

County Court Courier

SUMMER 2006



CONFERENCE OF COUNTY COURT JUDGES OF FLORIDA

Of Pain and Patriotism

At Walter Reed Hospital, Okaloosa Judge Patt Maney navigates the long road to recovery after a car bomb in Afghanistan upended his world

By TOM McLAUGHLIN

Reprinted from the Northwest Florida Daily News

WASHINGTON — Some days his back feels better than others, and some days sleep comes more easily.

There are more up times than down times now, and Patt Maney does a good job of smiling through the pain you can see in his face.

"Every day's a good day," he promises. "I'm alive. And I've got all my pieces and parts."

But the decorated Army Reserve brigadier general and Okaloosa County Judge is war wounded and his injuries are significant.

A back that never bothered him before he was "blown up" in an Aug. 21, 2005, ambush in Afghanistan is now the source of unrelenting discomfort.

Maney suffered a face full of cracked or broken teeth in the explosion and a concussion that has left him fighting dizziness.

He has endured a second surgery to correct breathing problems that have affected his sleep. Good oxygen flow, doctors tell him, is crucial to recovering from brain trauma.

Maney hasn't seen his Okaloosa County home since he deployed two years ago, on Easter Sunday, 2004.

The latest surgery has probably delayed his June 30 release from active duty again and therefore his return, this time until at least mid-July.

His home for the past nine months has been Walter Reed Army Medical Center on the outskirts of Washington, D.C., where he is under the care of doctors and therapists who assure him of a full recovery.



Special to the Daily News

"Every day's a good day.
I'm alive. And I've got all
my pieces and parts."

—Judge Patt Maney

But Maney had planned to be back in Florida last October, then hoped to arrive by Thanksgiving, and after that Christmas or even this spring.

"There's not a delay," he says. "I just haven't been well enough to get home."

Weeks after the Sept. 11, 2001, terrorist attack, U.S. forces invaded Afghanistan and drove the Taliban regime out of power — but not out of the country.

Maney arrived in Kabul in 2004 to help create an environment where private enterprise could thrive.

Judge Maney was riding in this Toyota Land Cruiser on August 21, 2005, when a roadside bomb detonated near Paghman, Afghanistan. (Special to NW FL Daily News)

As a judge and general, his primary duties included building a judicial system and conducting the nation's first elections.

On the day he was ambushed, Afghanistan's future was full of potential and challenges.

The nation had held a successful presidential election in October 2004, and a parliamentary election was scheduled for the next week. But Osama bin Laden remained at large and insurgents were active.

That day, Maney was part of a convoy searching for a site for a water bottling plant. It was hoped that such a plant would fulfill dual roles of providing fresh water and gainful employment for Afghans.

The town of Paghman, in a mountainous region about 12 miles from Kabul, held promise. There, a spring fed a stream.

Paghman was supposed to be a "friendly city."

When reports originally circulated that Maney had survived an attack, his injuries were labeled minor.

He told his family immediately afterward that he expected to be back on duty within two days' time.

He was as shocked as anyone to realize later how badly he'd actually been hurt.

"I certainly was not aware of the extent of the

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Judge Patt Maney with his wife Caroline. (Photos by Devon Ravin, NW FL Daily News)

REPORT FROM TALLAHASSEE

The Ups and Downs of the 2006 Legislative Session

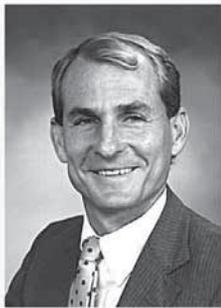
By Judge Doug Henderson

I'll start this letter the same way as my last: "Just got back from Tallahassee"! One of the many duties as your Conference President has been frequent trips to our great state capital. (FYI: "capital" refers to the city, while "capitol" refers to the building in which our legislature meets, just in case some of you are critiquing my spelling.)

My most recent trip included a meeting with our Supreme Court Chief Justice Pariente, the Unified Commission on Judicial Compensation, the Trial Court Budget Commission (TCBC), presently chaired by Stan Morris of Gainesville, and visits with several of our Senators and Representatives. As most of you know, there were four key legislative issues pending which would affect ALL levels of our judiciary: County, Circuit, District Courts of Appeal, and the Supreme Court.

Salary Tier Plan

I am delighted to report that the salary tier plan was approved and our new yearly salary will be \$137,020, effective October 1st. Also known as the "Benchmark," "Step," and "Percentage" Plan, this proposal originated with the Unified Commission on Judicial Compensation during Judge Majeed's term as our Conference



President. It provided a structure in which a County Judge's salary would be fixed at eighty-five percent (85%) of that of a Supreme Court Justice. Ninety percent (90%) would be used at the Circuit Court level, and Ninety-five percent (95%) at the District Courts of Appeal level. All branches of the judiciary met frequently on the salary issue and all were in agreement.

Health Insurance

Unfortunately, the health insurance proposal for the judiciary failed again. As you may know, judges are the only elected officials who must pay a significant portion of their monthly health insurance premiums out of their salary. All other elected officials are compensated for the premiums. Even assistant state attorneys and public defenders are fully compensated. This is



not the first year this proposal has been before the Legislature and I'm certain it will not be the last year.

Classification/Pay Study

Sadly, our judicial assistants will receive only a three percent (3%) cost of living increase in salary. There are approximately 3,100 Florida State employees, including our great judicial assistants, whose salaries were reviewed and compared with other states by the Management Advisory Group (hence the occasional reference to the "MAG" study).

New Judgeships

The Legislature approved 55 new judgeships—35 Circuit seats and 20 County seats. All the new seats will be elected. This is the largest number of new seats created and funded since 1973 when Article V overhauled our entire judicial system. As our Conference continues to grow, I urge all judges to continue their hard work on committee assignments, and their continued pursuit of current, creative educational programs.

I would like to thank our terrific legislative consultant, Don Lamonica, and many of our colleagues, who continue to work hard and make frequent contact with our legislators on behalf of our Conference. It has truly been a high honor to serve as your President. The year has flown by! I look forward to seeing y'all at Summer Conference, and to working with incoming President Sonny Palomino.

LETTER FROM THE EDITOR

Dade County's Judges Race Is a War Zone

By Judge Peggy Gehl



This election year has brought more than the usual fear and anxiety for some of our county judges.

In Dade County, this election year for many county judges is nothing short of a war zone.

Of our 67 Florida counties, only 14 presently have contested county judge races. (On July 1, when the new 20 judges become formally funded, there will probably be another 20 contested races because the new seats will be elected).

Besides Dade County, of the other 13 counties with one contested county judge race, eight of the contests do not involve an incumbent judge. They are races for open county judge seats. But in Dade County, there are ten contested races, all but one of which pits an incumbent judge against a wannabe. I use the word "contested" because "fight" suggests a battery and they haven't gotten to that point—yet.

One of the Conference's most productive, creative, and hard-working judges, Dade County's Steve Leifman, has drawn opposition for the second time in ten years. The first time he was defeated by Judge Myriam Lehr, but the Governor re-appointed him when a seat became vacant.

For those of you who don't know Steve, he has been written up, rewarded, awarded, and nearly canonized for his mental health court and other programs for the mentally ill who are jailed instead of treated. He is also the administrative judge managing the numerous traffic magistrates in Dade.

Judge Leifman has now drawn an opponent named Juan Gonzalez. Who is Juan Gonzalez and why would he choose to run against such a distinguished jurist? Well, if you believe the *Miami Herald* and the Dade County criminal justice building's blog, he is a person with a serious grudge against Judge Leifman.

According to the Herald, Judge Leifman fired Juan Gonzalez as a traffic magistrate for "bizarre" behavior.

"He was screaming at people, yelling that he was the holy trinity and he needed to be obeyed," Judge Leifman told *The Herald*.

There were 20 letters of complaint in Gonzalez' personnel file. Most of them claim he didn't listen to both sides or that he got angry and yelled in court. Gonzalez claimed he also had commendations, but *The Herald* writer said there were none in the file.

At first Gonzalez says he was not "fired" by Judge Leifman but that his commission was not renewed.

Judge Leifman says he did not renew his commission to avoid embarrassing Gonzalez by officially firing him.

Then Gonzalez gave this quote to *The Herald*: "In other seats you have competent judges, female judges, Hispanic judges," Gonzalez said. *The Herald* writer asked if he was implying Judge Leifman was incompetent.

"He's called me incompetent, intemperate and he fired me. I don't think that is the truth as I understand it. In that sense, he is incompetent in remembering my service to Dade County." Stay tuned.

Other "contested" Dade races include:

Group 1: Incumbent Judge **Shirlyon McWhorter** v. Patricia Marino-Pedraza.

Group 3: Incumbent Judge **Sam Slom** drew opposition from Cecelia Armenteros-Chavez, but she dropped out. Congratulations, Judge Slom!

Group 4: Incumbent Judge **Ivan Hernandez** v. Robin Faver.

Group 9: Victoria del Pino v. Joel Jacobi (no incumbent judge).

Group 10: Incumbent Judge **Ana Maria Pando** v. Sari Teichman Addicott.

Group 11: Incumbent Judge **Karen Mills Francis** v. Stephen Millian.

Group 14: Incumbent Judge **Mike Samuels** v. Gloria Gonzalez-Meyer.

Group 27: Incumbent Judge **Shelly Schwartz** v. Migna Sanchez-Llorens.

Group 39: Incumbent Judge **Bronwyn Miller** v. George Alvarez.

Group 40: Incumbent Judge **Bonnie Rippingille** v. Don Cohn.

Other county judge incumbents who've drawn opposition in counties around the State include:

Bay County: Incumbent Judge **Elijah Smiley** v. Hoot Crawford and Shane Vann.

Gilchrist County: Incumbent Judge **Ed Philman** v. Duke Miller Lang.

Hamilton County: Incumbent Judge **Richard Davis** v. Donald Rudser and Sonny Scaff.

Okeechobee County: Incumbent Judge **Shirley Brennan** v. Jerry Bryant.

Taylor County: Incumbent Judge **Buddy Murphy** v. Angela Ball.

Elections for the contested trial court seats will be on the September 5 primary ballot. Any runoffs will be decided in the November 7 general election.

As a member of the Judicial Qualifications Commission (JQC), I write about contested elections for a reason. I want to encourage all judicial candidates to review the recent Florida Supreme Court opinion of Inquiry Concerning A Judge, Re: Judge John Renke III, SC03-1846.

After trial, the JQC hearing panel did not recommend removal of Judge Renke in spite of his "flagrant misrepresentations made to the voting public during [Judge Renke's] judicial campaign, coupled with the serious campaign financial misconduct and violations of law," (Op. at 1). In an unprecedented action, the Supreme Court ruled that "he is presently unfit to hold office and that removal from the bench is the only appropriate sanction in this case." (emphasis added)(Op. at 1).

I urge you all to read and follow the Code of Judicial Conduct. The Supreme Court views campaign violations very, very seriously.

Peggy Gehl
Editor

New Misdemeanor Drug Court In Broward County

By Judge Peggy Gehl

Last September, the very first exclusive Misdemeanor Drug Court Program in the country was created in Broward County, the brainchild of Broward County Judge Gisele Pollack.

Judge Pollack is now proud to serve as the first exclusive Misdemeanor Drug Court Judge in the country.

Section 948.08, *Florida Statutes*, provides that Circuit Court Judges may dismiss charges such as purchase, selling, or delivering controlled substances, possession of controlled substances, tampering with evidence, and even prostitution, upon completion of the Felony Drug Court Program.

Broward County Judge Kathleen Ireland originally suggested that drug court intervention and recovery programs be extended to include dismissal by county judges for misdemeanor drug charges.

Fourth District Court of Appeals Judge Melanie May ran with the idea to the Florida Legislature, urging that legislation be drafted and passed to extend a drug court program to include dismissal by county court judges of possession of cannabis and possession of paraphernalia charges.

At the time, Judge May was serving as a Circuit Judge of a highly-successful felony Drug Court in Broward County. Then Attorney Pollock served in her court as a felony Public Defender. Judge May, along with many others dedicated to recovery, were instrumental in assisting and instructing in preparation of the language of the bill, committee hearings, lobbying, and the ultimate passage of what became section 948.16, *Florida Statutes*, passed in 2001.

Since its passage, the statute had been generally overlooked. But in 2004, when Judge Pollack was elected to the County Bench, her dedication to the spirit and intent of drug court intervention and recovery programs, carried over into her judicial duties.



(L-R) Felony Drug Court Circuit Judge Marcia Beach, Fourth DCA Judge Melanie May, Broward Drug Court County Judge Gisele Pollack, and Retired Drug Court Circuit Judge Robert Fogan.

After nearly nine months of organizational meetings, the planning and logistics were in place. Broward County Chief Judge Dale Ross was persuaded to execute an administrative order creating the first Misdemeanor Drug Court Diversion Program, which officially commenced on September 9, 2005. The program is open to defendants charged with possession of cannabis and possession of drug paraphernalia.

The program consists of several team components including Judge Pollack, an Assistant State Attorney, a Public Defender or private defense attorney, a member of the Broward Sheriff's Office for defendants' corrections and supervision, and a member of an assessment and/or an evaluation program.

The defendants must sign a diversion agreement at first appearance. They are ordered for evaluation, and thereafter ordered to complete their prescribed program. They are ordered to undergo frequent urinalysis and breath tests. They are supervised from six months to a year.

In order to graduate, they must have six months of continuous sobriety and clean urines.

The first graduation of the Misdemeanor Drug Court was held on March 30th at the South Satellite Courthouse in Hollywood, Florida, for 25 defendants.

All charges for all defendants were dismissed by Judge Pollack.

Judge Pollack welcomes almost all drug offenders into her program. The program is not only for first-time offenders. The only prerequisite for admission is that defendants may not have attended any previous diversion program (misdemeanor or felony), nor have any prior felony convictions.

Judge Pollack urges all County Judges to contact her for information and ideas in creating this very useful tool in other counties.

Congratulations, Judge Pollack! You are an inspiration.

Conference President Doug Henderson: The Twanging Judge

By Wade Tatangelo

Reprinted from *The Bradenton Herald*

It is the local boy does good tale-with an interesting twist. Not only is Manatee County Judge Doug Henderson a venerable elected official, he is also a popular area guitar picker-one who has been on the music scene since the mid-1970s.

In fact, the Judge can be found gigging around town more these days than he has in years.

Henderson's Manatee River Bluegrass Band has performed to packed houses recently at downtown Bradenton venues Le Cigar, McSwigin's Pub, Zio's Pizzeria and Martini Bar, and the Manatee County Fair.

The "twanging judge" has moonlighted as a musician during all phases of his distinguished career.

"Anyone who thinks he doesn't like bluegrass should give us a listen," the Judge told *The Herald*. "They might get a pleasant surprise."

The above quote is from an article which ran in 1977. Judge Henderson was a probation officer back then and his band was called "Southern Pleasure." It featured Larry and Ronnie Rice, who later joined two other brothers, Tony and Wyatt, to form "The Rice Brothers." The group released two well-received albums on Rounder Records.

"We used to play bluegrass music at Leon Poindexter's Feed Store on 301 in Ellenton every weekend," Judge Henderson said. "It was quite a scene. It was an actual feed store then."

Judge Henderson was born in Bradenton. His father, Pete Henderson, 77, and mother, Sue Henderson, 76, raised him on classic country records by the likes of Johnny Cash and Merle Haggard. The family spent evenings watching the television broadcast of bluegrass legends "Flatt & Scruggs."

For some of his youth, the Hendersons called Tampa home. Doug would attach his guitar to



Conference President Doug Henderson not only twangs for the Manatee River Bluegrass Band, he usually wins the Conference Karaoke contest.

the handlebars of his bicycle and pedal across Hillsborough Avenue to take lessons from a man named Angelo Guida.

The family returned to Bradenton and Doug spent his teenage years cruising town in his 1960 red Corvette. He graduated from Southeast High, the first judge to graduate from this school. His wife, Sue, graduated from rival Manatee High School.

"They remain rivals," Judge Henderson noted, with a grin.

Judge Henderson's next stop was Manatee Junior College. He then graduated from the University of South Florida where he earned a criminology degree. This launched him into the position of a probation officer. He set out to obtain his master's degree.

"And that enabled me to turn around and teach at USF, which I have done for more than twenty years. I teach criminal law," Judge Henderson said.

While dividing his time between teaching and serving as a probation officer Judge Henderson formed "Southern Pleasure."

"We were not a traditional bluegrass band," Judge Henderson said. "We also took modern

tunes and put a bluegrass arrangement on them. We played music by the Eagles, Jimmy Buffett, John Denver and others."

The Judge moonlighted as a musician when he enrolled at the South Texas College of Law, located in the middle of downtown Houston.

Judge Henderson returned to Bradenton upon graduation to practice law and raise a family. He and Sue are proud parents of three adult sons-Ryan, 28, Todd, 26, and Justin, 22. The male gene is strong in the Henderson family. Doug is the oldest of five brothers.

After taking the bench in 1995, Judge Henderson continues to play his music at local nightspots. The Manatee River Bluegrass Band now works year round. In addition to Judge Henderson's role on guitar and harmony vocals, the group also includes John Moody as lead singer and flat picker, Rich Ziven and Bruce Hill on banjo, Greg Turner on mandolin, and Jeff Cisco on fiddle.

"It's pure," Judge Henderson said of his beloved bluegrass. "It's still unique and people like a change of pace from the rock and drum beat."

Pace Sisters of the Heart Celebrate Black History Month at Historic Lyric Theater

Sisters of the Heart, **Judge Shirlyon McWhorter** and **Judge Bonnie Rippingille**, together with the University of Miami Black Law Students, co-hosted their annual Black History Month event and lunch at the Lyric Theater in Overtown this year. Students from Pace Center were their invited guests. It was their first visit to the historic theater which is the pride of Overtown, a predominately African American community in Miami-Dade County.

Dr. Dorothy Jenkins Fields, leading black historian and founder of the Black Archives, History & Research Foundation of South Florida, Inc., greeted the students, and Archivist Timothy Barber gave them a tour of the historic Lyric Theater. Tour Assistant Neeka Hanchard narrated the Schomburg Center's powerful exhibit "In Motion, The African American Migration Experience" in the newly constructed Lobby/Welcome Center. The exhibit was on loan from February through May and was open to the public free of charge.

Prior to the tour, the students enjoyed a picnic lunch provided by Judge McWhorter and Judge Rippingille in the historic Lyric courtyard with the



At left, Miami-Dade County Judges Shirlyon McWhorter (top) and Bonnie Rippingille. Above, Overtown's historic Lyric Theater

city skyline as the backdrop. Law Students and mentors Sharaine Sibbles and Nneka Uzodinma of the UM Black Law Students Association inspired the young women with their histories. Attorney Monique Hayes of the Gwen S. Cherry Black Women Lawyers Association talked about her career as a Legal Services attorney to an enthralled audience.

Dade Judges **Deborah White Labora** and **Norma Lindsey** also attended the event.

Sisters of the Heart is a mentoring and cultural enrichment program founded by Judge Rippingille in 1999 for at risk girls in alternative schools in Miami-Dade County.

A Real Life Rumpole Visits the Court

By Judge Bonnie Rippingille

Sir Ivan Lawrence, Queen's Counsel, one of Great Britain's leading barristers and a former Member of Parliament for almost a quarter of a century, visited the 11th Circuit on April 20 as a guest of Dade County Judge **Bonnie Rippingille**.

Sir Ivan and his wife, Lady Gloria Lawrence, were visiting Judge Rippingille and her husband, Steven Schoedinger at their home in Coral Gables for the holiday. Judge Rippingille met the Lawrences in London in 1981 when she was invited as a guest lecturer at Oxford. She was invited to become a consultant to Sir Ivan on matters relating to Womens Rights and Domestic Violence in the United States while he was Chair of the Home Affairs Committee during the Thatcher years.

Sir Lawrence is one of the last in the line of



lawyer-practicing politicians. He has appeared in many of Britain's most notorious criminal cases including the defense of the Kray twins, serial killer Denis Nilson, and the Brinks Mat Gold Bullion Robbery. Recently, Sir Lawrence appeared in a war crimes trial in the Hague and represented the defense of Quentin Hann, the Australian snooker champion charged with rape at the Savoy.

As a Member of Parliament, Sir Ivan served on the All Party Foreign Affairs Committee and as Chair of the Home Affairs Committee. He was

also instrumental in improvements in civil liberties and human rights in Britain. His Private Members Bill instituted the National Lottery.

He has also served as Recorder (Judge) in the Crown Courts and was knighted in 1992. Now he combines full time practice at the Bar with involvement as a Bencher of the Inner Temple and visiting Professor of Law at Buckingham University in the education of the next generation of lawyers.

Approximately forty Assistant Public Defenders and Assistant State Attorneys were delighted to hear Sir Lawrence speak about the threat of terrorism, his work in Parliament and his experiences defending some of Britain's most high profile defendants.

Legislative Update

Bill To Create New Judgeships Becomes Law Without Governors Signature

The measure creates 55 new judgeships. In a letter addressed to Secretary of State Sue Cobb on June 9, 2006, Governor Jeb Bush wrote he believed Florida needs more judges but wouldn't sign the bill because provisions prohibiting the Governor from filling the vacancies by appointment concerned him.

To download the Governor's letter to Secretary of State Cobb, go to:
www.flgov.com/2006_legislative_actions and click on "House Bill 113."

What's Doin' in Dade

Dade County Judge **Amy Karan** was the keynote speaker at the University of Miami Annual Women's Commission breakfast. She spoke on Domestic Violence and encouraged the audience to think globally and act locally.

Dade County Judge **Steven Leifman** has been awarded the United Way of Miami-Dade Public Service Leadership Award, the Greater Miami Chamber of Commerce Health Care Heroes Award, and the National Alliance for the Mentally Ill and Sam Cochran Compassion in Law Enforcement Award. Judge Leifman has been co-chairing a national initiative on mental illness and the criminal justice system. He is also co-chairing the Mayor's Mental Health Task Force.

Dade County Judge **Carroll Kelly** has been honored as the recipient of the 2006 Miami-Dade County Women Who Make A Difference Award for her service to Dade County residents.

Driver Has 18 Times Legal Alcohol Limit

By LIUDAS DAPKUS, Associated Press Writer
VILNIUS, Lithuania

Lithuanian police were so astonished when they pulled over a truck driver and his breathalyzer test registered 18 times the legal alcohol limit, they thought their testing device must be broken. It wasn't.

Police said 41-year-old Vidmantas Sungaila registered 7.27 grams per liter of alcohol in his blood repeatedly on different devices when he was pulled over for driving his truck down the center of a two-lane highway 60 miles from the capital, Vilnius.

Lithuania's legal limit is 0.4 grams per liter.

"This guy should have been lying dead, but he was still driving. It must be an unofficial national record," Saulius Skvernelis, the director of the national police traffic control service, told the AP. "He was of high spirits and grinning the whole time he was questioned."

Medical experts say anything above 3.5 grams per liter of alcohol in the blood is lethal for most people.

"A person this intoxicated should be in an intensive care unit, not behind the wheel," said Tautvydas Zikaras, head of the dependence illness center in the country's second-largest city, Kaunas. Zikaras said he had never heard or read of someone being so drunk.

Sungaila, who was slapped with a 3,000 litas (\$1,110) fine and the loss of his license for up to three years, told police he had been drinking the night before and tried to freshen up by downing a pint of beer for breakfast.

Lithuania has one of the worst road safety records in the European Union. Last year, 760 people died in traffic accidents in this country of 3.5 million residents. Most were alcohol-related.

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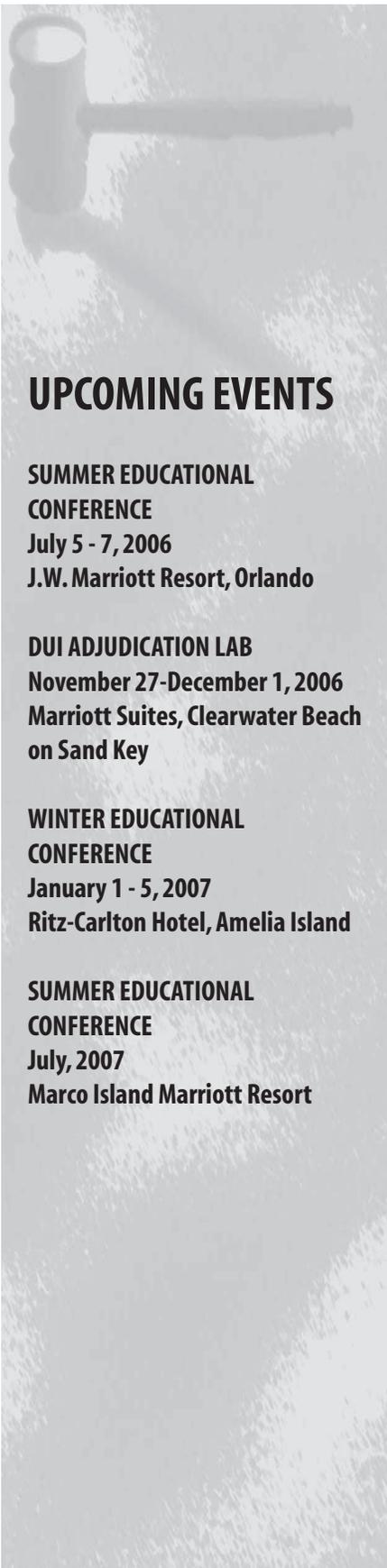
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UPCOMING EVENTS

SUMMER EDUCATIONAL CONFERENCE

July 5 - 7, 2006

J.W. Marriott Resort, Orlando

DUI ADJUDICATION LAB

November 27-December 1, 2006

Marriott Suites, Clearwater Beach on Sand Key

WINTER EDUCATIONAL CONFERENCE

January 1 - 5, 2007

Ritz-Carlton Hotel, Amelia Island

SUMMER EDUCATIONAL CONFERENCE

July, 2007

Marco Island Marriott Resort

Leon County Judge Judith Hawkins Receives Volunteer of the Year Award

Leon County Judge Judith Hawkins was selected as the 2006 Volunteer of the Year in Education by the *Tallahassee Democrat* in April. She was selected from more than 55 nominees who were participants "in activities related to creating and/or supporting an environment where knowledge flourishes."

On her behalf, the *Tallahassee Democrat* donated \$100 each

to Oak Ridge Elementary PTO, Legal Services of North Florida, Inc., TEAMCHILD Program, The Fla Bar Foundation, Children's Legal Services Program, Girl Scout Council of Apalachee Bend, and Leon County Sickle Cell Foundation.

Judge Hawkins was nominated for this honor by Oak Ridge Elementary Principal, Hodgetta Huckaby. During the past eight years, Judge Hawkins served as a reading tutor for second grade students, shared test-taking strategies with students preparing for the SAT 10, and conducted parent education "Pow Wows."

As a Leon County judge, Ms. Huckaby noted that Judge Hawkins provided a strong role model to promote academic success, service to her community and others, and interest in the wider world.

When Judge Hawkins was invited to volunteer in Ms. Reggenia Baskin's second grade class, she instantly became committed to the class "kings and queens." In the Judge's nomination packet, Ms. Baskin shared that Judge Hawkins'



positive impact upon Oak Ridge Elementary School has resulted in the academic improvement of its students, increased parental involvement, and the development of self esteem and self confidence needed to attain life's dreams.

Ms. Baskin further explained that the Judge's varied activities with the children were designed to expose them to unfamiliar and

creative concepts. Health, science and language arts were taught during a lesson on juicing fruits and vegetables. Reading and risk-taking skills were developed during vocabulary building exercises. Geography was combined with writing exercises when Judge Hawkins returned from her worldwide travels with a variety of souvenirs for the children. Math skills were highlighted while introducing the children to new foods.

Responding to Principal Huckaby's request, Judge Hawkins' used her master's level training in family relations and child development to conduct "Pow Wows" for Oak Ridge parents. She presented effective parenting skills which encouraged parents to evaluate and change discipline and training to effect behavioral modification.

In the past twenty years, Judge Hawkins has volunteered in elementary, middle and high schools. She began her commitment as a way to be further involved in her son's education.

Congratulations, Judge Hawkins!

Henry Leyte-Vidal: Judge Inspired Fellow Cancer Patients

Miami-Dade Circuit Judge Henry Leyte-Vidal, a widely respected jurist who battled brain and lung cancer publicly in an effort to help other sufferers, passed away in April. He was 49.



Leyte-Vidal returned to the bench less than two months after his diagnosis nearly two years ago, handling high-profile criminal cases such as the stabbing death of Southwood Middle School student Jaime Gough. He finally succumbed to the disease at Mount Sinai Hospital.

"He was one of those respected individuals for his work in the courtroom and he was respected as a person for his fight against cancer," State Attorney Katherine Fernández-Rundle said.

After his diagnosis, he spoke to other cancer patients about the importance of maintaining a positive attitude.

"I think it has been harder on my wife and family

than on me — I really thought I could beat it," he told *The Miami Herald* in 2004.

Henry Leyte-Vidal was born June 24, 1956 in Havana. He immigrated to the United States at age 3 and spent his childhood in southern California. He moved to Miami to attend the University of Miami.

County Judge Mercedes Bach, a family friend since her father and his were lawyers together in Cuba, said she'll always remember his warm and loving attitude.

"His father became blind as a result of diabetes and Henry was basically his father's eyes as a little boy," Bach said. "That's how he grew up, leading his father around. He was such a warm and loving and wonderful person."

He received a bachelor's degree from UM in 1977 and a law degree in 1980. While in law school, he worked as a bailiff for Circuit Judge Sam Silver.

When he was recently moved to civil court he was placed in the same courtroom and chambers where he had served as a bailiff.

"That was very important to him," said his longtime law partner and best friend Robert Rossano. "He started as a bailiff and worked his way up to the top."

Leyte-Vidal was appointed to the county court bench in 1999, after serving as a special master for the city of Miami Beach from 1991-97. He was appointed to the Circuit Court in 2001, then elected unopposed in 2004.

"He was one of the best judges I ever practiced in front of," said attorney Brian Tannebaum, president of the county criminal defense bar. "When he came to the bench he had no criminal experience but he opened up to the lawyers and said, 'I have no experience with this.' He quickly learned the system and became one of the most respected judges ever."

Chief Judge Joseph Farina said Leyte-Vidal was admired by colleagues "for his extraordinary dedication to his judicial duties and responsibilities."

"His optimism and positive attitude empowered us all," he continued.

Miami-Dade Public Defender Bennett Brummer remembered him as a "refined gentleman."

"He was well respected by everybody in an adversarial system, which is hard to accomplish," Brummer said.

Besides his work, his oldest son, Alejandro, said, his father loved the guitar, boating, golf and to "hang out with his sons."

"He was the best dad anyone can ask for," Alejandro said.

In addition to Alejandro, he is survived by his wife, Iselda, and sons Enrique and Daniel.

*Reprinted Courtesy Miami Herald
Carli Teproff and Susannah A. Nesmith*

Judge Tom Bevis

On Sunday, March 26, 2006 Retired Judge Thomas "Tom" Bevis died at home in DeLand, surrounded by his wife, Marie, and his children and grandchildren. A DeLand resident since the age of 2, Bevis was 63.



Judge Bevis succumbed to an 11-year battle with cancer that caused him to retire in January 2005, two years before his term on the bench would have expired. He served twelve years on the Volusia County Court.

In a January 2005 interview, Bevis told *The DeLand Beacon* he was at peace, whatever the course of his disease. He planned to spend his remaining time with his family. Bevis also said he had no fear of death

since 1983, when he crashed a car into a telephone pole. He was in a coma for weeks afterward, and had a near-death experience he described as life-changing. "The accident almost killed me, but it turned out to be a blessing. It gave me time to think about where I'd been and where I was going. It started me on the process toward becoming a real Christian," Bevis said.

The experience helped create the man the community will remember: a judge who was strict but fair, and who treated everyone who came into his courtroom with dignity. "My philosophy is, treat people in the manner I'd want to be treated, courteously, and with respect, then make my determination," Bevis said. He looked back on his life with no regrets. "I've been a very fortunate man," Bevis said. His friends and colleagues said they've been fortunate to know Bevis.

Longtime friend John Simmons, whom Bevis credited with helping him on a walk with faith, was

in Pennsylvania when he heard of Bevis' death. Simmons credited Bevis' own spirituality for guiding the judge into a faith life, and inspiring others. "It always appeared that he ministered to me, when I thought I was ministering to him. He was so loving and so giving. Unselfish."

Simmons said Bevis was "right with the Lord" until the end, and Bevis never wanted to be treated as the victim of a disease. He wanted to be treated as himself.

Bevis' judicial colleagues will mourn him, as well. "He had a lot of faith. It's what carried him through. He's exhibited, all the way through, a tremendous, non-yielding power over the cancer," Circuit Judge Ed Sanders said in 2005. "It's that spirituality that gave him that strength. I'm sure it is."

Fellow County Judge John Roger Smith described Bevis as "a rock I could always rely on," and - in his faith - an inspiration.

THE CONFERENCE WELCOMES NEW COUNTY JUDGES

JUDGE DEBORAH ANSBRO

Governor Bush appointed new Orange County Judge **Deborah Ansbro** in April to fill the vacancy created by the appointment of Judge Seffney Fleming to the Ninth Judicial Circuit.

The new Orlando judge comes to the bench from a partnership with the law firm of Gronck & Latham, LLP, a position she held since 2000.

Judge Ansbro received her undergraduate degree from the University of Central Florida in 1984 and her Juris Doctor from the University of Florida College of Law in 1987.

Welcome, Judge Ansbro!!



JUDGE ROSS BILBREY

In February, Governor Bush appointed Santa Rosa County Judge **Ross Bilbrey** to fill the vacancy created by the appointment of County Judge Joel Boles to the First Circuit.

Judge Bilbrey came to the county bench from his own firm, aptly named the Bilbrey Law Firm, P.A. in Pensacola. Previous to his two years in private practice, our new judge served as an attorney with the Navy Judge Advocate General Corps at the Naval Air Station in Pensacola.

Judge Bilbrey is a double Gator, receiving his undergraduate degree from the University of Florida in 1990 and his Juris Doctor from the University of Florida College of Law in 1993.

Welcome, Judge Bilbrey!

JUDGE KEVIN BLAZS

New Duval County Judge **Kevin Blazs** was appointed in April by Governor Bush to fill the vacancy created by the appointment of Judge Mallory Cooper to the Fourth Judicial Circuit.

The 45 year-old new judge from Jacksonville came to the bench from his position as a partner with the firm of Gobelman, Love, Gavin, Blazs and Wasilenko, where he worked for fifteen years. Prior to that he served as trial counsel in the Judge Advocate General Corps of the United States Army Reserve.

Judge Blazs received his undergraduate and Master's degrees from Liberty University in 1982, his Juris Doctor from the Thomas M. Cooley Law School in 1986 and his LL.M. from the University of London in 1998.

Welcome, Judge Blazs!

JUDGE JOHN CONRAD

In March, Governor Bush appointed Judge **John Conrad** to the Hillsborough County Court. He will fill the vacancy created by the appointment of County Judge Michelle Sisco to the Thirteenth Judicial Circuit.

Judge Conrad, of Valrico, came to the bench from a sole practice. Prior to breaking out on his own, he served as an Assistant Attorney General with the Office of the Attorney General in Tampa.

Judge Conrad received his undergraduate degree from

Stetson University in 1978 and his Juris Doctor from the Stetson University College of Law in 1980.

JUDGE REGINALD CORLEW

Governor Bush appointed new County Judge **Reginald Corlew** to the Palm Beach County Court in March. Judge Corlew will fill the vacancy created by the appointment of Judge Charles Burton to the Fifteenth Judicial Circuit.

The new 39 year-old judge from Lake Worth, came to our Conference from his position as a senior attorney in the Office of Chief Counsel of the Internal Revenue Service, where he had worked since 1993.

Judge Corlew received his undergraduate degree from the University of Florida in 1988, his Juris Doctor from the Southern University Law Center in 1992, and his LL.M. in Taxation from Southern Methodist University in 1993.

Welcome, Judge Corlew!

JUDGE WILLIAM DAVIS

Governor Bush appointed Judge **William Davis** to the Alachua County Court in March to fill the vacancy created by the appointment of Judge James Nilon to the Eighth Judicial Circuit. Judge Nilon filled a new seat created by the 2005 legislative session.

Judge Davis of Gainesville comes to the bench from private practice. He was a partner in his own firm of Davis and Hutson, L.C. Judge Davis also served in the U.S. Army for nine years, where he attained the rank of Captain.

Judge Davis received his undergraduate degree from the University of Arizona in 1989 and his Juris Doctor from the University of Florida College of Law in 1994.

Welcome, Judge Davis!

JUDGE BENJAMIN GARAGOZLO

Governor Bush appointed new Brevard County Judge **Benjamin Garagozlo** in April to fill the vacancy created by the appointment of Judge George Turner to the Eighteenth Judicial Circuit.

The Melbourne Judge came to the county bench from his own private practice. Two years prior to that he served as an assistant district counsel for the United States Department of Justice and the United States Department of Homeland Security.

Garagozlo received his undergraduate degree from Boston University in 1982 and his Juris Doctor from Ohio Northern University College of Law in 1986.

Welcome, Judge Garagozlo!

JUDGE JULIO GONZALEZ, JR.

The first Dominican-born judge in Florida was appointed by Governor Bush in March when he tapped Broward County Judge **Julio Gonzalez, Jr.** Judge Gonzalez will fill the vacancy created by the appointment of Judge Jeffrey Levenson to the Seventeenth Judicial Circuit. He is the seventh Hispanic judge in Broward County.

"Only in America could this happen," Judge Gonzalez said. "This was not going to happen for me in the Dominican Republic. We were a poor family."

Growing up in a working-poor neighborhood in New York, he shared a room with three brothers. His grandfather slept on a rollaway cot.

"We didn't have Atari," Judge Gonzalez said in an interview with *The Miami Herald* in March. "Christmas time, we had one present."

Judge Gonzalez said he owes everything to his mother who believed in her five children. His father also worked as a machinist in a toy factory in New Jersey by day and a cab driver in the City at night in order to send all five children to private Catholic school.

The 36 year-old Judge from Cooper City came to the bench from a private practice in criminal defense. Previous to that he served as an assistant state attorney in the State Attorney's Office in Dade County, and a public defender in the Manhattan criminal division, and the Legal Aid Society.

Gonzalez received his undergraduate degree from Manhattan College in 1992, where he began his college career with the intention of becoming a history teacher. He changed his mind and earned a Juris Doctor degree from Syracuse University law school in 1995. His first job was at the Kings County District Attorney's office in Brooklyn.

Welcome, Judge Gonzalez!

JUDGE BETH HARLAN

In May, Governor Bush appointed new Polk County Judge **Beth Harlan** to fill the vacancy created by the appointment of Polk County Judge Karla Wright to the Tenth Judicial Circuit.

The new Lakeland judge comes to the bench from private practice since 1998. Prior to that, she served as an assistant county attorney in Polk County.

Judge Harlan, a double Gator, received her undergraduate degree from the University of Florida in 1979 and her Juris Doctor, with Honors, from the University of Florida College of Law in 1981.

Welcome, Judge Harlan!

JUDGE ERIC HENDON

Governor Jeb Bush appointed **Eric Hendon** to the Miami-Dade County Court in March. Judge Hendon will fill the vacancy created by the appointment of County Judge Dava Tunis to the Eleventh Judicial Circuit.

Judge Hendon previously held a county judgeship but was defeated by election.

We are delighted to have him back into the Conference.

The 50 year-old judge was practicing as a sole practitioner when the Governor tapped him for the seat. Previously he had served as an Assistant Attorney General in the Civil Rights Division for the Office of the Attorney General.

Judge Hendon is a Double Gator, receiving his undergraduate degree from the University of Florida in 1976 and his Juris Doctor from the UF College of Law in 1978.

Welcome back, Judge Hendon, and congratulations!



THE CONFERENCE WELCOMES NEW COUNTY JUDGES

JUDGE STEFANIA JANCEWICZ

In March, Governor Bush appointed new Osceola County Judge **Stefania Jancewicz** to fill the vacancy created by the appointment of Judge Jon Morgan to the Ninth Judicial Circuit. Judge Morgan was tapped from the county bench to fill a newly-created seat in the Ninth Circuit.

The 36 year-old Kissimmee Judge is no stranger to the bench. She had served as a General Magistrate for the Ninth Judicial Circuit for two years. Prior to that she was employed as an associate attorney with the law firm of Mullins & DeNike, P.A.



Judge Jancewicz received her undergraduate degree from Flagler College in 1991 and her Juris Doctor from the Stetson University College of Law in 1996.

Welcome, Judge Jancewicz!

JUDGE JANIS KEYSER

Governor Bush appointed new County Judge **Janis Keyser** to the Palm Beach County Court in March. Judge Keyser will fill the vacancy created by the resignation of Judge Susan Lubitz.

The 48 year-old judge from Boca Raton worked as an associate attorney for the law firm of Billings, Cochran, Heath, Lyles, Mauro & Anderson, P.A. Previous to that firm, she worked as a shareholder in her own law firm of Gay, Keyser & Berkowitz, P.A., West Palm Beach.

Judge Keyser received her undergraduate degree, summa cum laude, from Florida State University in 1979, and her Juris Doctor from the University of Florida College of Law in 1982. She is Board Certified by the Florida Bar in Appellate Practice.

Welcome, Judge Keyser!

JUDGE JAMES PIERCE

Judge **James Pierce** was appointed in February to the Pinellas County Court. He will fill the vacancy created by the resignation of Judge Karl Grube. He has some very big shoes to fill!

A lawyer with the firm of Kevin Korth & Associates, Judge Pierce held the position of senior attorney in the corporate law department of the State Farm Mutual Automobile Insurance Company in St. Petersburg. Previously, he worked as an assistant public defender in the Sixth Judicial Circuit.

Our new judge received his undergraduate degree from Bethune-Cookman College in 1980, and his Juris Doctor from Stetson University College of Law in 1983.

Congratulations, Judge Pierce! And, we will miss Judge Grube but expect him back often.

JUDGE ANTHONY RITENOUR

In February, Governor Bush appointed Highlands County Judge **Anthony Ritenour** to the Highlands County Court. Judge Ritenour will fill the vacancy created by the appointment of Judge Peter Estrada to the Tenth Judicial Circuit Court.

The 37 year-old judge from Sebring, Florida, came to the bench as a shareholder in the law firm of Ables & Ritenour, P.A., where he had worked since 1998. Previous to his own firm, he worked as an associate with the law firm of William B. Fletcher, P.A.

Our new judge received his undergraduate degree, summa cum laude, from Liberty University in 1991, and his Juris Doctor from Stetson Law School, cum laude, in 1994.

Welcome Judge Ritenour!

JUDGE GEORGE SARDAY

Governor Bush appointed new Dade County Judge **George Sarduy** in March to fill the vacancy created by the appointment of Judge Orlando Prescott to the Eleventh Judicial Circuit. Judge Prescott served as a county judge for five years prior to filling the vacancy created by the resignation of Circuit Judge Michael Chavies.

The 42 year-old Judge from Coral Gables came to the bench from his position as senior associate with the law firm of Kelley, Kronenberg. Prior to his employment there, he was a senior associate with the law firm of George, Hartz.

Judge Sarduy received his undergraduate degree from Florida International University in 1990 and his Juris Doctor from Florida State University in 1993.

Welcome, Judge Sarduy!

JUDGE ROBERT WILLIAMS, JR.

New Polk County Judge **Robert Williams, Jr.** was appointed by Governor Bush in February to fill the vacancy created by the appointment of County Judge Mark Carpanini to a newly-created circuit seat in the Tenth Judicial Circuit.

Judge Williams of Lake Wales came to the County bench from a partnership with the Bradley Johnson Law Firm, P.A., where he worked for more than twenty years.

Judge Williams received his undergraduate degree from Florida Atlantic University in 1979 and his Juris Doctor from Nova Law Center in 1982.

Welcome, Judge Williams!

JUDGE MARK WIXTROM

New Orange County Judge **Mark Wixtrom** was appointed in April by Governor Bush to fill the vacancy created by the resignation of Orange County Judge Alan Todd.

The 37 year-old Orlando judge came to the bench from his role as an assistant state attorney in the Ninth Judicial Circuit State Attorney's Office, a position he held since 1995.

Judge Wixtrom received his undergraduate degree from the University of South Florida in 1991 and his Juris Doctor from the University of Florida College of Law in 1994.

Welcome, Judge Wixtrom!



The 2005 class of new judges at Winter Conference in Amelia Island: back row, left to right: Kurt Hitzemann (Hernando); Peter McGlashan (Volusia); Victor Hulslander (Alachua); James Martz (Palm Beach) Front row, left to right: Margaret Courtney (Hillsborough); Kathryn Nelson (St. Lucie); Bronwyn Miller (Miami-Dade); Nuria de la Torre (Miami-Dade) Chief Justice Barbara Pariente; Joyce Williams (Escambia)

COMMITTEE REPORTS

CRIMINAL COMMITTEE

By Judge Roberto Arias, Chair

The Criminal Committee met on January 4th at Amelia Island.

Members of the committee discussed the court's authority to set a "cash only" bond as a condition of pretrial release for VOP cases. Ordering "cash only" began as a collection court tactic. Members were concerned this tactic was creating a type of debtor's prison. The court must first make a finding of ability to pay. A motion to amend/clarify the statute was defeated.

Members discussed the need to request an amendment to the criminal rules and statutes which would permit County Judges to transfer an incompetent defendant for mental health treatment or hospitalization. Presently, County Judges do not have the authority to place a defendant who is incompetent to proceed, and who is in need of mental health treatment, into appropriate treatment. A motion passed unanimously to request the Conference Board to pursue a rule/statute amendment which would grant all judges of competent jurisdiction the authority to directly commit a defendant declared incompetent to proceed or insane at the time of the offense into mental health treatment.

A motion to place time limits within which defendants may elect pursuant to section 318.14, Florida Statutes, regarding noncriminal traffic infractions, was tabled.

Rewrite Crisis Stabilization Unit confidentiality requirements to permit courts to receive information on treatments was also tabled by the committee.

EDUCATION COMMITTEE

By Judge Gary Flower, Chair

The Education Committee met on January 3rd at Amelia Island. Thirty-Six members discussed the Summer Conference educational program in Orlando in July, and the Winter Conference educational program in Amelia Island in January, 2007.

Following this winter's excellent presentation by JEAC Chair, Judge Richard Townsend

(Clay), featuring Canon 7 of the Code of Judicial Conduct: ethics, election law, and campaign conduct, our Summer Conference is featuring JQC Chair, Judge Jim Wolf (1st DCA), along with JQC Vice-Chair, Judge Morris Silberman (2d DCA), presenting "Appearing before the JQC." This will be a do-not-miss presentation.

Also planned for this Summer is esteemed constitutional law attorney and professor, Bruce Rogow, who will speak on First Amendment issues.

Criminal division judges will learn about breath test machines and motions as well as the annual criminal law update by Circuit Judge David Demers.

Civil division judges will learn advanced evidence and post-judgment collection issues. Both civil and criminal judges will share an hour on contempt issues also taught by Judge Demers.

Television Court Judge Alex Ferrer (11th Circuit) returns to teach issues arising out of closing arguments, while Judge Manny Menendez (13th Circuit) and former Judge Marty Kahn (Miami-Dade) will present ideas for handling reluctant, recalcitrant and vexatious litigants.

TRAFFIC RULES COMMITTEE

By Judge David Denkin, Chair

The 2006 Winter Conference Traffic Rules Committee took place as scheduled (actually our meeting began as the Sentencing Committee meeting ended and thereby benefited from their input). Many issues were discussed. They included:

1. Effective July 1, 2005, an individual convicted of an infraction that resulted in a crash causing the death of another must be sentenced, in addition to any other penalties, a \$1,000 fine plus a 6-month license suspension. [318.14(5)].
2. Effective July 1, 2005, an individual convicted of an infraction that resulted in a crash causing serious bodily injury of another (as defined by 316.1933(1)) must be sentenced, in addition to any other penalties, to a \$500 fine plus a 3-month license suspension. [318.14(5)].

3. Pursuant to 316.027(4), "A person whose commission of a non-criminal traffic infraction or any violation of this chapter or Section 1006.66 (statute that regulates traffic at a university) causes or results in the death of another person may, in addition to any other civil, criminal, or administrative penalty imposed, be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician, pursuant to a voluntary community service program operated by the trauma center or hospital."

All judges present shared that hospitals in their counties were not allowing these persons sentenced to do community service hours at their facility to avoid possible civil liability. Judge Shawn Crane, Pinellas County, suggested that if you wish to impose the community service hours provided by statute, remember it is discretionary, to avoid the defendant coming back to court saying he was prevented from performing, sentence him as follows: "...The defendant shall further perform 120 hours of community service at a hospital or trauma center if allowed by the facility or, if not allowed, at any non-profit agency that benefits the community of _____ county."

4. Most counties do not have assistant state attorneys present at infraction hearings, including those infractions where there was a fatality. See *State v Johnson*, 345 So.2d 1069 (Fla. 1977).
5. No contest pleas are permitted in civil infraction cases, along with pleas of guilty or not guilty. See Fla. Traffic Rules 6.340 & 6.450.

WINTER CONFERENCE



Pinellas Judge Karl Grube receives a Special Achievement Award for his dedication, hard work and spirit to the Conference.

Conference President Doug Henderson honors Judge Grube for his Conference work. Palm Beach County Judge Pete Evans assists.



Florida Supreme Court Chief Judge Barbara Pariente honors Orange County Judge Jeffrey Arnold.



Conference President-Elect Shelley Kravitz (Miami-Dade) and Florida Supreme Court Chief Judge Barbara Pariente.



Volusia County Judge Shirley Green, daughter Simone Green and mother Betty Neal enjoy the luncheon on the lawn of the Amelia Island Ritz Carlton.



Retired Miami-Dade Senior Judges Jack Cook and Robert Deehl.



Judicial assistants who helped at the Winter conference are: Debbie Stamp (Judge Doug Henderson); Marilyn Cartwright (Judge Jeffrey Colbath); Diana Grant (Judge Paul Moyle); and Ruth Taylor (Judge George Brown, Jr.)

From page 1

injuries because I was able to walk away from the attack," he says.

The realization came as time wore on and the strong medications he was given after the attack wore off.

Maney says his jaw hurt, but dental X-rays revealed nothing wrong. Only after a tooth "disintegrated" during a meal did he conclude he had a serious problem.

It took a two-hour, full dental survey to reveal 23 teeth had been cracked or broken by the explosion. Most of the cracks ran vertically, so they hadn't been picked up by a simple X-ray.

The full dental survey isn't an uncommon procedure any more. Maney says the Army has learned a great deal about dental injuries caused by explosions because of its newfound experience with roadside bombers in Iraq and Afghanistan.

Maney and the others finished their work in Paghman, then got in their vehicles and headed back toward Kabul.

Two State Department employees, a driver and an armed "shooter" accompanied Maney in a Toyota Land Cruiser that was third in line in a four-vehicle convoy. Maney sat in the back seat.

Maney refers to this group as his "band of brothers" and tears up when he quotes Shakespeare in reference to them.

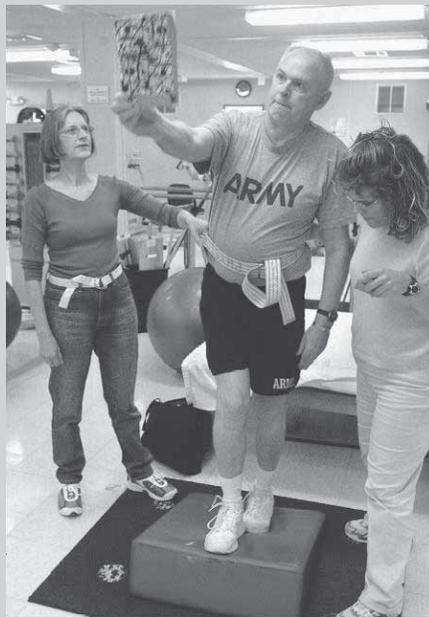
"We few, we happy few, we band of brothers. For he today who sheds his blood with me will be my brother."

Though he's been away from home for a long time, Maney's stay at Walter Reed has been anything but unpleasant.

His rank, and his status as the highest-ranking officer wounded in Afghanistan, have earned him an apartment at Walter Reed's distinguished visitors' quarters, a residence typically reserved for visiting dignitaries.

The fully furnished apartment stands across the road from the homes of two generals with duties at the medical center. In the front yard, a stone commemorates the location of a Confederate Army observation post established in 1864.

From the visitors' quarters' front porch, the Walter Reed complex, with its trees, shrubs and well-maintained grounds, more closely resembles a college campus than a military installation. Only the security fencing and a lone soldier, gripping a Gatorade with



Judge Maney performs a balance exercise with the help of his wife, Caroline. And a physical therapist at Walter Reed Army Medical Center. (Photo by Devon Ravin, NW FL Daily News)

a prosthetic device that has replaced his arm, gives it away.

Maney's wife, Caroline, has been the general's constant companion and helpmate during his rehabilitation. She accompanies him to his various therapies and doesn't shy from taking an active assistance role during workouts.

The couple seem almost embarrassed that they're living so well when the other patients and their families are relegated to a hotel-like living facility. They don't tell many of the people they meet where they're staying.

"We try to be just one of the crowd. That's a challenge sometimes," Caroline Maney says.

On rehab days, Maney fits in quite well. He shows up for physical therapy like everyone else, wearing an "Army" T-shirt, dark shorts, white socks and white shoes. No one salutes him as he walks into the room, and he doesn't seem to expect it.

Maney refers to his experience at Walter Reed as "sobering," and it is inside the medical center that the word sinks in.

Much of Maney's treatment takes place close to a small area of the hospital known as the "Miracle Room." This is where soldiers who have lost limbs in Afghanistan or Iraq come to undergo their own brand of rehabilitation.

"You see some of these young folks walking around missing an arm or leg and you realize they'll be living with that for the next 50 or 60 years," Maney

says. "It's hard to feel sorry for yourself."

Young men and women, most probably in their late teens or early 20s, file past in wheelchairs or on prosthetic legs. The passthrough of newly crippled Americans is constant, as dozens make their way at one point in the day to the Miracle Room.

The emotions of the amputees run the gamut from despair to acceptance to something akin to exuberance. More than one can be seen popping wheelies.

The saddest appear to be the new arrivals, who are easily identified by the bare spots on the backs of their heads. The scalps of some of them were rubbed raw when they were strapped to a board for medical evacuation, Caroline Maney explains.

Maney says seeing so many severely injured, and the spirit they exhibit after a few weeks of care at Walter Reed, has reinforced his own patriotism.

"I think America is blessed to have these young men and women in our service," he says. "Most of the country doesn't see these people and what they've gone through. I don't think most Americans realize what they have with these young people."

The Maney's also express amazement at the ability and durability of the Walter Reed staff and the support system the wounded soldiers have. Just outside the Miracle Room a whole wall of fliers advertises skiing, kayaking and biking trips planned for recovering patients.

"This is such a positive, reinforcing environment," Caroline Maney says. "It just carries everyone along."

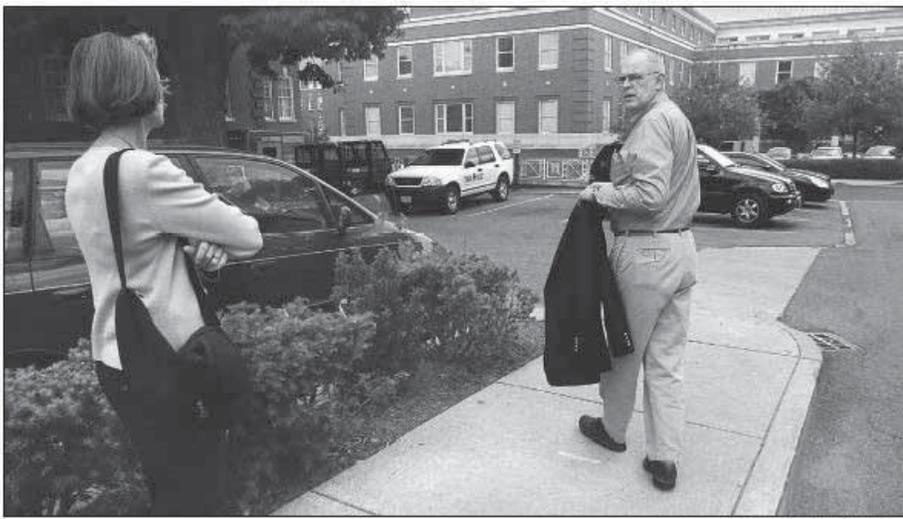
Caroline Maney says she's found a niche for herself within the support system.

"It took me a while to figure out what my role should be other than that of Patt's caregiver," she says. "I found I could help by being positive with the staff. They're here every day and around these wounded. They can use a kind word."

Whoever detonated the explosive knew their target. The assailant waited for the first two SUVs in the convoy to pass over a dip in the dry riverbed before setting off a device built from two anti-tank mines.

"The driver tapped on the brakes to handle the dip," Maney recalls. "That was the moment the blast went off."

That tap probably saved five lives. The front of the vehicle popped into the air, the blast ripping off the hood and both fenders. "Things happened so fast. The only thing I remember is the car going up in the air really quickly," says Jeff Nusraty, an Afghan-American State Department employee and one of the men injured alongside Maney in the ambush.



DEVON RAVINE | Daily News

Caroline and Patt Maney walk to their car on their way to church on the grounds of Walter Reed Army Medical Center. Maney has lived on or near the medical center's campus since September 2005. (Photo by Devon Ravin, NW FL Daily News)

The front end of the SUV came down in the crater created by the explosion, sending the back end of the vehicle up into the air. Somehow the Land Cruiser's momentum caused it to roll through and clear of the crater.

Maney remembers seeing flames, then watching rocks and other ground clutter blown into the air fall back into the crater. He fled the vehicle in a cloud of smoke and dust.

Though the brigadier general relishes his low profile, there's likely only one person who can get away with mistakenly bumping him down a rank by referring to him as "colonel."

That could be because the offender, Dr. Leslie Foster, sticks needles into Maney's body.

But it might also be that the weekly acupuncture treatment Foster administers is the rehabilitation assignment Maney looks forward to the most.

"It's the only time I don't feel pain," he explains.

Maney says the first time he met Foster, he told the doctor he'd be willing to try anything to ease the pain in his back. By the end of his first acupuncture session, Maney was able to bend far enough to put his hands on the ground.

"Prior to this I'd been getting around by holding onto the wall with one hand or both, or onto my wife," he says. "Bending over, I was like a ballerina. I touched the floor palms down, and I came up with a big smile on my face."

These days, Maney is a veteran acupuncture recipient. In fact, he's got tiny acupuncture needles in his ear all the time, like jewelry.

"I assume you want me to assume the position?" he asks Foster as he climbs onto an examining table in the tiny, third-floor office.

Foster describes in great detail what he is doing as he strategically places Teflon-coated needles into Maney's back, ear and head, giving each a twist as it is inserted.

Maney claims there's little, if any, pain as the needles pierce his skin.

Once the needles are in place, Foster, never missing a beat in his discussion of Eastern and Western philosophies, stimulates them with electricity.

Depending on which philosophy you adhere to, Foster says, the current either stimulates the muscles or activates a stagnant qi (pronounced "chee").

"I really didn't think it would be as beneficial as it is," Foster says of the treatment technique he acquired at the Army's request in 1996. "It surprised me right from the beginning and it continues to surprise me."

Meanwhile, the man with all of the hardware sticking out of him has fallen asleep.

Roadside bombings were still a fairly rare phenomenon in Afghanistan in August 2005, and attacks on American embassy vehicles were "very uncommon," Maney says.

But in hindsight, both Maney and Nusraty, the State Department employee, can identify little things that might have caught their attention the day they were attacked.

In the area where the ambush occurred, Maney recalls there was a small community resembling a hacienda, like something out of America's Old West.

When the convoy passed the community on the way to Paghman, the hacienda gate was open and children were playing outside.

On the return trip, the gate was closed and the children were gone.

"I was curious about that," Maney says now. "And I noticed as we did turn in front of the gate, to the right, there were several Afghan men near a vehicle. I also noticed a dismounted bicyclist."

Nusraty now remembers seeing a rock in the middle of the road that hadn't been there earlier. He believes it was probably placed there to force the caravan to go around and into a dip in the riverbed where the explosive device had been placed.

When Maney arrived at Walter Reed, the glare from the lights in the medical center's pool made him dizzy.

Today, he's driving, and windshield wipers no longer threaten to disorient him.

"He is doing phenomenal," says Julie Thake, whose job as Maney's vestibular therapist has been to re-establish the general's equilibrium. "When we first started working with him he was unable to hardly walk. Now he's one of my most challenging patients."

Thake's challenge is finding new ways to mess with Maney's head — literally.

"The idea is to make him feel dizzy, awful and nauseated," she explains.

Vestibular therapy focuses on reorienting the brain to an unstable environment.

"A lot of times with postconcussion syndrome, there's dizziness and balancing problems," she says. "I aggravate his system so that in the real world if someone or something upsets his equilibrium, he doesn't lose his lunch or fall over on his wife."

Thake starts by making Maney stand on a constantly moving or tilted surface. Maney holds a pad in front of his face and moves it from side to side and up and down, all the while trying to stay focused on what's written on it.

As he has improved, Thake has added "distractions," including Beatles music.

"If he's singing 'I Want to Hold Your Hand' or something, he's not thinking about concentrating on the cards, and maybe I can trip him up," Thake says with a sly grin.

The Army doesn't issue swimming trunks by rank, so Maney is just another soldier during the five days he's doing pool therapy.

He confesses "it was frustrating" entering the wa-

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SPECIAL FEATURE

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ter for the first time. Not only did the reflecting water make him dizzy, but he could hardly walk around in the shallow water.

These days, he appears quite adept at manipulating rubber "barbells" against the resistance of the water.

"He's progressed quite a bit since he started doing this," says Melissa Lewis, a nine-year veteran of water therapy. "At first I had to hold him."

Maney spends approximately an hour a day during the week under Lewis' supervision in the pool. His schedule also calls for physical therapy with Thake five times a week.

He gets acupuncture treatments once a week and also receives craniosacral therapy — to release muscles that constrict the circulation of cranial fluid in the head and spine — once a week.

An active runner before the attack, Maney is frustrated by his lack of stamina. He's hopeful the latest surgery to correct his breathing will help him. His doctors and therapists are encouraging, but urge him to be patient.

"The doctors here are all younger," the 58-year-old says. "They say when you get over 40 it just takes longer to heal."



The moments after the explosion were tense. After a quick assessment it was learned that all had survived the accident. Maney, bleeding from a small head wound, appeared to be the most severely injured.

He remembers little conversation other than "a few expletives, maybe" as the group abandoned their SUV, fearful of possible gunfire, and squeezed into the cargo area of another Land Cruiser.

"It took us 47 minutes to get out to Paghman, Maney says. "It took us 25 to get back."

Maney will retire from the Army Reserve when his active duty time is through. He's looking forward to civilian life and to working a full caseload as a county judge.

"I'm ready to be home," he says.

He's going to have to buy a new car when he arrives and looks forward to seeing the home near

Shalimar he and Caroline were planning when he left for Afghanistan and are building now.

He looks forward to the day he can jog again, and clearly doesn't want to miss another Gate to Gate run on Memorial Day.

Maney says he will return to Okaloosa County with no regrets about the time he has spent away or the price he has had to pay for his service to his country.

"I think every citizen has an obligation to help defend a nation when needed," he says. "So as a soldier I was expected to serve and happy to serve."

"I'm proudest of the fact the U.S. gave freedom and opportunity to 25 million people in Afghanistan. Now, they have a democratically elected government, their schools are open, including schools for girls, and their economy is being developed.

"Afghanistan is no longer a haven for terrorists."



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