



**State of Florida**  
**Seventh Judicial Circuit**  
**Circuit Court, Volusia County**

**C. McFerrin Smith, III**  
Circuit Judge

Volusia County Courthouse  
101 North Alabama Avenue  
DeLand, Florida 32724

Phone: (386) 736-5945

**Jeanie Gill**  
Judicial Assistant

May 28, 2015

Terence R. Perkins  
Chief Judge  
Seventh Judicial Circuit  
251 North Ridgewood Avenue  
Daytona Beach, Florida 32114

Dear Terry:

In 2012 I was elected to a six year term of office, ending January 5, 2019. A commission from the Florida Department of State certifies these dates. As you know, I will turn seventy years of age on November 4, 2015 (a matter of public record). You also know that Article V, Section VIII of the Constitution of Florida provides that no judge shall "serve" after attaining the age of seventy years, with an exception not applicable to me.

If the Governor finds that my age creates a vacancy in this office as of November 4, 2015, he will activate the 7th Judicial Circuit Nominating Commission to nominate candidates for my successor. If my commission authorizes me to remain in office and the Governor does not declare a vacancy, and I am ready, willing, and able to serve out my full term.

I am happy with my current six year term of office and do not voluntarily leave it early. However, while I object to being forced out of office due to my age, I will do nothing to contest the Governor's action if he declares a vacancy and appoints a successor.

With the case load we have and the insufficient number of judges authorized by the legislature, our colleagues should not have to cover the cases assigned to an empty seat. So, if you have any indication what action will be taken, please share the information with me so I can act accordingly.

Sincerely,

C. McFerrin Smith, III