\_ Leaving the Scene of a Crash  
\*See tab 35.

Where convicted? Frederick, MD Date of Conviction: October, 1990

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

Leaving the Scene of a Crash

Yes  No  If "Yes" what charges? \*See tab 35.

Where convicted? Frederick, MD Date of Conviction: October, 1990

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

No

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

No

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

No

37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?

No

37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.

No

38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

Steven R. Johnson, Pro Se, Plaintiff v. Office of the State Attorney Fourth Judicial Circuit, Florida, Angela B., Corey and Public Records Custodian for the Fourth Judicial Circuit, Florida and R. Lee Smith II as State Assistant State Attorney and Public Records Custodian for the Fourth Judicial Circuit;

Complaint and Petition for Alternative Writ of Mandamus and for Injunctive Relief

Case No.: 16-2015-CA-6523XXXX

Division CV-F

This Complaint was recently filed and is actively being litigated.

Felix Luez Cuevas-Rodriguez, Pro Se, Plaintiff v. The Honorable Russell Healey, Circuit Court Judge, Matt Shirk, Public Defender, Fred Gazaleh, Assistant Public Defender,

Angela Corey, State Attorney, Lee R. Smith (sic) Assistant State Attorney, and Frank H. Gaulden, Assistant State Attorney, Defendants.

Civil Rights Complaint

16-2015-CA-00412

Division CJ

On May 12, 2015 the Complaint was Dismissed with Prejudice

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

No

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

No

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

No

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

No

- 43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes  No  If no, please explain. \_\_\_\_\_

- 43b. Have you ever paid a tax penalty?

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

- 43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No

**HONORS AND PUBLICATIONS:**

44. If you have published any books or articles, list them, giving citations and dates.

No

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

2015 Jacksonville Mayor's award for Best Judicial Victim Advocate. Awarded to best advocate for victim's of crime among all attorneys and judges practicing in Duval County.

2014 Mother's Against Drunk Drivers Prosecutorial Excellence Award for Northeast Florida.

Nomination for Mother's Against Drunk Drivers Statewide Award for Prosecutor of the Year.

Commendations from State Attorney Angela Corey, various years

Dean's Merit Scholarship Recipient, Florida Coastal School of Law 1999

\*See tab 45 for additional information about these honors.

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

I educate teenagers on the effects of drinking and driving and texting while driving by speaking at various high schools and youth groups. In these forums, offenders and victim's loved ones speak to youth about the devastating consequences of driving under the influence of alcohol and texting while driving.

I provide educational lectures to all new attorneys when they join the State Attorney's Office.

I assisted in a lecture to the 2014 rookie class for the Jacksonville Jaguars on the effects of drinking and driving.

I speak to the Jacksonville Sheriff's Office incoming recruit classes about county court policies and procedures and DUI law.

I spoke to the Sheriff's Advisory Council (ShAdCo) to provide information for citizens of Jacksonville. ShAdCo serves as information exchanges between citizens and law enforcement where citizens are given an opportunity to communicate directly with law enforcement on issues of importance to their communities.

I conduct training sessions for all traffic homicide investigators and update them on changes in laws affecting traffic homicide investigations.

47. Do you have a Martindale-Hubbell rating? Yes  If so, what is it? \_\_\_ No

**PROFESSIONAL AND OTHER ACTIVITIES:**

48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

Jacksonville Bar Association

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

Assistant coach at various youth athletic leagues

Captain of the Washington, DC chapter of the Safari Golf League

- 48c. List your hobbies or other vocational interests.

I am very committed to my family; together we participate in various activities including biking, reading, sports, trips to the library and family vacations. I assist in coaching youth sports programs including soccer, flag football, baseball and basketball.

I also enjoy outdoor activities including playing golf and swimming.

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

No

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

As an Assistant State Attorney, I am restricted in the type of pro bono legal services I can perform. However, as previously mentioned, I have committed many hours of volunteer time by speaking to various groups about the effects of drinking and driving. Additionally, I have dedicated my career to public service.

**SUPPLEMENTAL INFORMATION:**

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

Yes. I have attended multiple continuing legal education programs including the following: DUI Manslaughter seminar, Florida Prosecuting Attorneys Association Annual Conference, monthly legal and ethics training with the State Attorney's Office, and other various conferences and training.

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

No

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

The five years I spent in Washington, DC working as Legislative Counsel for Congressman Ander Crenshaw provide me with a unique perspective that will assist me if selected to become a member of the judiciary. As Legislative Counsel, I actively

contributed to the legislative process by drafting and navigating bills as they were reviewed by committees, voted on by both Houses of Congress, and signed into law by President George W. Bush. That experience provided me with an appreciation for how laws are formed and the importance of our constitutional separation of powers. As a Circuit Court Judge, I would draw from that experience and use it to properly interpret and apply the law to each case that comes before me. Additionally, I worked my way through college by working nights in the restaurant industry. I have a profound appreciation for small business owners and their commitment to succeed. Restaurant owners must balance their time between record keeping, employee management and the economics of running a business, much like small law firms that must split their focus between serving their clients and maintaining their practice.

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

My personal and professional experience make me a well rounded individual and lawyer. As noted from the attachments to this application, I have earned the respect of fellow prosecutors, criminal defense attorneys, members of the judiciary, law enforcement officers, victims, victim support groups and even jurors. I have the support of my current and prior employers, namely State Attorney Angela Corey and United States Congressman Ander Crenshaw. Additionally, I have the support of a loving family and many friends who have encouraged me to submit this application. I enter this process with a full appreciation and understanding of the enormous amount of responsibility associated with the position of Circuit Court Judge. I recognize that the decisions I make will have a tremendous affect on the citizens of this community and that everyone who stands before the bench should be afforded the opportunity to be heard and have their issues treated in an equitable manner. I know I have the right temperament and skills for this position. I am patient, compassionate, reasoned, and just. I will always utilize those qualities to serve the citizens of the Seventh Judicial Circuit.

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

Seventh Circuit Judicial Nominating Commission, October 2014; Fourth Circuit Judicial Nominating Commission, October 2015

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

\*Please see tab 53 for a personal testimony from a juror and media coverage concerning other cases I have litigated that were not referenced in this application.

#### **REFERENCES:**

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

The Honorable Adrian G. Soud  
Circuit Court Judge for the Fourth Judicial Circuit  
76347 Veterans Way  
Yulee, FL 32097  
(904) 491-7275

The Honorable Mallory Cooper  
Circuit Court Judge, Retired for the Fourth Judicial Circuit  
501 West Adams Street  
Jacksonville, Florida 32202

The Honorable Mark Borello  
Circuit Court Judge for the Fourth Judicial Circuit  
501 West Adams Street  
Jacksonville, FL 32202  
(904) 255-1285

The Honorable Angela B. Corey  
State Attorney for the Fourth Judicial Circuit of Florida  
311 West Monroe Street  
Jacksonville, Florida 32202  
(904) 255-3000

L.E. Hutton, Esq.  
Willis, Ferebee, and Hutton, P.A.  
503 East Monroe Street  
Jacksonville, Florida 32202  
(904) 356-0990



The Honorable Ander Crenshaw  
1061 Riverside Avenue, Suite 100  
Jacksonville, FL 32204  
(904) 598-0481 or (202) 255-2501

Patricia Dodson, Esq., Managing Director  
Office of the State Attorney  
Fourth Judicial Circuit  
311 W. Monroe St.  
Jacksonville, FL 32202  
(904) 255-3000

Fred Gazaleh, Esq., Assistant Public Defender  
Director of Circuit Court for the Fourth Judicial Circuit  
407 North Laura Street  
Jacksonville, Florida  
(904) 255-4673

Alan Mizrahi, Esq., Assistant State Attorney  
Director of Major Crimes/Homicide Fourth Judicial Circuit State Attorney's Office  
311 West Monroe Street  
Jacksonville, Florida 32202  
904-630-2482

Jill Leslie, Executive Director  
Mothers Against Drunk Drivers, Northeast Florida Chapter  
89 Robin Bay Drive  
St. Augustine, Florida 32092  
(321) 303-4064

**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 25<sup>th</sup> day of January, 2016.

Ray Lee Smith  
Printed Name

R Lee Smith  
Signature

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

## FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current year to date	\$ 7,136.16		
List Last 3 years	\$ 88,182.48	\$ 82,491.96	\$ 72,818.83

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	\$ 7,136.16		
List Last 3 years	\$ 88,182.48	\$ 82,491.96	\$ 72,818.83

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

Current year to date	\$ 0		
List Last 3 years	\$ 0	\$ 0	\$ 0

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

Current year to date	\$ 0		
List Last 3 years	\$ 0	\$ 0	\$ 0

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

**PART A – NET WORTH**

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

My net worth as of January 24, 2016 was \$437,600.

**PART B - ASSETS**

**HOUSEHOLD GOODS AND PERSONAL EFFECTS:**

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 65,000

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

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
Bank Accounts	\$ 11,400.00
Bank Accounts	\$ 2,900.00
Roth IRA	\$ 1,800.00
Mutual Funds	\$ 21,300.00
	\$ 750,00.00
Prepaid College Board)	\$12,500.00

**PART C - LIABILITIES**

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Home Mortgage)	\$382,000.00
(Automobile loan),	\$4,3000.00
(Student Loans)	\$41,000.00

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

## JUDICIAL APPLICATION DATA RECORD

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

(Please Type or Print)

Date: January 23, 2016

JNC Submitting To: Fourth Judicial Circuit

Name (please print): Ray Lee Smith II "Lee"

Current Occupation: Assistant State Attorney

Telephone Number: (904) 536-5697 Attorney No.: 0630578

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 County

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE  
FAIR CREDIT REPORTING ACT (FCRA)

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

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

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

Printed Name of  
Applicant:

Ray Lee Smith II

Signature of Applicant:

*Ray Lee Smith II*

Date: January 25, 2016

**Tab 27(a)**

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## Men became brief friends before 1 ran other over in Jacksonville Beach; trial starts

Posted: April 1, 2014 - 6:16pm | Updated: April 1, 2014 - 6:26pm

[View this story on the All-Access Members site](#)By [Larry Hannan](#)

Spencer Schott thought he'd made a new friend when he met a fellow University of Kansas basketball fanatic at a dog park in Jacksonville Beach.

But days after Schott met Adam Lloyd Shepard, he was dead, run over by a car driven by Shepard after the two men got into a bar fight.

Now a Jacksonville jury must decide whether Shepard, 33, is guilty of first-degree murder or if Schott's death was a tragic accident. The decision will either put Shepard in prison for life or let him go free.

Schott, 35, was killed in January 2011 when he was run over across the street from the apartment complex where he lived on the 1300 block of Shetter Avenue in Jacksonville Beach.

Assistant State Attorney Jessica Klingensmith told jurors Tuesday during opening statements that days after the two men met at the dog park they played a round of golf together and then went to Sneakers Sports Grille to watch the University of Kansas play the University of Texas.

Texas won, and Shepard became surly and agitated to the point where Schott got frustrated with him and went to another table. The two men then got into a fight, and when Sneakers employees saw Shepard with his hands around Schott's throat, they threw him out of the bar.

Shepard called and texted Schott at least 30 times after he was thrown out of the bar.

Schott then got a call that his dog was out of his apartment, and he left the bar and headed back. He appears to have seen Shepard parked across the street from his apartment complex and got out of his car to confront him, believing that he was responsible for letting the dog out, and Shepard ran him over.

"The last image Spencer Schott saw was the under carriage of this defendant's vehicle," Klingensmith said, adding he had a skull fracture, bleeding in his brain, a broken spine and abrasions all over his body.

But defense attorney Matthew Kachergus said Shepard wasn't trying to run over Schott.

He said Shepard saw Schott get out of his car, take off his jacket and then run toward him. So he tried to drive away and wasn't trying to hit anyone, Kachergus said.

Shepard's car hit a curb the same time Schott was hit, so he didn't realize he'd run over him until later, Kachergus said.

"If you keep an open mind, you'll see this was a tragic accident," Kachergus said to jurors. "It was not a murder."

Shepard fled the area and was later arrested in Chicago. Prosecutors indicated Tuesday that his decision to run would be used against him during the trial.

The trial is expected to take several days. Shepard has been in jail since his arrest.

Larry Hannan: (904) 359-4470

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## Prosecutor: Former Topekan to be tried a second time in 2011 traffic death in Jacksonville Beach, Fla.

Former Topekan had cases in Shawnee County District Court

Posted: [April 15, 2014 - 11:08am](#)

By Steve Fry

[steve.fry@cjonline.com](mailto:steve.fry@cjonline.com)

Former Topekan Adam Lloyd Shepard will return to a Florida circuit court April 24 after jurors were unable to reach a verdict Monday on a charge of first-degree murder.

At a pretrial hearing, a Florida judge will schedule the date for the retrial of Shepard.

In Topeka, Shawnee County District Court records on Tuesday showed Shepard has had several contacts with that court.

In the Florida case, a judge for the 4th Judicial Circuit declared a mistrial on Monday when the jury deadlocked following a two-week trial.

The state attorney's office said Monday that Shepard, 33, of Jacksonville Beach, Fla., will be tried a second time.

In Florida, a defendant convicted of first-degree murder is sentenced to an automatic life term without parole.

Shepard was tried for the January 2011 death of 35-year-old Spencer Schott, who was run over across the street from the apartment complex where he lived in Jacksonville Beach. That followed a fight in a bar.

During the trial, the state's attorney contended Shepard intentionally ran down Schott with a car, and the defense attorney characterized Schott's death as an accident.

In Shawnee County in 2002, Shepard, then 22 and living in Lawrence, pleaded no contest to battery against a law enforcement officer, who was investigating a bar fight, according to court records.

As part of the plea, two charges — battery of another man and obstruction of process of official duty of two Shawnee County sheriff's deputies — were dismissed, court records said. The incident occurred May 30, 2002.

The battery of an officer was an A misdemeanor. Shepard was sentenced to one year in jail, was credited with three days in jail before he was bonded out, and placed on one year of probation, court records said.

In a traffic case, Shepard was placed on diversion on Jan. 30, 1998, after he was cited in connection with driving under the influence of alcohol and three other traffic citations, court records said.

As part of the diversion, he had to attend Alcohol Information School and pay fees and costs totaling \$370. The charges were dismissed one year later.

In 2005, a girlfriend who dated Shepard for a year sought and obtained a protection from abuse order against him issued by Shawnee County District Court, court records said.

According to a statement by the woman, Shepard was drunk when he threw her down a hallway and into a wall before she grabbed him in the groin, and he kicked her in the head.

The order was granted on Oct. 17, 2005, then dismissed two weeks later without any objection from the woman, court records said.

In the murder trial, testimony showed Shepard and Schott had met at a dog park, learned they were fans of The University of Kansas, played golf on a Saturday, then went to bar to watch the KU basketball team play Texas.

When Texas won, Shepard became agitated, and Schott got frustrated with him and went to another table. The two men got into a fight, and bar employees threw Shepard out of the bar when they saw his hands around Schott's neck.

During opening statements, an assistant state attorney said Shepard lured Schott to the

9/1/2014

Prosecutor: Former Topekan to be tried a second time in 2011 traffic death in Jacksonville Beach, Fla. | CJOnline.com

parking lot where he ran over him.

But Shepard's defense attorney said Schott's death was a tragic accident, saying Shepard tried to steer around Schott and didn't realize he had hit him.

Steve Fry can be reached at (785) 295-1206 or [steve.fry@cjonline.com](mailto:steve.fry@cjonline.com).



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HOME/NEWS

# Jury convicts Beaches man of manslaughter for running over person following bar fight

By Larry Hannan | Wed, Jun 10, 2015 @ 7:37 pm | updated Wed, Jun 10, 2015 @ 7:58 pm

← BACK PHOTO: 1 OF 6

NEXT →



Bob.Mack@jacksonville.com  
 Bob.Mack@jacksonville.com - 6/10/15 - Judge Scott Mitchell presides over the trial as closing arguments begin. Closing statements were heard Wednesday June 10, 2015 in the trial of Adam Lloyd Shepard who is accused of killing Spencer Schott after the two men got into a bar fight in Jacksonville Beach January 22, 2011. The two University of Kansas fans, who'd met days before, went to watch the team play basketball, but fought, and Shepard is accused of running Schott over with his car later on that night. The case is being tried before County Judge Scott Mitchell (who's been designated an acting Circuit Judge for this case) in the Duval County Courthouse in Jacksonville, FL. (The Florida Times-Union, Bob Mack)

A Jacksonville Beach man who ran over an acquaintance he got into a bar fight with has avoided a mandatory sentence of life in prison after jurors declined to convict him of first-degree murder and instead came back with a conviction for manslaughter.

Prosecutors argued that Adam Lloyd Shepard, 34, was guilty of the premeditated murder of 35-year-old Spencer Schott, while defense attorneys said it was a tragic accident.

Jurors rejected both arguments by convicting Shepard of manslaughter following an eight-day trial that concluded Wednesday. They also convicted him of leaving the scene of a crash

involving death.

The amount of time Shepard spends in prison now lies in the hands of acting Circuit Judge Scott Mitchell. A sentencing date has not yet been set.

This is the second time Shepard's been on trial in the case. The first ended in a mistrial after a jury deadlocked over his guilt.





Schott died in January 2011 when he was run over across the street from the apartment complex where he lived on the 1300 block of Shetter Avenue in Jacksonville Beach.

Prosecutors said Shepard lured Schott to that parking lot and deliberately ran him over. Defense attorneys said Schott got out of his car, took off his jacket and ran toward Shepard. They said Shepard was trying to get away and didn't realize he'd hit Schott until he saw it on the news.

The two men met days before at a dog park and realized they were both fans of the University of Kansas. They played golf together and then went to Sneakers Sports Grille to watch the Kansas basketball team play Texas.

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 TAILGATE RECIPES **Publix**

### This Week's Circulars

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 <p>HOVER FOR CIRCULAR</p> <p>CVS</p>	 <p>HOVER FOR CIRCULAR</p> <p>Pop Boys</p>

Texas won, and the two men ended up getting into a fight. Sneakers employees threw Shepard out of the bar, and he then called and texted Schott at least 30 times, including several calls after he ran Schott over.

Assistant State Attorney Lee Smith told jurors that Shepard murdered Schott in a fit of rage.

"Anger burned in Adam Shepard's heart," Smith said. "It fueled his desire to kill."

Schott ended up with a broken back, neck, ribs and a crushed skull, Smith said.

Shepard fled the area and first went to Kansas to get money and a new vehicle from his mother. He then went to Chicago, where he was arrested.

Smith said when police finally got Shepard's car in Kansas, they found DNA from Schott underneath.

Defense attorney Matthew Kachergus said Shepard didn't mean to hit Schott.

"The death of Spencer Schott was an absolute tragedy," Kachergus said. "But the state has not proven it's case beyond a reasonable doubt."

It was Schott who started the fight with Shepard at the bar, and his client then had to walk back to the apartment complex because that was where he'd left his car, Kachergus said.

Shepard, who was drunk, then drove across the street but didn't want to drive any farther because of his intoxication. But he drove away when Schott, who also was drunk, returned home and ran at him, Kachergus said.

But that argument was ridiculed by Assistant State Attorney Jessica Garcia.

Shepard let Schott's dog out of his apartment and then called him to let him know the dog was loose. He then went to the parking lot across the street, backed into the lot so he could see the road, and flashed his lights at Schott when he saw his car, Garcia said.

"He positioned himself in a spot where he didn't think there would be witnesses," Garcia said, before adding that several friends of Schott followed him from the bar and saw Schott get hit.

Shepard did not testify in his own defense.

Larry Hannan: (904) 359-4470



Georgia boy, 12, fights off shark in Fernandina Beach; 4 bitten since Thursday on First Coast



Neighbors complain as smell rules rolled back



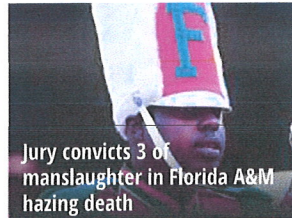
Monday Morning Quarterback: Readers have their say about Jaguars



Jacksonville Beach man gets 45 years in 2nd trial for running over new friend



Jacksonville man dodges death penalty for snitch shooting; jurors opt for



Jury convicts 3 of manslaughter in Florida A&M hazing death

### RECOMMENDATIONS FOR YOU



After Times-Union report, Mayor Lenny Curry asks "what the hell" is going on at JEA, raises legal and governance concerns



Orange Park could close motel deemed crime-infested



A much-needed win for Jags; solid effort from Bortles



Council to city's lawyers: Go after special Keane pension in court

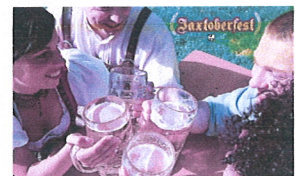
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## Jury deadlocks in murder trial of Jacksonville Beach man accused of running over man with car

Posted: April 14, 2014 - 5:25pm | Updated: April 15, 2014 - 12:18am

[View this story on the All-Access Members site](#)

By [Larry Hannan](#)

A jury deadlocked on whether a Jacksonville Beach man is guilty of murder for running over another man with his car after a bar fight.

Circuit Judge Kevin Blazs declared a mistrial Monday after jurors could not agree on a verdict for Adam Lloyd Shepard, 33, who had been on trial for the last two weeks for the first-degree murder of 35-year-old Spencer Schott.

Shepard, who did not testify in his own defense, will be tried again, said State Attorney spokeswoman Jackelyn Barnard.

"The State Attorney's Office will continue to seek justice for our victim, Spencer Schott," Barnard said.

The next court date in the case is April 24, Barnard said.

Schott died in January 2011 when he was run over across the street from the apartment complex where he lived on the 1300 block of Shetter Avenue in Jacksonville Beach.

Prosecutors said Shepard deliberately lured Schott to that parking lot and deliberately ran him over. Defense attorneys said Schott got out of his car, took off his jacket and ran toward Shepard and their client was trying to get away and didn't realize he'd hit Schott.

The two men met days before at a dog park and realized they were both fans of the University of Kansas, said Assistant State Attorney Jessica Klingensmith.

They played golf together on Saturday and then went to Sneakers Sports Grille to watch the Kansas basketball team play Texas.

Texas won, and Shepard became surly and agitated to the point where Schott got frustrated with him and went to another table. The two men then got into a fight, and Sneakers employees threw Shepard out of the bar when he put his hands around Schott's throat.

Shepard called and texted Schott at least 30 times after he was tossed from the bar.

Schott then got a call that his dog was out of his apartment, and he left the bar. Prosecutors said Schott parked across the street from his apartment complex and got out of his car to confront Shepard, believing that he was responsible for letting the dog out, and Shepard ran him over.

Defense attorney Matthew Kachergus argued that his client didn't mean to hit Schott, and backed up that argument by calling Chet Tomlinson, a crash-reconstruction expert, who testified that Schott was hit by the right rear side of the vehicle, and the front of the vehicle didn't hit him. He also testified the vehicle hit a curb, slowing it down, before hitting Schott.

Assistant State Attorney Lee Smith challenged that on cross examination, arguing that Schott was dragged by the vehicle and then crushed. He also took issue with Tomlinson's testimony that the vehicle was going about 15 mph at the time Schott was hit, and pointed out that Tomlinson's own report suggested the vehicle might have been going 25 mph.

Shepard fled the area and was arrested in Chicago.

**Larry Hannan: (904) 359-4470**

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## Trial winding down in death after bar fight; verdict could come Friday

Accused could receive life in prison for running over man with car after bar fight

Posted: April 10, 2014 - 5:32pm | Updated: April 11, 2014 - 1:29am

[View this story on the All-Access Members site](#)

By [Larry Hannan](#)

A jury likely will decide Friday whether a Jacksonville Beach man will spend the rest of his life in prison for running over another man with his car after a bar fight.

Adam Lloyd Shepard, 33, has been on trial for the last two weeks for the first-degree murder of 35-year-old Spencer Schott. The defense in the case rested Thursday afternoon, and the case will go to the jury Friday following closing arguments.

Schott was killed in January 2011 when he was run over across the street from the apartment complex where he lived on the 1300 block of Shetter Avenue in Jacksonville Beach.

The two men had met days before at a dog park and realized they were both fans of the University of Kansas.

They played golf together on Saturday and then went to Sneakers Sports Grille to watch the Kansas basketball team play Texas.

Texas won, and Shepard became surly and agitated to the point where Schott got frustrated with him and went to another table. The two men then got into a fight, and when Sneakers employees saw Shepard with his hands around Schott's throat, they threw him out of the bar.

Shepard called and texted Schott at least 30 times after he was thrown out of the bar.

Schott then got a call that his dog was out of his apartment, and he left the bar. He appears to have seen Shepard parked across the street from his apartment complex and got out of his car to confront him, believing that he was responsible for letting the dog out, and Shepard ran him over.

During opening statements Assistant State Attorney Jessica Klingensmith said Shepard lured Schott to the parking lot where he ran him over.

"Those headlights drove straight toward him," Klingensmith said. "The car then drove right over him."

The last image Schott had in his life was the under carriage of Shepard's vehicle, she said.

But defense attorney Matthew Kachergus said Schott's death was a tragic accident.

Schott was running toward him and Shepard drove away trying to avoid Schott, and didn't realize he'd hit him, Kachergus said.

On Thursday the defense called Chet Tomlinson, a crash-reconstruction expert, who testified that Schott was hit by the right rear side of the vehicle, and the front of the vehicle didn't hit him. He also testified the vehicle hit a curb, slowing it down, before hitting Schott.

Assistant State Attorney Lee Smith challenged that on cross examination, arguing that Schott was dragged by the vehicle and then crushed. He also took issue with Tomlinson's testimony that the vehicle was going about 15 m.p.h. at the time Schott was hit, and pointed out that Tomlinson's own report suggested the vehicle might have been going 25 m.p.h.

Shepard fled the area and was arrested later in Chicago. Shepard told Circuit Judge Kevin Blazs Thursday he would not be taking the stand in his own defense.

**Larry Hannan: (904) 359-4470**

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HOME/NEWS

# Suspect in former Dallas Cowboy's death arrested on Jacksonville rape charges; other ties surround suspect

Arrested after DNA match, he was once tried in Dallas punter's death

By **Charles Broward** Fri, Dec 16, 2011 @ 10:01 pm | updated Mon, Dec 19, 2011 @ 8:57 am



Jacksonville Sheriff's Office  
 Kenneth Bicking III is jailed in Jacksonville on a 1992 rape charge.

There may be good reason to believe that Kenneth Bicking Jr. indeed hired his then-32-year-old son to kill a former Dallas Cowboys punter in 1993, as authorities say he did.

Looking back, his son's criminal history from the early part of that decade could certainly serve as his resume today.

Now 50, Kenneth Alfred Bicking III has landed in a Jacksonville jail cell on a 1992 rape charge, though detectives from South Florida and Texas still want to tie him to their murder cases.

One of those slayings goes back almost 30 years to Hallandale Beach in Broward County, where a police sergeant who added Bicking's

DNA to a state database in 2007 triggered his arrest last month in the Atlantic Beach rape.

Atlantic Beach detectives re-submitted evidence from their 19-year-old rape case, a common practice in cold-case investigations. A department spokeswoman said their hit linked Bicking to evidence taken from the crime scene of the April 1992 rape of a woman at a home on Selva Lakes Circle.

Bicking is charged with sexual battery, kidnapping and burglary. He faces the possibility of life in prison if convicted on all three counts.

The rape occurred just a year before Bicking became a focal point in the high-profile slaying of 1960s Cowboys punter Colin Ridgway in May 1993. He was arrested but never convicted.

Ridgway was shot at least seven times in his duplex in University Park, Texas. The former Australian rules football player punted for the Cowboys during the 1965 season and high-jumped for Australia in the 1956 Olympics.

University Park police had always maintained that Bicking was hired to kill Ridgway by his father and Ridgway's widow, Joan Jackson.

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They told the Dallas Morning News that Bicking had deposited \$5,000 into a checking and savings account four days after the killing. They also said he bought a boat for \$2,500 not more than two weeks later and then paid closing costs on a home in another two months. The paper also reported that Jackson and Bicking's father jointly held a \$100,000 bank account in 1995.

A Texas grand jury questioned Jackson but did not indict her after she invoked her Fifth Amendment rights with only the financial and other circumstantial evidence against her.

Bicking was arrested in 1996 and later indicted on a capital murder charge.

Much of the prosecution's case was spoiled, however, when a "supposed confession" he gave to his wife at the time was ruled to be inadmissible. The charges were dropped just days before his trial was set to begin in February 1997.

"It's frustrating for sure," University Park police Sgt. Travis Vavra said. "The thing that really gets us all is that we know we are so close."

Bicking was released from jail and eventually returned to Florida.

While living in Atlantic Beach for an unknown period of time, he was convicted in a series of burglaries and robberies that took place before, during and after the Ridgway murder investigation, according to court records.

Police reports show that many of his arrests were related to boat burglaries in which property was often stolen. One of those included a burglary and grand theft conviction from an April 1994 break-in of a boat at the Queens Harbour Yacht & Country Club. Police said Bicking and an accomplice, William Edward Wells III, stole more than \$30,000 worth of property from the vessel.

Wells is now serving life in prison for killing five people in Mayport in 2003. Dubbed the "Monster of Mayport," Wells lived with the corpses in his home for a week along with his 4-year-old son before surrendering in a standoff with police.

But Hallandale police Sgt. Ron Beukers said Bicking's criminal career started well before the early 1990s. He said he is still his prime suspect in the fatal stabbing of a Broward County drug kingpin in June 1983.

Beukers said Bicking worked for the victim, Eugene Hicks, in a criminal ring that was involved in the South American cocaine trade of the 1980s.

The three cases finally collided in November when University Park detectives came to Broward County to collect a new DNA sample from Bicking, who had been arrested for driving on a suspended license. A day after Bicking was released, Beukers said he got a call from Atlantic Beach detectives, saying they got the hit from the 1992 rape.

On Thanksgiving Day, the Broward County Sheriff's Office made the arrest.

"He was sitting there chewing on a turkey leg, and at the door was the Broward County Sheriff's Office," Beukers said.

Back in University Park, Vavra said he submitted the sample in the hopes that advancements in DNA technology might produce the missing link.

Beukers said his 1983 evidence is too corroded to be tested against the DNA samples. But he hopes the publicity brings a witness out of the shadows.

As for now, he said he will remain in Bicking's shadow, checking in on his cases every day. charles.broward@jacksonville.com, (904) 359-4162

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as paid in December or January for previous fiscal year. This does not include what he is anticipated to receive for unused vacation from Oct. 1, 2014, through entire fiscal year that ends on Sept. 30, the day Keane is expected to retire. That is an estimated \$64,152 to \$68,408.

**Jacksonville police and fire pension chief cashing out: Unused vacation equals big bonuses**

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11:40am

**St. Augustine man killed in motorcycle crash Sunday in Altoona**

9:43am

**City Council set to OK budget; no battles this time out**

6:17am

**Orange Park could close motel deemed crime-infested**

6:32am



## Suspect in '90s killings sentenced in Atlantic Beach kidnapping

Man accused in 2 high-profile killings gets life in prison in unrelated case

Author: [Tarik Minor](#), Anchor-reporter, [tminor@wjxt.com](mailto:tminor@wjxt.com)

Published On: Oct 09 2014 05:07:55 PM EDT Updated On: Oct 09 2014 07:41:30 PM EDT



### JACKSONVILLE, Fla. -

The prime suspect in two high-profile killings was sentenced Thursday to life in prison for another crime he committed more than 20 years ago in Atlantic Beach.

Kenneth Bicking, 53, was convicted last month of the sexual battery and kidnapping of an Atlantic Beach woman in 1992. He's also a suspect in the 1996 killing of a Dallas Cowboys punter, and the killing of a South Florida drug kingpin, according to police.

Bicking received two life sentences Thursday for the kidnapping and sexual assault in which the victim, Gwen Berlin, was tied up, had duct tape put over her eyes and mouth and was sexually assaulted.

Berlin said she's not afraid to speak out against the man who raped her in 1992.

"He needs to pay for what he did," she said. "He needs to pay for the trauma I went through."

Police said Bicking broke into Berlin's home, held her against her will and sexually assaulted her. During a follow-up investigation in 2011, DNA swabs from the original crime were resubmitted for testing, eventually leading to Bicking being convicted of what the judge calls a heinous crime.

"Seeing him walk off in chains is a good feeling," Berlin said. "I feel like he's in chains now because I've had so much of that shadowing my life."

"You realize there are many other potential victims out there who were vindicated today with the two life sentences," Assistant State Attorney Lee Smith said.

Smith said the tenacity of a retired Atlantic Beach detective helped bring this case to a close 22 years later, but Bicking is also suspected of committing other high-profile killings, which is why Hallandale Beach Police Detective Sgt. Ron Beukers traveled to Jacksonville Thursday.

"In the case that I'm working and everyone that I've ever talked to that knows him or come in contact with him, whether witnesses or family friend, everyone was in fear of Ken Bicking," Beukers said.

He said Bicking is suspected of killing former Dallas Cowboys punter Colin Ridgeway in 1993, as well as killing a South Florida cocaine kingpin.

"Mr. Bicking is a monster," Beukers said.

He's a career criminal that one of his victims isn't afraid of anymore.

"I'm not afraid to speak out against someone who violated me and did this to me, and I hope I can help someone else in that way," Berlin said.

Bicking was indicted in Ridgeway's killing, but his confession to his wife was thrown out of court on a technicality. Detectives are still working the case in South Florida.

Bicking's two life sentences for the sexual battery and kidnapping of Berlin will run consecutively.

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# Jacksonville man convicted of a 2013 murder

First Coast News, news source 11:13 a.m. EST December 13, 2013



Christopher Leon Anderson, 32(Photo: WTLV)

JACKSONVILLE, Fla. -- According to a release from the State Attorney's office, Christopher Leon Anderson, 32, was convicted Thursday of murder in the first degree and possession of a firearm by a convicted felon.

Anderson shot and killed 42-year-old Armando Jackson in May 2013.

Officers arrived at the scene and found Anderson being physically restrained by multiple witnesses and found Jackson, who had been shot several times. Jackson later died at a local hospital.

Investigators discovered that Jackson and Anderson had been at a party when Jackson asked Anderson if he knew a particular girl. They got into a fight and after being separated, Anderson returned with a gun and shot Jackson twice in the front and four times in the back and head.

Anderson faces life in prison and he will be sentenced the week of January 13.

Assistant State Attorneys David Thompson and Lee Smith prosecuted the case.



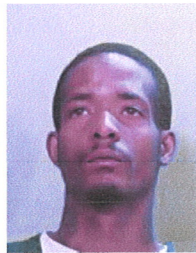
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### 32-Year-Old Sentenced To Life In 2013 Shooting Death

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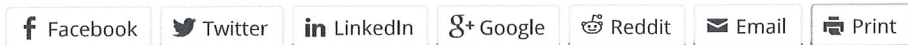
*Christopher  
Anderson*

JACKSONVILLE, Fla. – Christopher Leon Anderson, 32, was sentenced to mandatory life in prison, with a 42 year minimum mandatory, Friday for the First Degree Murder of 42-year-old Armando Jackson. Anderson also received 15 years in prison, with a three year minimum mandatory, on a charge of Possession of a Firearm by a Convicted Felon. The sentences run concurrently.

In May 2013, Officers responded to the crime scene and found Anderson being physically restrained by multiple witnesses. Officers also found the victim had been shot multiple times. Jackson was transported to the hospital for treatment, where he later died as a result of his injuries.

The investigation revealed that Anderson and Jackson were both attending a party when Jackson asked the defendant if he knew a particular girl. The two began to argue, and the confrontation became physical. After being separated, Anderson left the party and returned with a gun. The defendant then approached the victim, pointed the gun at him, and shot Jackson twice in the front and four times in the back and head after Jackson fell to the ground.

Assistant State Attorneys David Thompson and Lee Smith prosecuted the case.



Tagged with: Christopher Anderson, State Attorney  
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[SA Corey at Republican Rally](#)

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HOME/NEWS

# Jacksonville motorist gets 15 years for DUI manslaughter of best friend

By Larry Hannan Fri, Mar 1, 2013 @ 6:33 pm

Klay Andrew Williams claims to have no memory of the drunk-driving accident that left his best friend dead in November 2010. But he will spend the next 15 years in prison for causing it.

On Friday, Circuit Judge Adrian G. Soud sentenced Williams, 22, for the manslaughter-DUI death of Mitchell Curtis Green, 21. Williams had been convicted in January.

It was the maximum allowable sentence that Soud could impose, and he said it was the proper consequence of Williams' behavior that night.

Soud's sentence drew gasps of dismay from the 15 people who spoke on Williams' behalf, including his parents. But sighs of relief could be heard on the other side of the courtroom, where Green's friends and family had asked for the maximum.

Police said Williams, who lives on Tara Woods Court, was speeding down Solomon Road about 10:30 p.m. in a pickup truck with Green when he lost control and hit a fence. Parts of that fence hit Green in the head after shattering.

Green died from his injuries a week later. A test done on Williams showed a 0.17-percent blood-alcohol level, his arrest report said, more than twice the legal limit.

Assistant State Attorney Lee Smith argued that Williams deserved the maximum because of his actions that night, and his conduct afterward.

A video from a Kangaroo gas station showed Green and another friend trying to take away the keys from Williams. But he refused and insisted on driving.

A neighbor who responded to the crash and the first paramedic at the scene also testified in January that when they arrived, Williams was outside the truck and told them he wasn't hurt. And he didn't tell anyone that Green was passed out in the wheel well of the pickup.

Forensics also showed that Williams moved Green after the crash. And when he was questioned later, Williams told police that Green was driving.

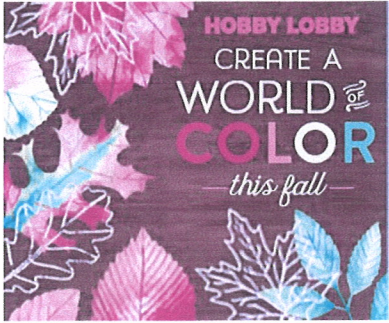
Green's family repeatedly expressed anger at Williams' conduct when they testified Friday.

"I could have found forgiveness in my heart if he'd taken responsibility for his actions," said Michelle Sazama, Williams' mother.

Williams expressed regret for the accident and said he's had a religious awakening after the crash.

But Smith repeatedly brought up Williams' claim that he didn't remember the accident even though he didn't suffer a head injury. That, Smith said, showed Williams hasn't really taken responsibility for his actions.

Larry Hannan: (904) 359-4470



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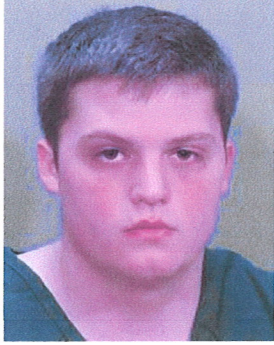
NEW



## 22-year-old gets 15 years for DUI manslaughter

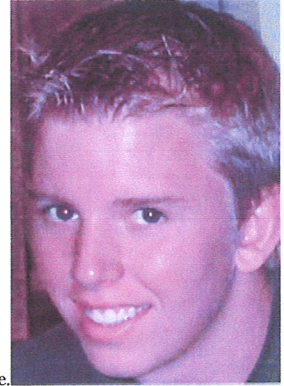
### Passenger in man's truck died from injuries in crash

Published On: Mar 11 2013 12:34:36 PM EDT Updated On: Mar 01 2013 05:37:20 PM EST  
**JACKSONVILLE, Fla. -**



A 22-year-old Jacksonville man was sentenced Friday to the maximum 15 years in prison for DUI manslaughter in a crash that killed another man riding his truck.

In November 2010, Klay Williams, then 20 years old, was driving his truck on Solomon Road with Mitchell Green (pictured,



below) as a passenger. Williams lost control of the truck and crashed into a wooden fence.

A board from the fence plowed through the truck's windshield, striking Green in the head. Green later died from the injuries he suffered in the crash.

Williams' blood alcohol registered at .17 -- more than double the legal limit.

"Mitchell Green's life was taken entirely too early because of a very bad decision by this defendant," Assistant State Attorney Lee Smith said after the conviction. "Alcohol turned what was supposed to be a good night among friends into a horrible tragedy for everyone involved."

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**Tab 27(b)**



## Charges upgraded after motorcyclist dies

Accused hit-and-rund driver has record of 5 DUIs, also a registered sex offender

Author: [News4Jax.com Staff](#), [webteam@wjxt.com](mailto:webteam@wjxt.com)

Published On: May 05 2015 11:01:57 AM EDT Updated On: Apr 10 2015 05:10:00 AM EDT



### JACKSONVILLE, Fla. -

A 19-year-old motorcyclist who was critically injured in a hit-and-run crash on Gate Parkway last month has died.

The charges against the man accused of hitting John Leone and then leaving the scene have been upgraded to DUI manslaughter.

Matthew Frye, 33, has a history of traffic arrests and is a registered sex offender.

According to the Jacksonville Sheriff's Office, Leone was riding a motorcycle east on Gate Parkway about 10:40 p.m. when a car driven west by Frye turned left into the path of the motorcycle. Police said the car was turning into the Thornton Park Luxury Apartments, between Southside Boulevard and Belfort Road.



Leone was taken to UF Health Jacksonville in critical condition and later died. Frye was arrested after police said he left the scene.

The arrest was Frye's fourth traffic arrest in Florida. He has two DUI charges in Nassau County and one DUI arrest in Duval County. The judge presiding at Frye's first appearance was told Frye had two other DUI arrests from out of state. Frye's bond was set at \$600,000.

Frye, who lives in St. Marys, Georgia, was arrested for rape in Tennessee in 2008. He was placed on the Tennessee sex offender registry. After reaching a plea agreement three months later, he moved back to Georgia and was placed on Georgia's sex offender registry in 2010.

Police said after the Gate Parkway accident, Frye parked the car near the apartment's clubhouse and was spotted walking in the complex by officers. Frye's girlfriend told officers Frye drank two margaritas at a bar earlier.

According to the arrest report, Frye admitted to drinking before driving to the apartment and said he told his girlfriend, who wanted to check on the motorcyclist, that she shouldn't do so "because we've been drinking."

The arrest report also said officers noticed a strong odor of alcoholic beverage on Frye's breath, his eyes were watery and bloodshot and his speech was blurred. Frye initially refused to provide a blood sample, so officers had to obtain a search warrant to draw his blood.

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## Accused hit-and-run driver has record of 5 DUIs

Motorcyclist critically injured in crash; driver also a registered sex offender

**Author:** [Hailey Winslow](#), General assignment reporter, [hwinslow@wjxt.com](mailto:hwinslow@wjxt.com)

**Julian Hernandez**, Producer, [jahernandez@wjxt.com](mailto:jahernandez@wjxt.com)

Published On: Apr 10 2015 01:28:36 AM EDT Updated On: Apr 10 2015 05:10:00 AM EDT



### JACKSONVILLE, Fla. -

A man charged with leaving the scene of an accident with serious injury after a crash with a motorcycle Thursday night has a history of traffic arrests and is a registered sex offender.

According to the Jacksonville Sheriff's Office, 19-year-old John Leone was riding a motorcycle east on Gate Parkway about 10:40 p.m. when a car driven west by Matthew Frye, 33, turned left into the path of the motorcycle. Police said the car was turning into the Thornton Park Luxury Apartments, between Southside Boulevard and Belfort Road.

Leone is in critical condition at UF Health Jacksonville, and Frye was arrested after police said he left the scene.



This is at least Frye's fourth traffic arrest in Florida. He has two DUI charges in Nassau County and one DUI arrest in Duval County. The judge presiding at Frye's first appearance Friday morning was told Frye had two other DUI from out of state. Frye's bond was set at \$600,000.

Frye, who lives in St. Marys, Georgia, was arrested for rape in Tennessee in 2008. He was placed on the Tennessee sex offender registry. After reaching a plea agreement three months later, he moved back to Georgia and was placed on Georgia's sex offender registry in 2010.

Police said after Thursday's accident, Frye parked the car near the apartment's clubhouse and was spotted walking in the complex by officers. Frye's girlfriend told officers Frye drank two margaritas at a bar earlier.

According to the arrest report, Frye admitted to drinking before driving to the apartment and said he told his girlfriend, who wanted to check on the motorcyclist, that she shouldn't do so "because we've been drinking."

The arrest report also said officers noticed a strong odor of alcoholic beverage on Frye's breath, his eyes were watery and bloodshot and his speech was blurred. Frye initially refused to provide a blood sample, so officers had to obtain a search warrant to draw his blood.

The Duval County Jail website shows a hold for Frye by the Florida Department of Law Enforcement. News4Jax is working to learn what the hold is for.

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HOME/NEWS

# Serial DUI driver laments over death of 19-year-old Jacksonville man

By **Jim Schoettler** Sun, Jun 7, 2015 @ 7:08 pm | updated Mon, Jun 8, 2015 @ 9:46 am

BACK PHOTO: 1 OF 2

NEXT



Matthew David Frye

Matthew David Frye has blood on his hands and, he says, a pain in his heart for the April 9 accident that led to the death of 19-year-old John Leone on Jacksonville's Gate Parkway.

Frye, 33, said he also has a sickness that has haunted him most of his adult life and led to previous troubles on the road: alcoholism.

The restaurant manager, who has four drunken-driving convictions and another for refusing to take a breath test, is charged with DUI manslaughter, hit-and-run and driving with a suspended license in Leone's death.

He is in the Duval County jail on \$675,000 bail and faces a minimum-mandatory four years in prison, with a maximum of 15 years, if convicted just on the DUI charge. His next court date is scheduled for the end of the month.

Frye said he didn't feel drunk even though his blood-alcohol level was 0.18, more than twice the 0.08 limit when a driver is considered drunk to drive in Florida, police records show. Frye spoke with the Times-Union through a letter and three jailhouse phone calls after a reporter wrote him seeking an interview.

"I definitely knew I had some drinks, no doubt, but I definitely would not have driven if I felt like I was too drunk to drive," Frye said in a call Friday.

Frye also insisted he didn't flee the scene, but simply was looking for a place to park. His girlfriend, who was his passenger at the time,

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implicated him in the hit-and-run, according to his arrest report.

Frye blames the criminal justice system, in part, for what he said was a failure to get him proper and necessary treatment after his previous DUI convictions. His crimes, however, include violating probation for not finishing such court-ordered treatment.

Frye repeatedly expressed remorse for Leone's death, but also said over and over that he wished more could have been done to help him with his alcoholism. He said even his own voluntary trips to Alcoholics Anonymous did little.

"All I can tell you is that I obviously have an alcohol problem. I have recognized it, but not handled it well," Frye wrote in his letter. "I can tell you that through my entire life with my awful past, not once has the state put me in a treatment program of any kind."

He later clarified that what treatment he received in or out of jail did nothing to help him.

State Attorney Angela Corey said she could not discuss the pending case against Frye. But she noted that treatment is required by law after a person's initial DUI conviction, while treatment and penalties are enhanced for repeat offenders.

Court records show that treatment was repeatedly ordered for Frye. He twice completed DUI classes and once for substance abuse.

"I believe our legislature has gone to great lengths to address the cause of DUI and the issues that a particular defendant might be facing and they must complete these requirements before their probation ends," Corey said.

Frye's assistant public defender, Fred Gazaleh, declined to comment.

As Leone's family and friends await Frye's trial, those who cared for the popular 2013 graduate of Bishop Kenny High School said Frye should pay dearly.

Lisa Michael, who worked with Leone at Jersey Mike's sub shop in Tinseltown, told the Times-Union in April that she couldn't believe Frye's selfishness.

"He's changed everybody's life forever," Michael said. "How do you do that?"

### A TROUBLED PAST

Frye admitted he's been changing lives, including his own, by driving drunk and other crimes since he was about 20. Here's a rundown, based on police and court records:

- Frye's first DUI conviction came in 2002 while living in Tennessee. His punishment included probation and 40 hours of community service.
- He was convicted of DUI in Oklahoma in 2008, was ordered into treatment and had his license revoked for a year. That same year he was convicted of raping a girlfriend who told police he bit her, threw her to the floor and punched her during alcohol-fueled sex. Frye, who said the woman was the aggressor, received eight years' probation after a short jail stint.
- His troubles in Florida began in 2009, after moving to St. Marys, Ga., when he was convicted in Nassau County of DUI and leaving the scene of a crash, both on a suspended license. He got 12 months' probation and his license was suspended for six months. He was later convicted of violating his probation after failing to show proof of completing alcohol counseling and community service.
- He was convicted of refusing to submit to a breath/blood test following a Nassau County hit-and-run crash in 2010. He got a 60-day jail sentence, 10 months' probation and had his license suspended for a year.
- He was convicted of DUI in Duval County after being arrested in 2012 while on a suspended license. He got 18 days in jail and had his license suspended for a year. That same year he received a 30-day sentence for driving on a suspended license.

Frye said he constantly drove with a suspended license because he needed to get back and forth to work. He then admitted that the accident that killed Leone, for which the charges included having a suspended license, occurred while driving his girlfriend home after drinking

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**DEATH OF A 'GREAT KID'**

Police said Leone was driving his motorcycle east on Gate Parkway about 10:40 p.m. April 9 when Frye began to turn left into the parking lot of Thornton Park Apartments. Frye's arrest report said he failed to yield the right of way to Leone, whose motorcycle struck the front end of the car.

Frye told the Times-Union the light on Leone's motorcycle was off and he didn't see him.

Police said Frye drove into the apartment complex, stopped near the clubhouse, got out of his car, walked a few feet and then ran back to the car. He drove further into the complex, parked and started walking, police said.

Frye told the Times-Union he was only looking for a place to park. He told police he saw the motorcycle but did not remember what lane it was in.

Police said Frye's girlfriend told them she wanted to check on the motorcyclist, but he told her not to "because we have been drinking."

Frye told police he moved his car back to his girlfriend's apartment because "it would be more visible," the arrest report said. He told police he was walking back to the scene and that's when police found him.

Frye told police he'd drank two margaritas at the Pier Restaurant and then went to the World of Beer, but didn't drink there, according to the report. But Frye told the Times-Union he drank some beer before going to the Pier and while at the World of Beer.

The report said Frye had alcohol on his breath, bloodshot eyes and slurred speech when police caught up with him. He refused to give police a blood sample, but police drew blood after getting a search warrant, which later led to the test result that showed his level to be more than twice the legal limit.

Frye told the Times-Union he believed he had four to six beers and two margaritas but said he felt well enough to drive because he'd drunk over a seven-hour period and stopped an hour before he left to take his girlfriend home.

Leone died about 11 days after the accident. Fellow Kenny graduate Mike Nieto was among those stunned by the loss.

"You could be in the worst mood and if you saw John, he would laugh or smile and it would turn your day around," said Nieto, 19. "He was a great kid."

**SEEKING FORGIVENESS**

Frye said he wants to make sure Leone's family knows he is regretful.

"I am extremely sorry for what occurred," Frye wrote. "My thoughts and prayers go out to the young boy's family and I hope that someday they can find it within themselves to forgive me. I wish it had been me, not him, and would trade places if I could."

Frye added that the crash was simply an accident and he never saw Leone's motorcycle.

"That doesn't excuse my behavior and my decisions that evening, nor will it ever matter in what happens to me," he said. "It happened and I will pay the consequences."

Leone's family declined to comment.

Frye's laments are likely little consolation to those mourning Leone's death.

Kenny graduate Riley Perrin remembered his friend for being adventurous, including taking trips with friends on his pleasure boat and four-wheeler.

"He was just easy to love, easy to be friends with," said Perrin, 20. "He always wanted to make everyone happy."

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HOME/NEWS

# Georgia man sentenced to 30 years in prison for leaving the scene of DUI manslaughter in Jacksonville

By Joe Daraskevich Fri, Oct 16, 2015 @ 5:01 pm | updated Fri, Oct 16, 2015 @ 5:02 pm



Frye

A 34-year-old Georgia man who had four prior DUI convictions before fatally striking a motorcyclist in Jacksonville in a hit-and-run crash in April was sentenced to 30 years in prison Friday, according to the State Attorney's Office.

Matthew David Frye pleaded guilty in August to charges of leaving the scene of a crash involving death and DUI manslaughter, according to the State Attorney's Office.

John Leone, 19, was eastbound on a motorcycle in the 8500 block of West Gate Parkway when Frye tried to turn into the Thornton Park Apartments and failed to yield to

the motorcycle, prosecutors said.

Leone crashed into the front of Frye's vehicle and died 11 days later.

Frye fled into the apartment complex until he was arrested after witnesses identified him. His blood-alcohol level was .181, more than twice the legal limit to drive, according to the State Attorney's Office.

Frye also will be on probation for 11 years after his term and his license permanently revoked, according to the State Attorney's Office.

Joe Daraskevich: (904) 359-4308

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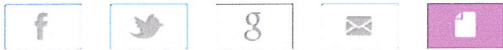
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HOME/NEWS

# Man dies in traffic crash Wednesday night in Jacksonville

By Joe Daraskevich Thu, Oct 31, 2013 @ 7:12 am | updated Thu, Oct 31, 2013 @ 7:15 am



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- Jacksonville woman gets 50 years for shooting pregnant friend and killing her unborn child
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- Community crime and safety fair set for Saturday at A. Philip Randolph Park
- Handgun used by robber in demand for cash at Jacksonville credit union might have been fake
- UNF holds seventh Take Back the Night march and vigil on Oct. 6
- Man DNR ranger wounded during armed confrontation then took his own life, officials say
- Jacksonville teenager facing adult charges pleads not guilty in mother's stabbing death

HEADLINES BY FEEDBURNER

A Jacksonville man was killed in a traffic crash Wednesday at Martin Luther King Jr. Parkway and Moncrief Road, according to the Florida Highway Patrol.

Leonard Jones, 75, was riding in a Chevy S-10 about 9:17 p.m. when the truck was hit on the passenger side by a Jeep Wrangler, according to the Highway Patrol.

Stephanie Willingham, 17, was driving the Jeep northbound with Allison Blackman, 18, when the truck tried to turn in front of them onto Moncrief, the Highway Patrol said.

Jones was transported to UF Health Jacksonville where he was pronounced deceased, according to the Highway Patrol.

Mary Jane Huffman, 49, was driving the truck.

All three women suffered minor injuries, according to FHP.

The report was unclear about who was wearing a seat belt.

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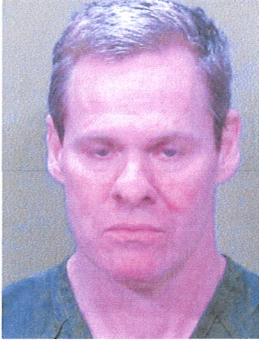
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# Update: DUI suspect in deadly crash charged

First Coast News, news source 10:18 a.m. EDT June 14, 2014



(Photo: JSO)

UPDATE: Stanley Robert Jefson waived his first appearance in court Saturday morning.

Jefson's accused of triggering a four-vehicle crash that killed a 12-year-old girl and injured seven other people back in April.

He's facing 24 charges, including DUI manslaughter and vehicular homicide.

Police said his blood alcohol levels were three times the legal limit and Jefson had traces of Xanax in his system at the time.

His vehicle was traveling over 120 miles per hour in a zone where the posted limit was 30 mph, police said.

UPDATE: The Jacksonville Sheriff's Office announced Friday that the driver in a crash that killed 12-year-old girl and injured seven other people has been charged with with vehicular homicide. Stanley Robert Jefson was driving more than 120 miles per hour and had a blood alcohol level more than three-times the legal limit at the time of the crash, according to JSO. The posted speed limit was 30 mph.

Jefson, 52, has been charged with vehicular homicide, multiple counts of reckless driving with serious bodily injury and driving under the influence.

According to JSO, Jefson's blood alcohol content was .279 and there were traces of Zanax in his system. Jefson had been convicted of DUI twice before.

In Florida if you have two DUIs and they're more than 5 years apart you get a 6-month license suspension and you could get a hardship at some point during that process. Because Jefson's DUIs are from 1994 and 2009 – technically he could still legally drive. Driving with a suspended license was not one of the charges.



The Jacksonville Sheriff's Office announced Friday that the driver in a crash that killed 12-year-old girl and injured seven other people has been charged with with vehicular homicide.

Savannah Pheiffer, 12, died in the hospital a week after the crash and four other people suffered life threatening injuries.

Criminal defense attorney Janet Johnson says if he is convicted on the current charges he could face up to 10 – 15 years in prison.



JSO says this red Pontiac may have been traveling 2-3 times the speed limit when it rear ended a truck. (Photo: Jimmy Marlow, First Coast News)

ORIGINAL POST: JACKSONVILLE, Fla. -- Eight people were taken to the hospital after a massive Arlington crash Friday evening involving four cars.

According to Jacksonville Sheriff's Office Sgt. G.J. Foxworth, a Pontiac that may have been traveling 2-3 times faster than the speed limit slammed into the back of a truck near the intersection of Merrill Road and Townsend Boulevard. The posted speed limit is 30 miles per hour.

There were two juveniles inside the truck. One of the juveniles has serious injuries and one has life-threatening injuries, Foxworth said. The crash happened around 5:30 p.m.

The two other cars involved escaped major damage.

All eight passengers involved in the crash were taken to UF Health.

Sgt. Foxworth said investigators are considering alcohol may have been a factor due to the presumed speed of the Pontiac.



JSO says two juveniles inside this truck were seriously injured when it was rear ended near Merrill Road and Townsend Blvd. (Photo: Jimmy Marlow, First Coast News)

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## Man sentenced to 33 years in DUI death

Author: [Heather Leigh](#), Mobile journalist, [hleigh@wjxt.com](mailto:hleigh@wjxt.com)  
[Harrison Barrus](#), Web news editor, [hbarrus@wjxt.com](mailto:hbarrus@wjxt.com)

Published On: Jun 02 2015 08:28:16 PM EDT Updated On: May 27 2015 12:05:00 AM EDT



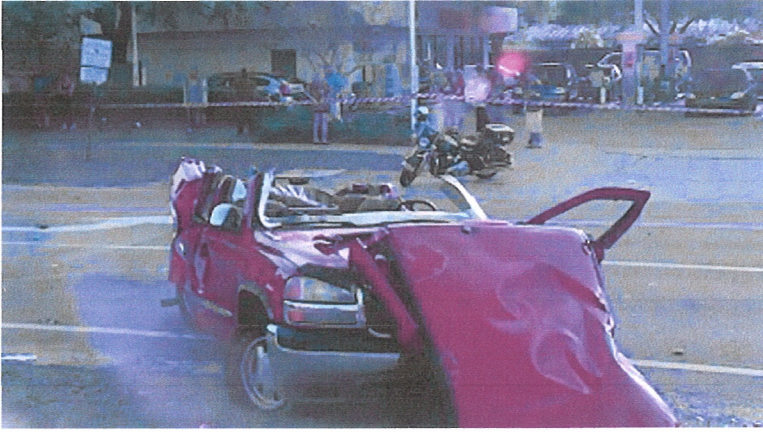
### JACKSONVILLE, Fla. -

Stanley Jefson, the 52-year-old man who was arrested in the DUI manslaughter death of a 12-year-old Savannah Pfeiffer in April of 2014, was given the longest DUI sentence ever handed down in Duval County.

Jefson pleaded guilty to DUI manslaughter, two counts of DUI with serious bodily harm and 10 counts of DUI with property damage on Wednesday and will spend the next 33½ years in prison, with misdemeanor charges running concurrently with the DUI manslaughter felony charge.

According to Lee Smith, assistant state attorney, it's the longest DUI sentence he's ever seen in his three years working as a prosecutor for the Traffic Homicide unit.

"I'm glad we got a very long sentence and that he's going to have a very long time to think about his actions," Smith said.



Investigators said Jefson was more than three times over the legal blood alcohol limit and going 120 mph in a 30 mph zone at the time of the crash that killed Savannah in Arlington.

Police said Jefson's car crashed into the rear of the truck Savannah was in, and the truck hit another vehicle in front of it.

Savannah died a week after the crash from blunt force trauma to the head. Eight others were injured in the crash.

Police said Jefson had a blood alcohol level of .279, three times the legal limit, and also had Xanax in his system. Investigators said he blamed others for not getting out of his way.



In a victim impact statement given in court Savannah's sister, Kayla Pfeiffer, spoke about how her life was forever changed.

"Dear Savannah, I love and miss you... I will always miss you...I will always love you," Kayla Pfeiffer said.

Jefson was originally set to stand trial in September, but Smith said he believed Jefson pleaded guilty because the state had such a strong case against him.

"He addressed the family and apologized for what he had done. He did show remorse which was good. I think he just didn't want to go through with the trial and entered the plea," Smith said. "It was nice to have the opportunity to really speak in open court while Mr. Jefson was standing there, watching and listening to just how his actions have truly impacted the lives of so many people in so many ways."

Jefson had three previous arrests on DUI charges.

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HOME/NEWS

# Every parent's worst nightmare: Teen sneaks out, dies in late-night Mandarin crash

By Derek Gilliam & Dana Treen Mon, Jul 21, 2014 @ 1:31 pm | updated Tue, Jul 22, 2014 @ 9:21 am



Photo of Garrett Schaub from July 2012, taken from his Facebook account with his father Larry Schaub's permission, July 21, 2014

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- UNF holds seventh Take Back the Night march and vigil on Oct. 6

Larry Schaub said he made a deal with God years ago to take him before any of his four boys.

"Obviously, he didn't listen to me," he said Monday night. "... This single event is by far the worst event that has ever happened in our lives."

His youngest son, 14-year-old Garrett Schaub, died in an alcohol-fueled crash involving a carload of teenagers early Sunday morning, according to the Jacksonville Sheriff's Office.

Larry Schaub said he stayed up late Saturday, not going to bed until about 1:30 a.m. Sunday after returning to his Mandarin home from a vacation in the Florida Keys with his family. His two teenage sons were home and safe when he went to sleep.

Garrett died after crashing into an oak tree about 4:10 a.m. in a BMW driven by 17-year-old Michael Brandon Ramdass, a family friend.

Schaub said he'll miss hearing his son call him Pops and seeing his smirky grin. The 14-year-old would have been a freshman at Mandarin High School when school starts this year.

"A great kid, outgoing, funny, good-looking, athletic," Larry Schaub said about his son. "He liked lacrosse, soccer and girls — a typical 14-year-old."

Police said alcohol and speed were factors in the crash that killed Garrett, who was in the rear

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- [Man DNR ranger wounded during armed confrontation then took his own life, officials say](#)
- [Jacksonville teenager facing adult charges pleads not guilty in mother's stabbing death](#)



"There were three people in the car. One had just gotten out. He was unconscious," he said. "The driver was in a lot of pain."

Ramdass, 17, suffered serious injuries, according to the Sheriff's Office crash report. The names of others in the car, all juveniles, have not been released by police.

The female front passenger was the only occupant wearing a seat belt and had minor injuries. Another male passenger in the rear seat suffered life-threatening injuries.

Schaub said his other son, 15-year-old Taylor, was tired and didn't sneak out with his brother to go to the apparent party.

The grieving father said he's already forgiven Ramdass.

"Brandon [Ramdass] will be in his own prison for the rest of his life," he said. "... He's a kid. He made a stupid mistake."

He said jail probably shouldn't be the punishment, but he would like to see Ramdass do community service. He would like to see him speak to other teenagers about the dangers of drinking and driving.

Schaub also plans on advocating and speaking about underage drinking and driving.

"My goal at this point is to do what I can to stop teenage drinking and driving," he said.

A member of Mandarin United Methodist church, Schaub said his bitterness is testing his faith, but that will pass. He said he's thankful because his other son could have easily been in the car Sunday morning, but wasn't.

"God spared one but took the other," he said. "I guess there was a job opening for a yellow-haired, green-eyed angel."

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Georgia boy, 12, fights off shark in Fernandina Beach; 4 bitten since Thursday on First Coast



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passenger seat when the BMW struck a tree in the 12800 block of Mandarin Road. It was northbound at a high rate of speed and ran off a curve in the road, police said.

Michael Carlson, a father, witnessed the immediate aftermath.

### RECOMMENDATIONS FOR YOU



Jaguars rookie WR Rashad Greene goes on short-term injured reserve after thumb surgery



Georgia boy, 12, fights off shark in Fernandina Beach; 4 bitten since Thursday on First Coast



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8:54pm

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7:59pm

**Georgia lawmakers say they welcome fair, simple regulation**

7:12pm

**Film on St. Augustine's civil rights struggle screens Thursday in the city where it's set**

6:59pm

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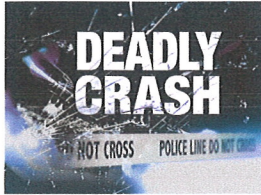
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## One killed in early morning crash on Northside

8:25 p.m. EDT June 26, 2014



(Photo: Associated Press)

JACKSONVILLE, Fla. -- A 24-year-old was killed in an early morning crash Thursday.

Andrew Kauffman, 25, was heading northbound on US 17, towards Tisonia Street, when he traveled off the roadway, struck a pole and fire hydrant, according to a report from Florida Highway Patrol. The crash caused the Nissan X-Terra Kauffman was driving to rotate and flip several times before coming to a rest on the right should of the road.

24-year-old passenger Bradley Douglas Kauffman was killed in the crash. Both Kauffman's were wearing seatbelts at the time of the crash, according to FHP.

Andrew was taken to UF Health Jacksonville in critical condition.

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## Man arrested in Jacksonville Beach fatal hit-and-run

25-year-old struck by car, killed early July 5

Author: [Tarik Minor](#), Anchor-reporter, [tminor@wjxt.com](mailto:tminor@wjxt.com)

Published On: Aug 06 2014 11:22:33 AM EDT Updated On: Jul 24 2014 06:39:14 PM EDT



### JACKSONVILLE BEACH, Fla. -

Jacksonville Beach police have arrested a man in connection with the fatal hit-and-run crash of a 25-year-old man on Third Street early July 5.

Darrell Lundy, 40, turned himself in to police Wednesday after a warrant was issued, and he was booked in the Duval County jail on a charge of leaving the scene of an accident involving death. He is charged in the death of Daniel Stein (pictured below).

Police said Stein was crossing Third Street at North 13th Avenue about 1:40 a.m. July 5 when he was hit by a car. Stein died while being flown to a hospital.

Police said the black Mercedes-Benz did not stop at the scene.



Neptune Beach police found the car later that day, and Jacksonville Beach investigators said they conducted interviews and gathered evidence, along with assistance from the State Attorney's Office.

"We're looking for a lot of different things," said Police Chief Patrick Dooley. "Obviously, we want to tie anything that was left at the scene to the vehicle that we locate or recover later. We also look at anything that might have been trace evidence either left behind by the victim or transferred onto the victim that would be from the vehicle that we later recover."

Police said Lundy has not been cooperative.

"They were definitely not forthright in producing the vehicle for us," Dooley said. "We had to find it through investigative means."

Dooley said forensic evidence links Lundy (pictured below) to Stein's death.

"We know the vehicle is a black Mercedes; we heard that from witnesses at the scene," Dooley said. "We were also able to tie evidence from the scene left behind at the time of the incident to the vehicle itself when we located it."



Lundy has three previous driving citations, two for speeding and one for failing to yield right of way.

Police said their hit-and-run investigation is ongoing.

Stein's co-workers at TacoLu, who've been waiting for more than three weeks for an arrest, started crying when they heard the news.

"It's just horrible, as instant as it was, and now for three weeks to not know anything, they're elated, but it brings back all the memories of the July Fourth weekend," restaurant owner Don Nichol said.

"It's about time that he finally 'fessed up and came in and said something," friend Dwight Mosby said.

Mosby was another one of Stein's close friends who worked with him in Atlantic Beach. He said leaving someone to die and drive off is heartless.

"It's very cruel, and what's upsetting is how long it took, the initial reaction, to be scared and think of themselves and running," Mosby said. "But he should have turned right around, at the absolute latest the next day, to say something to somebody."

Lundy will be back in court on Aug. 14. It's still unclear if there were other people in the car at the time of the accident.

If convicted, Lundy be facing increased penalties for leaving the scene of the accident in accordance with Florida's new laws that went into effect July 1.

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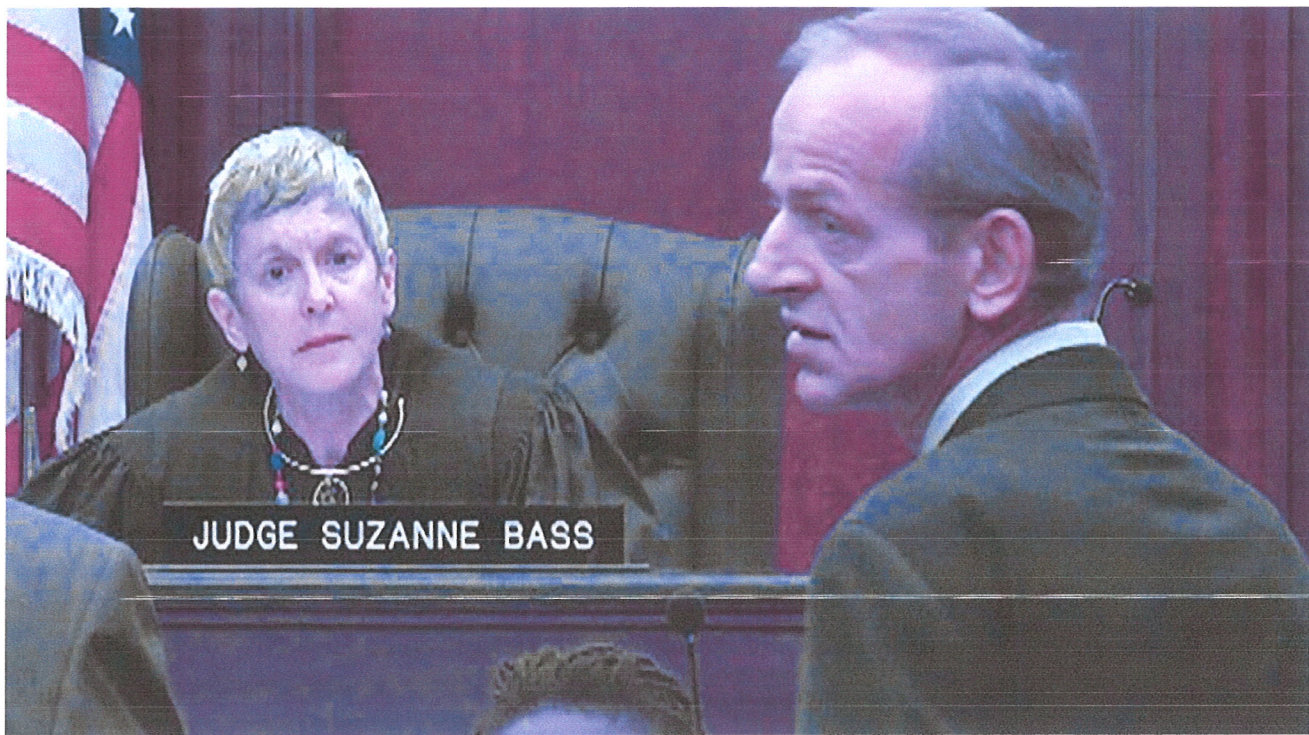
# Tab 30

## Ismet Sijamhodzic pleads guilty to vehicular homicide

17-year-old JaNay Jackson killed when van drove into bedroom

Author: [Kumasi Aaron](#), Anchor, reporter, [kaaron@wjxt.com](mailto:kaaron@wjxt.com)

Published On: Aug 08 2013 10:18:00 AM EDT Updated On: Aug 08 2013 08:37:34 PM EDT



**JACKSONVILLE, Fla. -**

Ismet Sijamhodzic on Thursday pleaded guilty to vehicular homicide in the death last year of 17-year-old JaNay Jackson.

Prosecutors say Sijamhodzic, 52, had smoked pot and taken Xanax when he crashed into a house on Kennerly Road early the morning of Aug. 28, 2012.

The van went through the wall and stopped 10 feet into the sleeping teen's bedroom.



Sijamhodzic ran a stop sign at the T-intersection of Kennerly and Barnes roads. He told investigators he had not slept in the previous three days before the crash.

In court Thursday, Sijamhodzic apologized to Jackson's family.

"I am so sorry for this accident that's happened, and I'm so sorry for Ms. Jackson's family," Sijamhodzic said. "I take full responsibility for this accident."

Sijamhodzic's lawyers said he suffers from posttraumatic stress disorder as a result of being held as a prisoner of war during the war in Bosnia.



Jackson (pictured left), a drum major at Wolfson High School, was ranked third in her senior class. Family and friends say she dreamed of becoming a nurse practitioner.

After the hearing, Jackson's mother said her family is pleased Sijamhodzic accepted responsibility and pleaded guilty.

"Even though there won't be a trial, we still have to go through the sentencing hearing, so that will still be hard," Felicia Jackson said. "We've managed so far, we'll manage then."

"We're getting closer to where we can put the legalities of this behind us, and once we do that we're looking forward to the time where we can begin to heal and begin to move on," said Gerald Jackson, JaNay's father.

Still, Gerald said it was hard for him to listen to Sijamhodzic's apology.

"I couldn't look at him. I turned my head," he said. "Actually seeing him here today was definitely a hard situation for me."

Sijamhodzic faces nine to 15 years in prison when he is sentenced on Sept. 24. The state asked that Sijamhodzic be taken into custody, but Judge Suzanne Bass allowed him to remain free on bond until his sentencing.

He has to surrender his driver's license immediately and will have a curfew from 6 p.m. to 8 a.m. every day except to go to work, mental health treatment and religious services.

"It's a very tragic case, it's a very tragic situation, and all these facts are going to be presented to the court at the sentencing hearing," defense attorney Alan Rosner said.

"I don't even know if we can ever move forward from this, but we love JaNay, we will always love JaNay, and it's just been real hard. It's been real hard," Felicia Jackson said.

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## Man who killed Jacksonville girl when he crashed into her bedroom, gets 12 years in prison

Posted: November 14, 2013 - 11:58am | Updated: November 14, 2013 - 7:26pm

[View this story on the All-Access Members site](#)



Bob.Self@jacksonville.com

Ismet Sijamhodzic is put in handcuffs after being sentenced Thursday to 12 years for running a stop sign and crashing into a Jacksonville home killing 17-year old Janay Jackson.

By [Larry Hannan](#)

<http://jacksonville.com/breaking-news/2013-11-14/man-who-killed-jacksonville-girl-crashing-bedroom-gets-12-years>



9/1/2014

Man who killed Jacksonville girl when he crashed into her bedroom, gets 12 years in prison | jacksonville.com

A Jacksonville man who crashed his vehicle through 17-year-old Janay Jackson's bedroom, killing the sleeping girl, was sentenced to 12 years in prison Thursday morning.

Circuit Judge Suzanne Bass had the option of sentencing Ismet Sijamhodzic, 52, nine to 15 years. He pleaded guilty to vehicular homicide.

Bass also ordered three years of drug-offender probation after his release and that his driver's license be permanently revoked.

Sijamhodzic drove his Ford minivan through a stop sign at the end of South Barnes Road in August 2012, through a concrete wall and into Jackson's home. He told police he hadn't slept for three days prior to the 2:40 a.m. accident,

His arrest report said there were no indications he attempted to stop or steer the van to avoid impact. No skid marks were evident at the scene.

A blood test showed Sijamhodzic had Xanax in his system, but he didn't have a prescription. Trace amounts of marijuana also were found.

The parents of Jackson said they were satisfied with the sentence but added it was only a small part of their grieving process.

"It's a very small sense of closure," said Gerald Jackson, Janay's father. "Now we're trying to heal."

During an all-day sentencing hearing in October lawyers for Sijamhodzic argued he should receive a lesser sentence because he had no criminal record and suffered from post-traumatic stress.

Attorney Alan Rosner said Sijamhodzic had been a prisoner of war in Bosnia during the civil war the country had in the 1990s, and that led to his post-traumatic stress.

Rosner also said Sijamhodzic was remorseful for what he'd done and had not realized what the effect of the Xanax would be when he took it.

But Assistant State Attorney Lee Smith said Sijamhodzic had a responsibility to know what effect the drugs had on him.

"He shouldn't have gotten behind the wheel," Smith said after Bass sentenced Sijamhodzic.

Janay Jackson was an honor student at Wolfson High School. Her mother, Felicia Jackson, said she was relieved the case was over, but added that seeing Sijamhodzic go to prison didn't ease the pain of losing her child.

"It's just hard," Felicia Jackson said. "You hope every day when you wake up the pain will go away, and it never really does."

Larry Hannan: (904) 359-4470

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Nov 14 2013

## Driver Sentenced To 12 Years In Prison For Teen's Death

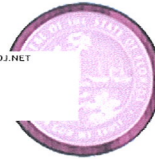
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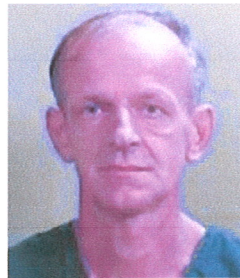
ANGELA B. COREY  
STATE ATTORNEY

CONTACT: JACKELYN BARNARD  
TEL: (904) 255-3004  
JBARNARD@COJ.NET

### IN THE COMMUNITY



Michael Haim News Conference



Ismet Sijamhodzic

JACKSONVILLE, Fla. – Ismet Sijamhodzic, 52, was sentenced on Thursday to 12 years in prison for the death of 17-year-old Janay Jackson. The prison sentence will be followed by three years of probation. Sijamhodzic also had his driver's license permanently revoked. The defendant pled guilty to a charge of Vehicular Homicide in August.

In August 2012, Sijamhodzic drove his Ford Minivan through a stop sign and into the bedroom of the victim's home while she was asleep. There were no indications that the defendant attempted to stop or steer the vehicle away from the house.

Sijamhodzic's van plowed through the victim's bedroom and struck the interior wall on the opposite side of the room, where Jackson was sleeping. The victim was pinned between the wall and the defendant's van. Jackson was taken to the hospital where she later died as a result of her injuries. A blood test revealed Sijamhodzic had Xanax in his system at the time of the crash.

Assistant State Attorney Lee Smith prosecuted the case.

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Tagged with: Angela Corey, Ismet Sijamhodzic, State Attorney

### TRIAL CALENDAR AND RESULTS

RESULTS Amended Circuit Trial List For Week Of September 14, 2015

RESULTS Amended Circuit Trial List For Week Of September 8, 2015

RESULTS Amended Circuit Trial List For Week Of August 31, 2015

RESULTS Amended Circuit Trial List For Week Of August 24, 2015

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Man Pleads Guilty To 16 Counts in Child Sex Crime

21-Year-Old Killer Sentenced To Life In Prison





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Aug  
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## Driver Pleads Guilty In Janay Jackson's Death

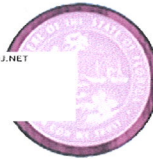
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### IN THE COMMUNITY



County Court Team



### TRIAL CALENDAR AND RESULTS

RESULTS Amended Circuit Trial List For Week Of September 14, 2015

RESULTS Amended Circuit Trial List For Week Of September 8, 2015

RESULTS Amended Circuit Trial List For Week Of August 31, 2015

RESULTS Amended Circuit Trial List For Week Of August 24, 2015

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### IN MEMORIAM



\*\*\*NEWS RELEASE\*\*\*



Ismet Sijamhodzic

JACKSONVILLE, Fla. – Ismet Sijamhodzic, 52, pleaded guilty Thursday morning to a charge of Vehicular Homicide in the death of 17-year-old Janay Jackson.

In August 2012, Sijamhodzic drove his Ford Minivan through a stop sign and into the bedroom of the victim's home while she was asleep. There were no indications that the defendant attempted to stop or steer the vehicle away from the house.

Sijamhodzic's van plowed through the victim's bedroom and struck the interior wall on the opposite side of the room, where Jackson was sleeping. The victim was pinned between the wall and Sijamhodzic's van. Jackson

was taken to Shands Jacksonville where she later died as a result of her injuries. A blood test revealed Sijamhodzic had Xanax in his system at the time of the crash.

Sijamhodzic now faces up to 15 years in prison. He will be sentenced September 24.

Assistant State Attorney Lee Smith prosecuted this case.

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[← 21-Year-Old Killer Sentenced To Life In Prison](#)

[49-Year-Old Convicted In 2012 Rape →](#)



ANGELA B. COREY  
STATE ATTORNEY

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CHIEF ASSISTANT

### **\*\*News Release\*\***

**Contact:**

**Dan McCarthy**, Chief Assistant  
McCarthy@coj.net  
(904) 630-2488

**Rebecca Reams**, Legal Assistant  
Rreams@coj.net  
(904) 630-2488

**For Immediate Release**

**February 3, 2010**

### **Woman Convicted of DUI Manslaughter and Vehicular Homicide**

JACKSONVILLE, Florida— State Attorney Angela Corey announced Wednesday the conviction of Della Foss on charges of DUI Manslaughter and Vehicular Homicide.

The evidence presented in the case by Assistant State Attorneys Lee Smith and Mark Borello, showed the defendant got behind the wheel of her Ford Mustang after ingesting a potent combination of drugs, including Zolpidem (commonly marketed as Ambien), Hydrocodone, Alprazolam (Xanax) and traces of cocaine.

Testimony showed the victim was a hard-working groundskeeper at the Jacksonville Urban league, who was walking to catch a bus to get to work downtown, when he was struck and killed by the defendant as she ran off the side of the road. The defendant did not testify at her trial, but has said she did not know what happened. She now faces a four year minimum mandatory sentence, with up to fifteen years in prison.

" This is a rare DUI Manslaughter conviction because it involves only drugs and no alcohol. It is also believed to be one of the first convictions in the State of Florida involving the use of Ambien, " said Assistant State Attorney Mark Borello.

# Tab 31

S.A. CASE NO.: 10CF056734AD

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

CLERK NO.: 162010CF009009AXXXMA

DIVISION: CRA/SAD

STATE OF FLORIDA

vs.

LARRY RAY SUMMERS

---

STATE'S REPOSE TO DEFENDANT'S  
MOTION TO EXCLUDE ALL CHILD HEARSAY TESTIMONY

The State of Florida, by and through the undersigned Assistant State Attorney, requests that this Honorable Court deny the Defendant's Motion to Exclude All Child Hearsay in the above styled case. In support of this response the State would show the following grounds:

1. The State seeks to introduce testimonial out of court statements of child victims.
2. The State expects that all of the child victims will testify at trial and therefore will be subject to cross-examination regarding their out of court statements.
3. The Confrontation Clauses of the United States and of the Constitution of the State of Florida are satisfied because the witnesses are available and shall be subject to cross-examination. See Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354 (March 8, 2004)
4. The Defendant alleges that the out-of-court statements are testimonial in nature and therefore the Defendant should have been afforded the opportunity to cross-examine the witness at the time the statement was made. This is a misstatement of the law. There is no such requirement under Crawford, or the Confrontation Clauses of the Constitution of the United States and the Constitution of the State of Florida.
5. The State agrees that the statements contained in a Child Protection Team interview are testimonial in nature and therefore the witness must testify. Under Crawford, if a witness fails to testify at trial and a hearsay statement is sought to be introduced, then the Defendant should have been afforded the opportunity to cross examine the witness on a prior occasion regarding the statement. However, because the children will be testifying at the trial, there is no requirement that they be subject to prior cross examination. The cross examination will occur during the trial.
6. The Defendant cites the case of Contreras v. State, 979 So. 2d 896 (Fla. 2008). That case also involves a victim who did not testify during the trial because it

13. The three victims provided child like descriptions of the acts. One of the victims used pencil and paper to write the acts down because she was too embarrassed to talk about them out loud. They used terminology which is unexpected of a child of similar age such as words and phrases like butt and private parts. They were asked about the difference between truth and a lie and each of them provided accurate answers to the questions.
14. They have no motive fabricate these accusations against their biological father who raised them and acted as the state at home father while the mother worked. The abuse took place over a long period of time and the child victims said the Defendant threatened to harm them or their siblings if they told anyone about the abuse.
15. Pursuant to Townsend, the court should use a totality of the circumstances evaluation in determining reliability of the child hearsay.

WHEREFORE, the State of Florida respectfully prays this Honorable Court deny the Defendant's Amended Motion to Exclude All Child Hearsay Testimony and allow the child hearsay statements to come into evidence.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing motion has been furnished by \_\_\_\_\_, to Tiffany Poore, Office Of The Public Defender, 407 North Laura Street, Jacksonville, Florida 32202, this \_\_\_\_\_ day of October, 2011.

ANGELA B. COREY  
STATE ATTORNEY

By: \_\_\_\_\_  
R. Lee Smith, II  
Bar Number 630578  
Assistant State Attorney

would have caused severe emotional or mental harm. Again, the victims in this case will be testifying during the trial and shall be subject to cross examination during the trial.

7. The Defendant also references State v. Lopez, 974 So.2d 340 (Fla. 2008). That case also involved a victim that was unavailable for the trial and therefore is inapplicable to this case.
8. The Defendant cites California v. Green, 399 U.S. 149, 90 S.Ct. 1930 (1970) as requiring that the Defendant be afforded the opportunity to confront the hearsay declarant at the time of its admission. Again, the Defendant will have the opportunity to confront the witnesses at the time of its admission which will be during the trial.
9. In State v. Hosty, 944 So.2d 255 (Fla. 2006), the Florida Supreme Court found that testimonial hearsay statements are in violation of the Confrontation Clause *if the witness doesn't testify at trial*. The Court gave a thorough analysis of the child and adult hearsay statutes. The Court did not find the statute facially unconstitutional but instead held it was unconstitutional "as-applied." The facts of this case fit squarely within the Constitutional requirements of the Confrontation Clause because the witness will be testifying at trial and subject to cross examination.
10. F.S. 90.803(23) requires that the court must, before admitting the statement, find that the statement is related by a trustworthy source and that the time, content and circumstances of the statement reflect that it provides sufficient safeguards of reliability.
11. In State v. Townsend, 635 So.2d 949 (Fla. S. Ct 1994), the Florida Supreme Court suggested eleven factors (not an all inclusive list) for consideration: 1) The statement's spontaneity; 2) whether the statement was made at the first available opportunity following the alleged incident; 3) whether the statement was elicited in response to questions from adults; 4) the mental state of the child when the abuse was reported; 5) whether the statement consisted of a child-like description of the act; 6) whether the child used terminology unexpected of a child of similar age; 7) the motive or lack thereof to fabricate; 8) the ability of the child to distinguish between fantasy and reality; 9) the vagueness of the accusation; 10) the improper influence of parties involved in a domestic dispute; 11) contradictions in the accusation.
12. The statements contained in the Child Protection Team video are reliable and from a trustworthy source. The Child Protection Team interviewer, Laura Dill, is specially trained to conduct interviews of child witnesses in a secure environment free from improper outside influences. The only people allowed in the interview room were the child victim and the interviewer. The entire conversation was recorded and was uninterrupted.



# Tab 35

## Question 35

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In August, 1990, shortly after my eighteenth birthday, I was involved in an automobile accident. The accident occurred a short distance from my home in Frederick, Maryland. I struck the side of another vehicle while it was backing into a driveway. As a result of the crash, I sustained a concussion and was briefly knocked unconscious. When I regained consciousness, I was disoriented and confused and instead of remaining at the scene, I drove home. When I arrived home, I discovered that no one was there, so I immediately called my sister and explained what happened and told her I needed to go back to the scene. She told me to wait at my house until she arrived and she would bring me back. A few minutes after she arrived, a Maryland police officer arrived at my home. He called fire and rescue and I was transported to the emergency room where I was diagnosed with a concussion.

I was never taken into custody but I was issued a uniform traffic citation that required appearance in court. I knew that my failure to remain at the scene was wrong and I took responsibility for my action. I apologized to the couple in the vehicle I hit and pled no contest to the charge. I received a withhold of adjudication and community service hours at the Frederick County landfill as the disposition.

As a prosecutor, I have drawn from this incident and used it to temper me as I make prosecutorial decisions, particularly in cases involving youthful offenders. If selected to become a member of the judiciary, this incident will continue to guide me in making decisions from the bench.

# Tab 45

**MADD Nomination Statement**  
**The Honorable Angela B. Corey**  
**State Attorney for the Fourth Judicial Circuit of Florida**

During 2013, Assistant State Attorney R. Lee Smith handled all of the traffic homicide investigations, a total of 145 investigations, and all active criminal cases within Jacksonville, Duval County, Florida. In regard to this responsibility, he constantly answers to officer calls for assistance including responding to traffic homicide scenes to contribute however possible to ongoing investigations. He has been a constant resource to all law enforcement agencies within Duval County so that our office can assist those agencies in fully investigating any traffic homicide that occurs in our county. Once a charging decision has been made, Lee continues to work with law enforcement as these violent cases proceed through the judicial system. In addition, he meets with victims in every case and works with support staff within our office to maintain the victims' full understanding of the status and progress of their case.

In addition to this responsibility, Lee is also the Division Chief of County Court where he participates every day not only in the prosecution of traffic cases including hundreds of cases involving driving under the influence, but also participates in the continual training of new assistant state attorneys who prosecute DUIs and other traffic cases throughout their first year of practice. Lee is an energetic and enthusiastic prosecutor who is always willing to take the time to meet with our new attorneys to help them become better able to handle these difficult and complicated cases. Lee also takes the time to be involved within our community in our efforts to prevent the crime of driving under the influence of alcohol or controlled substances. For example, Lee recently talked with juniors and seniors at a local high school in anticipation of the prom season to encourage an awareness of this crime and an attention to safety. Because of Lee's dedication to his work, our office, and our community, I highly recommend him for Outstanding Prosecutor for 2013.

**MADD Nomination Statement**  
**Julie Taylor**  
**Director of County Court and Juvenile Court**  
**Fourth Judicial Circuit of Florida**

As the Director of County Court and Juvenile Court, I would highly recommend Assistant State Attorney Lee Smith for Outstanding Prosecutor for 2013. Lee and I worked together throughout 2013 and, because my office is next to his, I see the constant stream of law enforcement officers, support staff, victims and new assistant state attorneys in his office every day. His patience and enthusiasm for working with all of these individuals is endless, and his dedication to his responsibilities as the only traffic homicide attorney in our office and the Division Chief of County Court is incredibly admirable. As the members of Mothers Against Drunk Driving know too well, cases involving the use of alcohol and controlled substances, especially those where death and serious injury are caused by the perpetrators, are particularly difficult for victims of such a senseless and preventable crime. However, Lee never tires in defending the rights of these victims, and consistently faces the legal challenges in these cases that he encounters in the courtroom every day. Because of my varied responsibilities, I depend upon Lee to maintain a high level of responsibility and proficiency for both the misdemeanor and felony cases that he litigates on behalf of the Office of the State Attorney in Duval County. He is an incredible asset to this office and to the goals of Mothers Against Drunk Driving as he faces the challenges of these cases.

May 19, 2014

Mothers Against Drunk Driving (MADD)

To Whom It May Concern,

We are writing this letter to support the nomination of Lee Smith for the MADD Outstanding Prosecutor for 2013 Award. It is our great honor and privilege to do so.

We first met Mr. Smith approximately one month after the tragic death of our son, Joseph Garrett Davidson, age 19, who was killed by a drunk driver. This meeting took place at the State Attorney's office in order for us to meet the team who would be involved in prosecuting this case against David Gallagher for DUI manslaughter and vehicular homicide. The team was very professional and compassionate, especially Mr. Smith. The support and communications they proved to us during the entire trial process was exemplary. Mr. Smith kept us well informed of the process, updates and how decisions were derived. All communications with Mr. Smith were timely, very informative and presented with great compassion and warmth. There was never a moment that we felt that there was a loss of focus or concern for our son's representation by Mr. Smith.

Mr. Smith's guidance and understanding throughout the case was superb. His demeanor never faltered from one of professionalism with compassion for our emotions.

In closing it was very apparent to us that Lee Smith not only is a fine individual and attorney but also has a deep concern for the effects of drinking and driving, especially on the under aged and their victims.

We know no one more deserving of this award.

Sincerely;

Scott and Cammie Davidson

May 18, 2014

To whom it may concern,

On November 30, 2010 1:35 CST. I received a phone call that no parent should ever have to take nor should a parent ever have to make. On the other end of the line was my mom telling me that my oldest son Mitchell Green, 21, was in a wreck and was life flighted to Shands in Jacksonville with life threatening injuries. The 5 ½ hour ride felt like eternity. On December 6, 2010 Mitchell was declared brain dead. He was riding in a truck with an acquaintance and ran off the road and struck a fence. The boards from that fence fatally struck my son in the head and he was in an instant coma. It was determined that the boy that my son was riding with was the driver and I learned that he was going to be charged and prosecuted with DUI Manslaughter. The next 2 years and 4 months were grueling. However I could have never made it through that trying time without the support of State Attorney Lee Smith.

Mr. Smith's dedication and devotion to this case was unwavering. With the complexity of the court system, our family was over whelmed at every turn but he was there for us through countless continuations of pre-trials and adjournments of trial dates. Mr. Smith along with our wonderful victims advocate always kept our family updated. Because he proved himself competent and dependable, we learned to trust him completely. He was the support system upon which we leaned when our faith in the court system attempted to fail or our strength began to weaken.

He answered our questions fully, honestly and without hesitation. Whenever a sensitive situation presented itself, Mr. Smith was as gracious as possible with taking care to guard our feelings. He is fair and just. It would be an honor and a pleasure to give back to him a fraction of what he gave to my grieving family.

As for me personally, there is not enough time in eternity to be able to repay him and my prosecuting team for the love, help and comfort that our family has received at their hands. I thank God for them daily in my prayers with asking for his favor and blessings to be upon them and their families forever.

Sincerely,

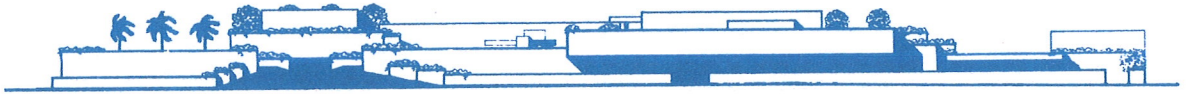
Lisa (Michelle) Sazama (mother of Mitchell Curtis Green)

on behalf of Green/Sazama family



# OFFICE OF THE SHERIFF

## CONSOLIDATED CITY OF JACKSONVILLE



501 EAST BAY STREET • JACKSONVILLE, FLORIDA 32202-2975

**John H. Rutherford**  
Sheriff

May 20, 2014

To Whom It May Concern,

A little over three years ago I was introduced to Assistant State Attorney R. Lee Smith. He was taking over the duties as the prosecutor for all DUI Manslaughter and Vehicular Homicide cases. From the first day I could tell Lee had a passion for his job as a prosecutor. My first impression was he carried an aura of professionalism and passion for the prosecution of cases, yet he was compassionate.

As our work relationship began to evolve I could call Lee to ask questions and he has always been readily available to me. He has always provided me with an appropriate answer or quickly returned with an answer if research was required. He has responded to over 10 of my traffic homicide scenes, many on his time or day off, to assist with obtaining a better knowledge of what had occurred so he could prepare a better case. I have spoken with other detectives in my unit and Troopers with the Florida Highway Patrol that have spoken highly about his willingness to respond to scenes and assist, despite the lateness of the hour or it being a weekend.

I have personally observed Lee's compassion with victim's families. He is very sensitive to the needs and wishes of the family. Lee schedules a meeting with each family prior to the conclusion of the prosecution, many of which I attend. He seeks the wishes of the family in the prosecution and offers support to them.

Lee takes the time to prepare each case as if it was his only case and it were his family members that were involved! Lee is an exceptional asset to the State Attorney Office, the investigators that work with him, the victim's families and the citizens of Jacksonville.

Detective D.B. Edmonds  
Traffic Homicide  
Jacksonville Sheriff's Office  
501 E. Bay St., Room #226  
Jacksonville, FL 32202



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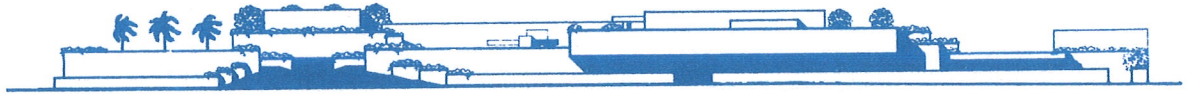
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# OFFICE OF THE SHERIFF

## CONSOLIDATED CITY OF JACKSONVILLE



501 EAST BAY STREET • JACKSONVILLE, FLORIDA 32202-2975

**John H. Rutherford**  
Sheriff

May 21, 2014

Dear Sir or Madam:

I was assigned to the State Attorney's Office from January 2009- December of 2014 as State Attorney Investigator in County Court. It was during this time that ASA R. Lee Smith was assigned as a Division Chief in County Court. Because of this assignment, I had almost daily contact with Lee at work. Many of the cases I investigated were DUI cases dealing with both alcohol and drug impairment. ASA Smith would rely in my investigative efforts and DUI/DRE expertise during the normal course of his work duties. He also brought years of experience and a diligent work ethic to the office. He was always cordial, cooperative and above all, professional, very knowledgeable and proficient in his job. He stressed the importance of dealing with the victim's and the families of victims and being considerate of their concerns. His personal and professional demeanor encouraged those around him to continue to operate at a high level of professionalism and efficiency.

In December 2013 I transferred to the JSO Traffic Homicide Unit. I continue to have regular contact with ASA Smith due to his position as the sole Assistant State Attorney who handles DUI/Manslaughter, Vehicular Homicide and Felony Hit and Run cases. Mr. Smith regularly comes out to the scene of the crash to get a firsthand view of the evidence and familiarize himself with the case. Many times I have called him after normal working hours and on the weekends in reference to these cases. He always responds on the phone and regularly comes to the scene. He is methodical, meticulous and researches the applicable case law to support his decision to proceed or not to proceed with prosecution. He is a valuable asset to the State Attorney's Office and the investigators who rely on him.

Recently in May, 2014, I was present as he met with the mother of a deceased Vehicular Homicide victim. He was caring, thoroughly informational and professional. His quiet, sincere and caring demeanor brought calm to the meeting with the deeply wounded mother.

It is a privilege to work with Lee Smith as we proceed toward a common goal.

Respectfully submitted,

Det. P.B. Blackstone #6902  
Jacksonville Sheriff's Office  
Traffic Homicide Unit



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**From:** Corey, Angela  
**Sent:** Wednesday, October 30, 2013 10:18 AM  
**To:** Smith, Lee; Stronko, Brandy  
**Cc:** Vought, Regina; de la Rionda, Bernie; Guy, John; Bain, Monica; Taylor, Julie; Bevel, Jackie  
**Subject:** RE: Sijamhodzic Sentencing

**Lee: A well deserved email about Brandy. Please allow me to expand by saying that I continue to be very proud of both of you during these heart wrenching sentencing hearings. The SAO is in great hands with the two of you as our Traffic Homicide courtroom team so I thank you sincerely for all you do for us. This email will go into both of your files as a commendation of your excellent work. God bless you as you continue to tackle these very important cases. Sincerely, Angela**

**From:** Smith, Lee  
**Sent:** Wednesday, October 30, 2013 9:07 AM  
**To:** Stronko, Brandy  
**Cc:** Vought, Regina; Corey, Angela  
**Subject:** Sijamhodzic Sentencing

Brandy,

You did a great job keeping everything organized and everyone informed yesterday. Your professional manner and organization puts my mind at ease as to everything that is going on behind me during these very emotional hearings. Your work allows me to focus on what is going on in front of the courtroom. I know these cases are challenging and I continue to greatly appreciate your effort.

Thank you,

Lee

R Lee Smith  
Assistant State Attorney  
County Court Division Chief/Traffic Homicides  
Fourth Judicial Circuit  
220 East Bay Street  
Jacksonville, Florida 32202  
[904-630-2490](tel:904-630-2490)  
<http://www.sao4th.com>

**From:** Corey, Angela  
**Sent:** Friday, February 26, 2010 6:40 PM  
**To:** Smith, Lee  
**Cc:** Borello, Mark; McCarthy, Daniel "SAO"  
**Subject:** COMMENDATION

## COMMENDATION

**Lee:**

**This is to commend you for an outstanding job of seeking the truth and doing the right thing on the Robertson cases. It is incumbent upon us to do all possible to find the truth at every stage of the proceedings and ensure fair treatment of all defendants. Through your hard work you have surely done this for Jerrod and Christopher Robertson. Please keep up the good work and thank you for your continued diligence in all that you do. You are a valuable part of our SAO team!**

**Angela**

**cc: Personnel file of Lee Smith**

Angela B. Corey  
State Attorney  
Fourth Judicial Circuit of Florida

From: Corey, Angela  
Sent: Thursday, August 14, 2014 1:48 PM  
To: Stronko, Brandy  
Cc: Smith, Lee; Bain, Monica; Taylor, Julie  
Subject: Re: Kind words  
Awesome and well deserved! Please place in Lee's personnel file. ABC  
Angela B. Corey  
On Aug 14, 2014, at 12:36 PM, "Stronko, Brandy" <[BStronko@coj.net](mailto:BStronko@coj.net)> wrote:

Hey Lee,  
While speaking with Ms. Lisa Goodbread yesterday, she commended you on your compassion and professionalism throughout the prosecution of the case against Tamara Miller. Ms. Goodbread expressed her gratitude for the assistance you have given her and her grieving family helping them navigate the justice system and understand at every point what was going on in the case. Ms. Goodbread asked that I please relay her thanks and appreciation for what you do every day for the families of Jacksonville who have lost a loved one.  
I just wanted you to know that your kindness does not go unnoticed. ☺

[Brandy Stronko](#)  
[Victim Advocate](#)  
[State Attorney's Office](#)  
[\(904\) 630-1212 Ext. 5573](#)



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**Law Enforcement & Community Recognition**

The goal of this event is to highlight individuals who, in their work or daily lives, embrace MADD's mission to eliminate drunk driving, support victims of this violent crime, and prevent underage drinking.

Please feel free to contact the MADD with any questions at (904) 388-2455 or via email [jill.leslie@madd.org](mailto:jill.leslie@madd.org) or [northeast.fl@madd.org](mailto:northeast.fl@madd.org)

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South Daytona Police Department  
Patrolman Jason Fissell  
Atlantic Beach Police Department  
Cmdr. Steve Fricke  
St. Augustine Police Department  
Sgt. Russell Gordon  
Bradford County Sheriff's Office  
Trooper Gregory Healy  
Florida Highway Patrol  
Deputy Jeremy Hyers  
Nassau County Sheriff's Office  
Deputy Claude Hurley  
Clay County Sheriff's Office*

*Officer Scott Johns  
Starke Police Department  
Deputy Christopher Jones  
Jacksonville Sheriff's Office  
Officer Charles E. Keen  
Jacksonville Beach Police Department  
Officer John Koprowski  
Gainesville Police Department  
Deputy Luis Lopez  
Jacksonville Sheriff's Office  
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St. Augustine Beach Police Department  
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Baker County Sheriff's Office  
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Bradford County Sheriff's Office*

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*Julia Finn  
State Attorney's Office  
8th Judicial Circuit  
R. Lee Smith  
State Attorney's Office  
4th Judicial Circuit*

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*Ariella Talmer  
Bob Conner Award for Victim Services*



*Brandon and Amber Whitehead  
Heart of MADD Award for Volunteer Service*

Officer Joshua Paetsch  
 Fernandina Beach Police  
 Department  
 Deputy Daniel Qualmann  
 Alachua County Sheriff's  
 Office  
 Deputy Jacob Saunders  
 Clay County Sheriff's  
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 Cmdr. Jeff Stuart  
 Flagler County Sheriff's  
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# **Tab 53**

MAG

January 26, 2013

Honorable Adrian G. Soud  
Circuit Court  
Fourth Judicial Circuit of Florida  
501 West Adams Street  
Jacksonville, Florida 32202

**FILED**  
MAR 01 2013  
D. W. Small  
CLERK CIRCUIT COURT

RE: State of Florida vs. Klay Andrew Williams

Dear Judge Soud,

I appreciated your letter thanking me for my service on the jury. I had actually been thinking of writing you for the last week and so when I received your letter it pushed me along.

I arrived in your courtroom on a Monday morning fully expecting to be home for dinner and back to work on Tuesday. That I found myself less than 48 hours later listening to closing arguments on a vehicular homicide case was one of the most surreal and humbling experiences of my life. I am grateful to you and your staff for the courtesy and kindness extended to me and my fellow jurors during our service.

The state's case was convincing and honestly presented. The video from the convenience store was clear and there was no evidence presented to suggest that prior to the accident that Klay Williams and Mitchell Green exchanged driving positions so very close to their ultimate destination. The DNA evidence was compelling as was virtually all of the forensics presented. We were also convinced that immediately following the accident that William's truck was brought to a controlled stop, something that simply could not have occurred had Mr. Green been at the wheel. We took almost two hours to deliberate because we struggled mightily searching for reasonable doubt, indeed any doubt that Williams was not at the wheel of the truck at the time of the accident.

Interestingly, I came to the personal conclusion that the unrecovered third board had likely not traveled through the cabin. I suspect that when the third board penetrated the vehicle it lodged between the driver's door and Mr. Williams, and for Williams to exit the truck he had to push this third board back out through the truck window. That the board was never recovered was of little concern to the jury.

Throughout the trial my heart was heavy for the obvious pain and suffering caused by this senseless accident on Solomon Road. I'm hopeful that with the trial now concluded that both families can begin to heal. I hope and pray that I served the court fairly and honorably, and that when you sentence Klay Williams that you'll temper justice with mercy.

Sincerely yours,

*Martin A. Goetz*  
Martin A. Goetz

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## Couple sentenced in deadly hit-and-run involving child



Jacksonville couple sentenced for deadly hit and run that claimed the life of a toddler. Lisa Robbins, First Coast News

Lisa Robbins, First Coast News 5:46 p.m. EDT July 18, 2014



(Photo: JSO)

JACKSONVILLE, Fla. -- A Jacksonville couple has been sentenced for their role in a deadly hit-and-run that claimed the life of 2-year-old Janya Solomon.

At a hearing Friday morning, several family members of the victim spoke in front of a crowded courtroom before Judge Mark Hulsey sentenced the defendants.

Serdarus Scott, 35, defendant, previously pleaded guilty to leaving the scene of an accident resulting in death and operating a drivers license while revoked for being a habitual traffic offender.

Ariel Alexis Siplin, 29, defendant, previously pleaded guilty to being an accessory after the fact and tampering with evidence.

Natalie Parker, the victim's mother, said she misses her little girl every day.

"We can't bring her back but we can get justice for her," she said.

Investigators said Scott hit the toddler, stopped and got out of his vehicle, and then told his girlfriend to drive the vehicle away from the scene. Meanwhile, the toddler was dying on the pavement.

Scott ran away from the scene on foot and later got back in the vehicle with his girlfriend.

The accident happened while Solomon was following her older sister across the Harold House Apartments parking lot, located on Ring Lane. She was taken to UF Health Jacksonville where she died from her injuries.

"She was just so happy. She was never sad. She was always happy," Parker said.

Scott and Siplin went into hiding for several days until eyewitness accounts led investigators to Scott at an apartment complex nearby. Siplin was arrested close to a month after the accident.

Scott's attorney said the girl was unsupervised, which contributed to her death.

Prosecutors said the crash happened in a child-friendly apartment complex where children frequently play outside. Prosecutors said there are also speed-bumps in the parking lot, and that Scott should have been more aware of his surroundings.


Scott has at least 30 traffic stops and multiple citations on his record, according to court documents. He was not supposed to be driving when the crash occurred.

Scott was sentenced to 15 years in prison, while Siplin will spend one year in jail for her role in the incident.


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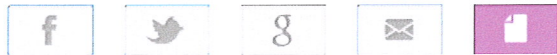
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**HOME/NEWS**

# A Jacksonville 2-year-old killed in a hit-and-run was catching up with her sister when she was struck

An habitual traffic offender is in custody.

By Dana Treen Mon, Jul 1, 2013 @ 9:26 am | updated Tue, Jul 2, 2013 @ 1:22 am



← BACK PHOTO: 1 OF 2 NEXT →



Scott

A 2-year-old who died in a hit-and-run Sunday was following her older sister across the apartment complex parking lot when she was struck, her father said.

Janya Diane Solomon was taken to UF Health Jacksonville where about 30 doctors tried to save her, said Antjuan Solomon.

"Her heart just stopped working," he said. "Too much trauma."

Police also took a 34-year-old habitual traffic offender into custody Monday. They issued an alert in the morning for suspect Serdarus Migel Scott, saying the vehicle had been located at the Leigh Meadows Apartments on Sunbeam Road but not the driver.

By evening, police tracked him to the Royal Estates Apartments on Arlington Expressway. He is being charged with leaving the scene of a crash that results in a fatality, the Sheriff's Office said.

Police said the toddler was hit after the driver had stopped so the occupants could talk with a pedestrian and then began to accelerate again.

The driver got out after the accident and the

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across the two travel lanes dividing the lot.

"They wanted to play," he said.

He said several witnesses saw what happened.

"There was a lot of people outside," he said. "They sit and watch the kids play."

The accident happened about 5:15 p.m., police said. By early Monday, a memorial was growing in front of the Solomons' first-floor apartment that is steps from the parking lot.

Around mid-morning, Robert Walker placed a candle among the stuffed bears, flowers and other mementos left at the curb.

Walker said he had known Janya's family for several years.

"She kept a smile on her face," he said of the little girl.

Walker and other friends of the family said they expected the police to find who was responsible.

Duval County court records show Scott has at least 30 traffic stops and multiple citations, including a dozen operating a motor vehicle with a suspended or revoked license.

[dana.treen@jacksonville.com](mailto:dana.treen@jacksonville.com), (904) 359-4091

passenger slipped over to the driver's seat and began to drive away, police said. The driver got back in before they fled.

The Solomons have lived for about a year at the Harold House apartments at 3650 Ring Lane where the accident occurred. The complex is off Emerson Street east of Interstate 95.

Sunday, Solomon and the couple's other children were watching "Spongebob Squarepants" when Natalie Parker, Janya's mother, came home with groceries. Antjuan Solomon was feeding their 10-month-old son when Janya left to follow her 11-year-old sister

## RECOMMENDATIONS FOR YOU



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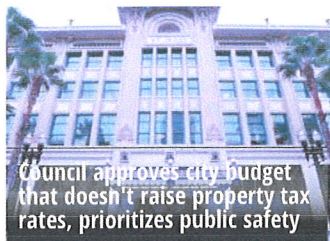
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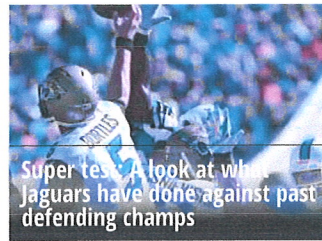
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8:54pm

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7:59pm

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7:12pm

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## Jacksonville arrest made in June traffic fatality; woman was going 76 mph and weaving on Roosevelt Blvd.

Posted: December 17, 2013 - 3:14pm | Updated: December 17, 2013 - 3:23pm

[View this story on the All-Access Members site](#)

By [Dana Treen](#)

Police said a Jacksonville woman has been charged with vehicular homicide and was traveling 76 mph when she hit Michael Goodbread Jr.'s Volvo, killing him as he drove onto Roosevelt Boulevard on his way to work last June.

Tamara Larissa Miller, 44, was arrested Tuesday after detectives were able to determine her speed, police spokeswoman Melissa Bujeda said.

Witnesses told police they saw Miller weaving, speeding and running the red light at Roosevelt and Verona Avenue.

Goodbread, 45, had the green light and was pulling onto Roosevelt from Verona when he was hit about 8:30 a.m. June 25.

Investigators said Miller veered into the right turn lane to go around stopped traffic and then ran the red light, according to the arrest report.

Her Honda CRV hit the driver's-side door of Goodbread's car and pushed it 73 feet before the Volvo hit a concrete curb and traveled another 30 feet.

Miller was hospitalized at UF Health Jacksonville. Goodbread was pronounced dead at the scene.

Miller has a lengthy list of traffic citations dating to 1986, including speeding, careless driving and running a red light.

Bujeda said blood taken from Miller had to be analyzed for alcohol and drugs, which can delay the time that a decision is made on an arrest. She said Miller did have alcohol in her blood, but it was below the legal limit for impaired driving.

Goodbread, an attorney, was married with two sons.

Miller was being held in jail Tuesday in lieu of \$100,000 bail.

Dana Treen: (904) 359-4091

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## Woman, 45, charged in fatal June crash

Police said driver was speeding, ran red light

**Author:** [Christopher Yazbec](#), News editor, News4Jax.com, [cyazbec@wjxt.com](mailto:cyazbec@wjxt.com)

Published On: Dec 24 2013 08:42:47 PM EST Updated On: Dec 17 2013 03:31:40 PM EST



### JACKSONVILLE, Fla. -

A 45-year-old Jacksonville woman was arrested Tuesday on a charge of vehicular homicide in a fatal crash on the Westside in June.

Police said Tamara Miller (pictured, below) was driving 76 mph in a 45 mph zone in the 4400 block of Roosevelt Boulevard about 8:30 a.m. June 25.



Investigators said multiple witnesses gave statements that Miller was driving recklessly, weaving in and out of traffic prior to running a red light and hitting another car at the intersection of Verona Avenue.

Michael Goodbread, the driver of that car, was killed.

Miller is being held in the Duval County jail with bail set at \$100,000.

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## Jacksonville driver involved in fatal crash on Roosevelt is habitual traffic offender

Posted: July 3, 2013 - 4:11pm | Updated: July 3, 2013 - 7:23pm

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By [Dan Scanlan](#)

The driver involved in a June 25 accident on Roosevelt Boulevard that killed a 45-year-old Jacksonville man has a lengthy list of traffic charges for speeding, running a red light and careless driving dating back to 1986, according to Duval County court records.

But police haven't charged Tamara Larissa Miller, 44, as their investigation continues into the crash that killed Michael Eugene Goodbread, according to the Sheriff's Office and the accident report.

Police said Goodbread had a green light as he tried to turn onto Roosevelt. Miller was in a Honda going south on Roosevelt at a high rate of speed and went through the red light and hit Goodbread's vehicle.

A check of Miller's Duval County court file shows 19 traffic citations, including several for careless driving and speeding.

Goodbread, who had a wife and two sons, was a partner at Fowler White Boggs P.A.

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# 12-year sentence ruled for Jacksonville man in DUI crash that killed 45-year-old woman

Driver's license was previously revoked

Posted: May 20, 2014 - 12:24pm | Updated: May 20, 2014 - 12:27pm

[View this story on the All-Access Members site](#)

By [Scott Butler](#)

A Jacksonville man whose blood-alcohol level was nearly double the legal limit to drive when he killed 45-year-old Chantel Jonson on Atlantic Boulevard was sentenced this week to 12 years in prison, according to the State Attorney's Office.

Tirell Anthony Cross, 33, also will have three years of probation, 100 hours of community service and his license permanently revoked after pleading guilty to DUI manslaughter.

Cross was driving his Ford Expedition last September on Atlantic when he struck a retaining wall and crossed into oncoming traffic into Jonson's Nissan, the State Attorney's Office said.

Police said there were open containers of alcohol in Cross' vehicle. In April 2013 his license was revoked for a year on charges related to a DUI with property damage and refusing to submit to a blood-alcohol test.

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## DUI manslaughter, 12 years in prison

First Coast News 2:03 p.m. EDT May 20, 2014



(Photo: Davidson, Caroline)

JACKSONVILLE, Fla. -- After pleading guilty to a charge of DUI Manslaughter, 33-year-old Tirell Anthony Cross was sentenced to 12 years in prison, plus three years of probation.

The State Attorney's Office said Tuesday that Cross' license will be permanently revoked. He will also be required to complete 100 hours of community service.

In September 2013, Cross was driving his Ford Expedition down Atlantic Boulevard. He struck a retaining wall and crossed over the concrete median into oncoming traffic.

45-year-old Chantel Johnson died in the almost head-on collision.

Assistant State Attorney Lee Smith prosecuted this case.



## 72-Year-Old Arrested In Drug Deal Killing

### Police: Man Found Dead In Home Last Week Of Gunshot Wound

Published On: Oct 14 2011 02:29:59 PM EDT Updated On: Jun 22 2010 05:16:44 AM EDT

**JACKSONVILLE, Fla. -**

Police announced an arrest Tuesday of a man in connection with the shooting death of another man last week in a home on the Westside.

Officers said 72-year-old Gerald Richards, who's charged with murder, shot and killed 46-year-old Ralph Ware in the 5700 block of 110th Street last Thursday.

Police said the shooting was the result of a drug deal involving stolen money and prescription pills that turned violent. Police said the two men had been acquaintances for several months.

Ware, who had previously been convicted of drug trafficking and prescription fraud, was found dead in the home of a gunshot wound by a man doing some contract work on the house, police said.

*Video:*

They said the contractor left for lunch when there was no one at the house, and when he returned, he found Ware dead.

A witness told police she saw Richards with Ware before the shooting, and according to investigators, Richards told the witness he shot Ware because he had stolen money and prescription drugs from him in the past.

Investigators said Richards was known for selling drugs in the area where Ware was found shot to death.

An arrest warrant was issued for Richards on Monday, and police said Clay County deputies pulled him over for a traffic stop Monday night on County Road 220.

Police said Richards denied any involvement in the shooting.

He is being held in the Duval County Jail.

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## Sex, drugs and murder at center of Jacksonville 73-year-old's trial

Woman in the love triangle a material witness.

Posted: November 16, 2010 - 7:55pm

[View this story on the All-Access Members site](#)

By [David Hunt](#)

Prosecutors say friction over drugs and a woman prompted a Jacksonville man to shoot a man a quarter-century his junior three times, leaving him dead on the floor of a Westside home.

Today, after hearing a full day of testimony Tuesday, a Duval County jury is expected to decide whether Gerald R. Richards, 73, should be convicted as charged of second-degree murder, a prospect that even with minimal sentencing could assure he'd spend the rest of his life in prison.

Richards is accused of killing Ralph Edward Ware, 46, on June 17 at a house Ware was helping to renovate in the 5400 block of 110th Street. A handyman found him shortly after he died of three gunshot wounds, two of which authorities say were fired at point-blank range to Ware's torso with a .38-caliber revolver.

Richards' defense team called the shooting self-defense Tuesday.

Christy Fagan, a woman caught in a love triangle with Ware and Richards, became a material witness in the case.

She described an off-and-on relationship with Ware, the tension of which helped foster a sexual relationship with Richards, she explained, as the two would talk about their problems. Richards' stress came from several areas: His wife was suffering from heart problems — something that helped supply him with the prescription pain pills he shared with Ware and Fagan — and he was convinced that Ware was stealing from him.

Fagan teared up as she testified about her talk with Richards the afternoon of Ware's death. She said he spared no detail about how Ware clung to him and begged for life as Richards pulled the trigger. She said Richards even asked her if she'd go to Ware's house to retrieve his cell phone, which he'd mistakenly left there.

"He kind of just acted natural about it. I was in shock," Fagan said. "He told me that once you pull a gun, you have to use it or you run the risk of having it used on you."

Fagan said she went to the police later that day. Detectives then arranged for her to wear a secret recording device as she and Richards met at a Hardee's restaurant in the Westside.

During the talk, which was played for the jury Tuesday, Richards spoke casually about an upcoming trip to Boston but also asked Fagan whether she thought hydrogen peroxide would help to clean up Ware's blood. He also said the two should develop a system of code words to continue talking in case the police were listening.

Assistant Public Defender Melina Elia Buncome Williams questioned how reliable of a witness Fagan could be. She pointed to several inconsistencies in Tuesday's testimony compared to earlier statements. Another witness, Clay Griner, admitted under cross-examination that he'd changed some of his story since a deposition taken the previous day.

Griner, who was Ware's neighbor, said Richards approached him and another man shortly before the killing saying he'd pay to have Ware killed.

Forensic testing on Ware showed traces of cocaine, Xanax, Oxycodone and marijuana at the time of his death.

Richards' court record only shows a few traffic tickets. His age also makes him a rarity in a murder case, but prosecutor Sam Garrison said it appears his anger about drugs and money led him down the same path as many murder defendants decades younger. In the past month, people facing murder trials in Duval County ranged between ages 18 and 27, according to court records.

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## Jacksonville man, 73, found guilty in drug-related revenge killing

He's not "a feeble old man," the prosecution said, "but a cold-blooded, calculated, merciless killer."

Posted: November 17, 2010 - 1:46pm

[View this story on the All-Access Members site](#)

By [David Hunt](#)

As the jury read the guilty verdict, 73-year-old Gerald R. Richards slumped his head into his shoulders.

He turned toward the courtroom audience, looking at his son. He said nothing. His eyes widened.

He hugged his lawyer and thanked her, despite the outcome, which in all likelihood will keep him locked up for the rest of his life. When it was time to leave, he hobbled to the back hallway with the assistance of a walker.

It was hardly the image of a killer, a man who prosecutors said had shot a much younger man to death [because of a drug debt and a woman](#) who'd been trading her romance between the two.

Richards is convicted of [shooting 46-year-old Ralph Edward Ware](#) three times with a .38 caliber revolver — two of the shots came at point-blank range — before leaving him dead on the floor of a home in the Westside on June 17.

A jury of three men and three women spent about 50 minutes deliberating on Wednesday before finding Richards guilty as charged of second-degree murder.

Assistant Public Defender Melina Buncome-Williams argued that Richards fired in self defense. She backed that up by saying that Richards had bruises on his wrists and that a door near the shooting scene had been knocked from its hinges.

"He knew he was in a fight for his life," she said. "He panicked."

Prosecutors contended there were no signs of a struggle between the men and that the bruises most likely developed as Ware clung to Richards to beg for his life.

"He's not a 73-year-old feeble, old man," Assistant State Attorney Lee Smith said during his closing argument. "He's a cold-blooded, calculated, merciless killer."

Richards' friendship with Ware and Ware's girlfriend, Christy Fagan, mostly revolved around prescription painkillers. Richards and his wife had health problems, which helped supply the drugs.

But authorities say tension mounted as Ware took pills and money from Richards, and Richards started having an affair with Fagan.

Fagan helped police investigate Richards by wearing a hidden recording device as he told her in detail about Ware's death. Fagan testified that Richards called her shortly after the shooting to tell her that his and her problems with Ware were over for good.

Jurors were played the recording during the trial.

Richards spoke casually about an upcoming trip to Boston as he sprinkled in questions about whether hydrogen peroxide would clean up Ware's blood and whether he and Fagan should develop a system of code words to evade investigators.

Jurors also heard a recorded phone call Richards made from the Duval County jail in which he complained about Fagan ratting him out.

Prosecutor Sam Garrison said 25 years is the minimum possible sentence Richards can receive when Circuit Judge Charles Arnold sentences Richards next month.

Richards' and Ware's families declined to comment after the verdict.

Richards' court record shows only a few traffic tickets. His age makes him a rarity. Court records show most people going to trial for this kind of crime over the past year have been 40 to 50 years younger.

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## Man, 20, gets 10-plus years for DUI manslaughter

Published On: Sep 16 2013 06:17:19 PM EDT

JACKSONVILLE, Fla. -



A 20-year-old Jacksonville man was sentenced Monday to 10 years and two months in prison for DUI manslaughter.



David Gallagher pleaded guilty to the charge in June in the death of Joseph Davidson (pictured, right). Gallagher was also sentenced to four and a half years of probation and must complete 300 community service hours with Mothers Against Drunk Driving, or MADD.

In August 2012, Gallagher was driving down Julington Creek Road while intoxicated. He eventually lost control of the vehicle, drove across a grass shoulder and struck a parked F-250 truck head on.

Davidson, who was in the passenger seat, died at the scene. Gallagher suffered only minor injuries.

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## 2011 Bartram Trail graduate dies in car crash

JSO confirms Davidson killed in Julington Creek Road crash; funeral Saturday

Posted: August 6, 2012 - 11:43PM

By **STUART KORFHAGE**

stuart.korfhage@staugustine.com

*Update: The Jacksonville Sheriff's Office confirmed on Tuesday that Davidson was the victim in the fatal crash on Julington Creek Road early Sunday morning. According to The Florida Times-Union, the driver also was injured, but the injuries were not life-threatening. He was not identified by the Sheriff's Office, which said investigation is still active.*

A former Bartram Trail High School student, Joe Davidson, was killed in a single-car crash early Sunday in Duval County.

The 2011 graduate was believed to be a passenger in a car that collided with a parked vehicle. There was a fatal collision in the 3200 block of Julington Creek Road at approximately 3:40 a.m., but as of Monday, the Jacksonville Sheriff's Office had yet to release an official report naming the victim.

Davidson was remembered as an energetic, helpful teen by some of his former baseball coaches. He was an outfielder who played three years on the varsity team.

"He was always getting after it," Bartram baseball coach Tony Sowers said. "He always wanted to be doing something. He was always willing to help out and do extra stuff."

Sowers said one of his best memories of Davidson was from the 2009 district tournament when the then-sophomore came off the bench to squeeze home the tying run in a game the Bears eventually won.

Sowers said once they heard of his death, some of Davidson's former teammates asked if the baseball program could retire his jersey to honor him. Sowers said he thought retiring Davidson's No. 6 would be a fitting tribute.

"Everybody liked to be around him," Sowers said. "My wife and I can't stop thinking about it."

Creekside baseball coach Luke Marabell coaches Davidson's younger brother, Andrew, and also coached Joe when he was an assistant at Bartram and on a travel team for 13- and 14-year-olds.

"The biggest thing I remember is his smile," Marabell said. "He was never down, always a positive kid."

Visitation will be held from 5 to 8 p.m. Friday at Hardage-Giddens Funeral Home of Mandarin, 11801 San Jose Boulevard. Services will be at 2 p.m. Saturday at Fruit Cove Baptist Church, 501 State Road 13. Reception will be held at the church immediately following the service. Flowers will be received at the funeral home; however, in lieu of flowers donations can be made to the "Joe Davidson Memorial/Field of Dreams" fund at any Atlantic Coast bank.

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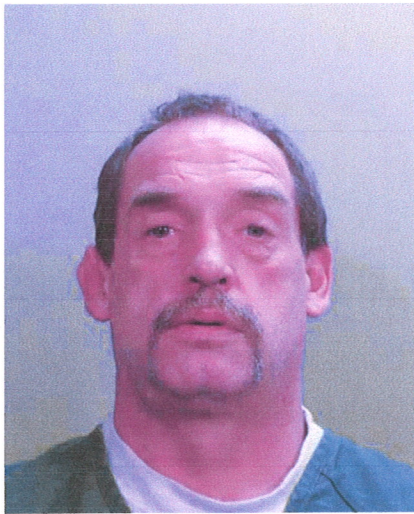
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HOME/NEWS

# Former pro football player charged with DUI manslaughter in Jacksonville crash

By Dana Treen Fri, Jan 11, 2013 @ 12:39 pm | updated Sun, Jan 13, 2013 @ 11:44 am



Lute

A former pro football player and the driver of a pickup truck that struck and killed a man stuck in Butler Boulevard traffic in December has been charged with DUI manslaughter.

Dann Rockne Lute, 53, a former Jacksonville Bull with the old United States Football League, was arrested Thursday.

On Dec. 13 Lute rammed into the rear of a stopped sport-utility vehicle driven by Louisiana resident Darryl Early, 47. Traffic was at a standstill in the outside eastbound lane about 5:15 p.m. as vehicles waited to exit onto Hodges Boulevard, the Highway Patrol said at the time.

Lute was not injured but Early died. Two other vehicles lined up in front of Early were also involved in the chain reaction.

At least one other driver suffered minor injuries.

Lute, of Jacksonville, also played linebacker at North Carolina State from 1978 to 1981. He also is charged with three counts of DUI causing damage to a person or property.

Dana Treen: (904) 359-4091

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Jacksonville school's campus farm sets the table for Oct. 9 event