APPLICATION FOR NOMINATION TO THE 8th JUDICIAL CIRCUIT COURT

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

DATE: 4-1-2013 Florida Bar No.: 850152

GENERAL: Social Security No.: [redacted]

1. Name Dean Galigani E-mail: dean@galiganilaw.com

   Date Admitted to Practice in Florida: 6-1-90

   Date Admitted to Practice in other States: n/a

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

   Galigani Law Firm, Owner

3. Business address: 317 NE First Street

   City Gainesville County Alachua State FL ZIP 32601

   Telephone (352) 375-0812 FAX (352) 375-0813

4. Residential address: [redacted]

   City [redacted]

   Since 1998 Telephone [redacted]

5. Place of birth: Huntington, NY

   Date of birth: [redacted] Age: 50

6a. Length of residence in State of Florida: 37 years

6b. Are you a registered voter? ☒ Yes ☐ No

   If so, in what county are you registered? Alachua

7. Marital status: married

   If married: Spouse's name [redacted]

   Date of marriage

   Spouse's occupation

   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.

   [redacted]

8. Children

Name(s)	*Age(s)*	*Occupation(s)*	*Residential address(es)*
n/a			

9. Military Service (including Reserves)

Service	*Branch*	*Highest Rank*	*Dates*
n/a			

Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10.

11a.

11b.

12a.

12b.

13.

14.

15. [redacted]

16.

17.

EDUCATION:

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

Schools	*Class Standing*	*Dates of Attendance*	*Degree*
Miami Palmetto H.S.	unknown	1977-1981	H.S. Diploma
Univ. of Florida	Contacted UF Registrar-not available	1981-1984	B.A. - Political Science
Univ. of Florida Law School	same as above	1985-1989	J.D.

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

Law School Book Award for Torts

NON-LEGAL EMPLOYMENT:

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

Date	*Position*	*Employer*	*Address*

none

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.

Court or Administrative Body	*Date of Admission*
The Florida Bar	6-1-90

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:

Position	*Name of Firm*	*Address*	*Dates*
Owner	Galigani Law Firm	317 NE First Street, Gainesville, FL	2004-present
Division Chief	Public Defender, 8th Judicial Circuit	35 N. Main Street, Gainesville, FL	1990-2004

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.

My private practice for the last nine years has been a mixture of criminal defense, family law, and general civil. Most clients are referrals from other attorneys or former clients as we do very little advertising. A majority are criminal defense and local small business owners who are involved in civil cases. My practice of law has been much more diverse for the last nine years as opposed to the first 13 years of my career as a division chief for the Public Defender's Office which consisted in representing only criminal cases.

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	20 %

Federal Trial	0	%	Criminal	70	%
Federal Other	0	%	Family	10	%
State Appellate	0	%	Probate	0	%
State Trial	90	%	Other	0	%
State Administrative	10	%			
State Other	0	%			
		%			
TOTAL	100	%	TOTAL	100	%

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

Jury? 85 Non-jury? 55

Arbitration? 0 Administrative Bodies? 40

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).

2008-CF-4457-A: State v. Arman Jouzdani, opposing counsel was Adam Urra, 352-374-3670

04-2011-CF-12-A:State v. Richard Culpepper, opposing counsel was Robert Willis, 352-463-3406

01-2009-CF-2566-B: State v. Leonard McCoy, opposing counsel was Byron Flagg, 352-262-7444

38-2007-CF-636-A State v. Guy Bubba Nall, opposing counsel was Glenn Bryan, 904-966-6208

01-2008-CF-786-A State v. James Chambless, opposing counsel was Kristin Pickens, 352-374-3670

38-2005-CF-632-A State v. James Clemons, opposing counsel was Andrea Muirhead, 352-486-5140

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).

01-2012-CF-3034-B State v. Kevin Persaud, opposing counsel was Rich Chang, 352-374-3670, Counsel for co-defendant was Huntley Johnson 352-372-6947

01-2012-CF-1135-A State v. Vignesh Sundaram, opposing counsel was Deborah Hunt, 352-374-3670

01-2012-CT-345-A State v. Breanna Parks, opposing counsel was Kenneth Keith, 352-374-3670

01-2012-MM-7327-A State v. Tyler Klemann, opposing counsel was Adam Lee, 352-538-0318

01-2012-MM-3661-A State v. Gurpreet Sidhu, opposing counsel was Lindsey Morauer, 352-374-3670

01-2012-CF-849-A, State v. Marina Weir, opposing counsel was David Margulies, 352-374-3670

27c. During the last five years, how frequently have you appeared at administrative hearings?

3 average times per month

27d. During the last five years, how frequently have you appeared in Court?
25 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.

n/a

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.

n/a

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.

38-2007-CF-636-A State v. Guy Bubba Nall, Circuit Court, 8th Judicial Circuit (Levy County), Judge Stan Morris, prosecutor was Glenn Bryan 352-966-6208. The verdict was rendered on 5-29-09. I handled the entirety of the defense. Mr. Nall is a high school teacher and football coach in Enterprise, Alabama. He was charged with lewd and lascivious molestation of a child under 12 years old and three counts of sexual battery, and was facing what amounted to a life sentence if convicted. The alleged victim was the daughter of his ex-wife and made allegations in both Florida and Alabama over a six year period. Alabama revoked Mr. Nall's license to teach when he was arrested. After a three day trial, he was acquitted of all charges. I showed a six person jury, which included three correctional officers, that the allegations were made after Mr. Nall refused to buy the alleged victim a new car and refused to give his ex-wife $25,000.00. The Alabama charges were dismissed after the acquittal in Florida. Mr. Nall's teaching license has been reinstated and he is again teaching and coaching football in the Enterprise, Alabama school system.

01-2008-CF-786-A State v. James Patrick Chambless, Alachua County Circuit Court, 8th Judicial Circuit, Judge Martha Ann Lott, tried 6-23-08. Opposing counsel was Kristin Pickens (352-374-3670). I handled the entirety of the defense. Mr. Chambless (James Patrick), a UF student majoring in Forest Resources, was charged with arson and three counts of battery on a law enforcement officer for allegedly setting his apartment on fire and barricading himself in the apartment. He also was alleged to have attacked law enforcement when officers attempted to enter the apartment. His family lives in Indiana and they called me after he was arrested. When I went to see James Patrick at the jail, he was in the infirmary on suicide watch in a cell that consisted of a mattress on the floor, and he was dressed in a one piece garment that barely covered his body. He suffered injuries from the incident and it was clear he had suffered a mental breakdown (later determined to be a manic episode due to bipolar disorder). I was able to arrange for a psychatrist to see him the day after he was arrested. James Patrick was immediately transferred to a private mental health facility in Ocala after an emergancy hearing. Following several weeks at the hospital, he was released to his family until resolution of the case. He was found not guilty by reason of insanity and Judge Lott placed him on a conditional release plan. There have been many ups and downs for James Patrick since his breakdown, but he is again a student in college. This case was significant because mental health issues are common, particularly in the criminal justice system, and there are better remedies than housing the mentally ill in jail.

01-2002-CF-4394-A State v. Joseph Piser, Alachua County Circuit Court, 8th Judicial Circuit, Judge Phyllis Kotey, tried 4-29-03. Opposing counsel was Geoffrey Fleck (678-664-2241) at trial, and the prosecutor that handled the case up to trial was Jay Welch

(retired, last known number 374-3670). I handled the entirety of the defense. Mr. Piser was a homeless man charged with burglary with a battery, a first degree felony punishable by life and faced a potential life sentence. The alleged victim testified that Mr. Piser entered her home and attempted to sexually assault her. He was convicted of a lesser charge (assault, a second degree misdemeanor) and was sentenced to the maximum of 60 days jail for which he had credit for time already served. Before trial everyone assumed he was guilty because the alleged victim, a homeowner, was accusing the homeless man known as "Crazy Joe" with an extensive criminal record. The alleged victim asserted she barely knew Mr. Piser, and he had not been to her house before. At trial, we showed that Mr. Piser had been to the home several times at the alleged victim's invitation, and they knew each other much better than originally asserted by the alleged victim. In fact, it was proven that the alleged victim made these allegations because another man she was in a relationship with had become suspicious of Mr. Pizer's visit. This case was significant because it highlights the fact that parties in cases may have ulterior motives for the testimony they give in court, and an attorney must investigate the case thoroughly. It reinforced the position that when you represent a client you cannot make assumptions.

01-2007-CF-1018-B State v. Alonzo Liddie, Alachua County Circuit Court, 8th Judicial Circuit, Judge Peter Sieg, defendant pled no contest on 10-29-08. Original prosecutor was Brian Kramer (352-374-3760). The case was resolved with prosecutor James Colow (352-356-1568). I handled the entirety of the defense. Mr. Liddie was indicted for first degree murder, armed home invasion robbery, and conspiracy. He faced a mandatory life sentence if convicted either first degree murder or armed home invasion robbery as a recent releasee from prison. The allegation was that Mr. Liddie went with his co-defendant to the home of the alleged victim, a known drug dealer, to collect money and drugs owed to the co-defendant. Mr. Liddie was alleged to have entered the house as protection and to act as a lookout when a gun fight occured between the alleged victim and the co-defendant. The State offered Mr. Liddie 20 years in prison for his plea and testimony against the co-defendant. He maintained his innocence and the case was resolved on the verge of trial, with Mr. Liddie pleading to accessory after the fact for driving away from the crime scene. He received a 5 year prison sentence followed by probation. The murder, home invasion robbery, and conspiracy charges were dismissed. The co-defendant recieved a 25 year prison sentence. The case was significant for demonstrating that just being near a crime scene does not make an individual guilty of committing all crimes that occur. A thorough investiagtion revealed that Mr. Liddie had merely driven the co-defendant to the house where the crime occurred with no knowledge of the co-defendant's intent.

01-2005-DR-3076 In Re: The Marriage of William Todd Ice and Kimberly Ice (dissolution of marriage). Opposing counsel was Margaret Anderson (352-375-6897) until she was permitted to withdraw prior to final judgment. I handled the entirety of Ms. Ice's cases. Ms. Ice originally hired me to represent her in a divorce case in August, 2005 . Her husband was seeking a divorce. While negotiating the divorce, Mr. Ice's girlfriend, Victoria Carlisle, made allegations that Ms. Ice had attempted to shoot her in September, 2005. Ms. Ice, who worked for a local insurance agent, did not have funds to hire me on the subsequent cases resulting from the alleged shooting, so I represented her pro bono for cases 01-2005-CF-4258-A, State v. Kimbely Ice, felony criminal case for shooting into an occupied dwelling (opposing counsels were Rose Mary Treadway and Sean Brewer (352-374-3760), and 01-2005-DR-4176 Victoria Carlisle v. Kimberly Ice

(injunction against violence). I represented her on the related cases without compensation because Ms. Ice was being accused of serious allegations which were fabricated and it was important that she have counsel. The felony charges were dismissed in November, 2005 after we convinced the prosectution that the allegations were made by Mr. Ice's girlfriend to influence the divorce case. The petition for injunction was dismissed by Judge Mark Moseley after a hearing in November, 2005. I resolved Ms. Ice's divorce with her remaining in the marital home and having primary residential custody of the three children. These cases were significant because it showed how parties can make false allegations in an attempt to manipulate the legal system to their benefit, and experienced legal counsel can prevent such an injustice.

01-1990-CF-1203-A State v. Marion Allen Burden, Alachua County Circuit Court, 8th Judicial Circuit, Judge Thomas Elwell, opposing counsel was Thomas Jaworski (352-374-3650). I prepared the defense case and was co-counsel (with Robert Trenkle, 719-593-1239) at trial that occurred 2-20-1991. Mr. Burden was charged with attempted first degree murder for allegedly shooting the victim in the head after an argument. The victim suffered brain damage and memory loss due to the injuries, but testified at trial that the last thing he remembered was the defendant standing over him and pointing a gun at his head. This case was significant because it was one of my first felony trials in which the defendant could have been sentenced to prison for the rest of his life and I had only been a lawyer for 7 months. The case taught me the importance of expert testimony and prior inconsistent statements of witnesses. The victim's testimony at trial was substantially different than at deposition when he testified he had no recollection of anything concerning the incident. Mr. Burden was acquitted at trial.

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.

Legal writing example attached. I personally wrote the attached document. The case was a bench trial and the Judge wanted my argument for judgment of acquittal and closing argument in writing.

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.

My name went to Governor's office for the last three judicicial positions in Alachua County for Circuit and County Court.

32b. List any prior quasi-judicial service:

Dates	*Name of Agency*	*Position Held*
none		

Types of issues heard:

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.

Candidate for Public Defender, 8th Judicial Circuit, 2004

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.

n/a

(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.

Galigani Law Firm, LLC, criminal defense, family law, and general civil practice. Nature of duties: owner. Intend to resign if appointed.

Sympatico Holdings, LLC, owner of commercial office building rented to Galigani Law Firm. Nature of duties: managing member. Intend to resign if appointed.

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.

No

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.

No

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 _____ No __x__ If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

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

Yes _____ No __x__ If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

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.

No

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.

n/a

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

n/a

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

I have given many talks over the years regarding the law to groups that include Rotary Clubs, Chambers of Commerce in Levy, Bradford, Gilchrist, and Baker counties. I have also spoken to many University of Florida orginizations and clubs over the past 20 years including the Gator Business Association, Pre-law Society, fraternities, and sororities regarding the legal careers and/or the penalties and consequences of committing criminal offenses common among college students. Throughout my legal career I have participated in mock trials in elementary, middle, high schools, and colleges and also have spoken many times to civic and school groups concerning the Constitution and the law in general.

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.

Florida Bar Certification in Criminal Trial Law, 2009 to present

Eighth Judicial Circuit Bar Association, 2004 to present

Past President of the 8th Judicial Circuit Association of Criminal Defense Lawyers

Current Chapter Representative to statewide Florida Assoc. of Criminal Defense Lawyers

Florida Association of Criminal Defense Attorneys, 2004 to present

National Association of Criminal Defense Attorneys 2006 to 2008

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.

Bowl for Kids' Sake Fundraiser- Chairman 2005-2006

Big Brothers Big Sisters of Mid-Florida, Board of Directors 2003-2007

Florida Youth Challenge Academy (Camp Blanding), mentor for at-risk youth, 2006-2007

48c. List your hobbies or other vocational interests.

Fishing, Gator sports

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.

Represented Skyler Smith who is currently in drug court. Sky did not have any funds to hire me but it was evident he had a drug addiction and needed the benefit of Drug Court.

Represented 18 year old defendant John Avery, accused of assault, in 2009. The charge was dismissed.

Represented 20 year old defendant Deltrice Simmons, charged with driving on a suspended license, in 2009. Mr. Simmons was placed on probation.

Represented local businessman, Ken Hyneman, against claim that he defaulted on a property agreement and owed money because of default. It was settled with agreement there was no default and no money owed. (2009-2010)

Represented Samuel Rains on a felony violation of probation. 2007. The probation was terminated.

Represented Walter Furlow on a felony criminal traffic offense in 2006. Mr. Furlow had been recently released from prison and was facing an incarcerative sentence before I took his case. He was employeed at local fast food restaurant and supported several children. He was placed on probation.

I have handled many other pro bono cases which I did not document.

SUPPLEMENTAL INFORMATION:

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

9-21-2012 Blood, Breath and Tears DUI Seminar

1-27-2012 Eyewitness Identification Seminar

6-11-11 FACDL Annual Meeting

4-15-2011 2011 Criminal Law Certification Review

4-23-10 2010 Criminal Law Certification Review

3-26-10 2010 Professionalism Seminar

4-24-09 2009 Criminal Law Certification Review

3-29-08 Death Penalty Conference

2-14-08 Effective Post-Trial Criminal Proceedings

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?

University of Florida Gerald T. Bennett Prosecutor/Public Defender Trial Training Program Instructor

Lectured at UF's Pre-Law Society, Legal writing classes, Gator Business Club

Judged and instructed numerous trial practice and mock trial teams

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

n/a

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

I will contribute experience and legal knowledge to the circuit court. In my twenty three years of practice, I have litigated cases from civil small claims disputes to serious criminal felony charges. This experience has taught me that the best judges follow the law and do not make the law. I have attained the requisite knowledge to ensure that the law will be followed in cases I preside over as a circuit judge.

The experience and knowledge I have attained has allowed me to resolve cases without undue delay. As a circuit judge, I will require cases to be resolved in a timely manner while protecting the rights of all concerned parties.

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.

8th Judicial Circuit Nominating Commission, February 2010, October 25, 2011, January 16, 2012

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

I will bring fairness and civility to the bench. Despite the adversarial nature of our legal system, being respectful to my clients, opposing counsel, and to the court is an attribute I have displayed since I started practicing law. I have always been a zealous advocate for my clients, but too often I see judges, attorneys, and parties engaging in personal attacks which have nothing to do with the legal matters at issue. I will not allow these personal attacks in cases I preside over.

I have handled thousands of cases in my career, including many serious matters, but all cases, no matter how big or small, are important to those who appear in court. On the bench, I will listen to all parties involved and treat them with the respect they deserve.

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.

Honorable David Glant,

Honorable Robert Groeb,

Honorable Martha A. Lott,

Honorable James Nilon,

Honorable William Davis,

Honorable Thomas Jaworski

Honorable Edward Philman,

Gretchen Casey,

Carla Coarsey,

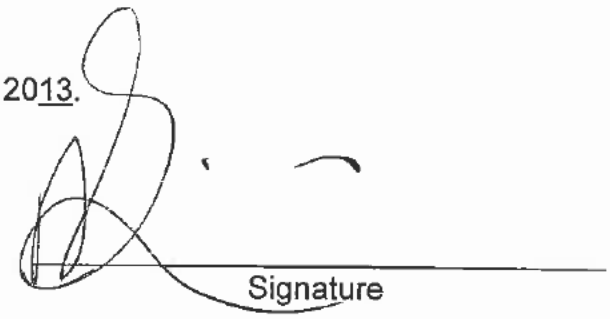
Glenn Bryan,

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 3rd day of April, 2013.



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

In lieu of answering the questions on this page, you may attach copies of your completed Federal Income Tax Returns for the preceding three (3) years. Those income tax returns should include returns from a professional association. If you answer the questions on this page, you do not have to file copies of your tax returns.

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.

   *Tax returns for the previous 3 years are attached.

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.

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.

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from 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.

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: 4-3-13

JNC Submitting To: 8TH Judicial Circuit

Name (please print): Dean R. Galigani

Current Occupation: Attorney

Telephone Number: 352-375-0812 Attorney No.: 850152

Gender (check one): ☒ Male ☐ Female

Ethnic Origin (check one):
- ☒ White, non Hispanic
- ☐ Hispanic
- ☐ Black
- ☐ American Indian/Alaskan Native
- ☐ Asian/Pacific Islander

County of Residence: Alachua

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

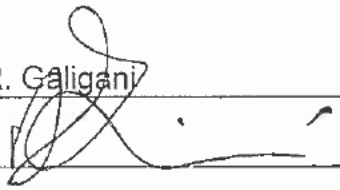
DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

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: Dean R. Galigani

Signature of Applicant: 

Date: 4-3-13

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR LEVY COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,
v.

BRIAN STOKES,
Defendant.
_____/

CASE NO: 38-2005-CF-842-A
DIV: FELONY

WRITTEN ARGUMENT IN SUPPORT OF DEFENDANT'S ACQUITTAL AT TRIAL

COMES NOW the Defendant through undersigned counsel and respectfully submits the following written argument in support of Defendant's acquittal at trial.

The facts upon which the Defense argues for acquittal are as follows:

Officer Tom Ketner testified that he was working in an undercover capacity for the Levy County Drug Task Force on December 28, 2005. The task force utilized a confidential source named Kathy in an attempt to purchase $700.00 worth of crack cocaine from Durwood Jones. Officer Ketner's role was to pose as Kathy's friend and purchase the crack from Jones. Kathy made several phone calls to Jones to arrange the purchase of the crack at a room in a Chiefland hotel. Kathy and Officer Ketner were in the hotel room when Jones and the Defendant arrived and entered the room. Officer Ketner did not expect the Defendant to be with Jones. Jones sat at a table in the room and engaged in small talk with Kathy and Officer Ketner while the Defendant talked on a hands free cellular phone. Jones was seated across from Kathy and Officer Ketner, and the Defendant was leaning against a dresser off to the side.

After several minutes, Jones handed a plastic container to Officer Ketner. Officer Ketner emptied the contents of the plastic container onto the lid of a pizza box lying on a table. Officer Ketner testified on direct examination that he handed $700.00 to Jones in exchange for the cocaine. On cross examination, Officer Ketner refreshed his recollection from a deposition transcript and admitted he never handed the money to Jones. Officer Ketner asked Jones if that was all the crack he was getting for $700.00. The Defendant stated "I have more in the truck". Officer Ketner did not have an independent recollection of the Defendant's statement, but rather heard the Defendant make the statement after reviewing a video of the alleged drug transaction. The video was not introduced into evidence because the audio was bad according to Officer Ketner. The Defendant grabbed the plastic container and was arrested by Officers as he attempted to exit the hotel room.

Officer Ketner constantly refreshed his recollection from a deposition transcript and a police report. Officer Ketner did not write the police report and did not know the author of the report. The State introduced the crack cocaine given to Officer Ketner by Jones, but the Court denied admission of crack cocaine purportedly recovered from a truck in the hotel parking lot.

The State then called Durwood Jones to testify. Jones testified that the confidential source, Kathy, was a former girlfriend. Kathy called Jones and asked to purchase $700.00 worth of crack cocaine. Jones contacted the Defendant to obtain the crack cocaine. Jones arranged to meet Kathy at a hotel room to sell the crack on December 28th. On the 28th, Jones drove his truck and picked up the Defendant for the meeting with Kathy. Jones and Defendant made several stops before arriving at the hotel. Before exiting the truck,

the Defendant produced a small plastic container. The Defendant removed five pieces of crack cocaine and placed it on the truck's console, before handing the plastic container to Jones. Jones placed the plastic container in a sock before exiting the truck. Once at the hotel room, Jones sat in a chair across from Officer Ketner and Kathy, and the Defendant was leaning against a dresser talking on a hands free cellular phone. After talking a short time, Jones handed the plastic container to Officer Ketner. Jones never saw Officer Ketner with any money. Officer Ketner placed the plastic container's contents onto a pizza box and stated "is this all I'm going to get?" The Defendant said, "no, I've got five more pieces in the truck". Officer Ketner stood up because the Defendant wanted Officer Ketner to leave the room with him, but instead task force officer's entered the room and arrested Jones and the Defendant.

Jones was arrested for sale and possession of cocaine. Jones pled guilty to possession of cocaine and received a withhold of adjudication of guilt and eighteen months probation. Jones was informed by his lawyer that he could have received two years in prison for the sale of cocaine charge. Jones testified that he was using crack cocaine heavily at the time of the alleged crime. Jones has previously worked for law enforcement as a confidential source over the past ten years.

The law upon which the Defense argues for acquittal is as follows:

On the morning of trial the State filed an amended information charging the Defendant with Count I Drugs: Sale or Delivery of Controlled Substance. Count II Drugs: Possession of Controlled Substance. Count I alleges that Defendant on December 28, 2005 did "unlawfully and for a valuable consideration sell or deliver to Tommy Ketner, an undercover officer, a controlled substance, to wit: Cocaine, contrary to Section

893.13(1)(a)(1), Florida Statutes". The defense objected to the filing of the amended information and the Court overruled the objection. The defense also moved for a Judgment of Acquittal as to Count I at the close of the State's case arguing that there was not a completed sale or delivery for consideration as charged.

In D.G.R. v. State, 376 So.2d 460 (Fla. 1st DCA 1979), the Court stated that sale of cocaine is the same as delivery of cocaine with consideration. Courts have subsequently held that even though sale of cocaine can be the delivery of cocaine for consideration, sale of a controlled substance is a separate and distinct crime from delivery of a controlled substance. The distinction is due to the statutory definition of delivery which includes an "attempted transfer from one person to another of a controlled substance". There is no crime of attempted delivery of cocaine since the statutory definition of delivery includes an attempt to deliver. There is no statutory definition for "sale", and therefore common usage of the word "sale" applies. Since a "sale" is not completed until there is a transfer of consideration, the crime of attempted sale does exist. See Milazzo v. State, 377 So. 2d 1161 (Fla. 1979); Mena v. State, 471 So. 2d 1297 (Fla. 3rd DCA 1985).

The Florida Supreme Court has criticized charging documents which allege "sale or delivery" as ambiguous, since they are distinct crimes with different elements. The State should charge either delivery or sale, depending on the facts to be proved. Bosier v. State, 419 So. 2d 1042 (Fla. 1982). The defense in Bosier argued that a person accused of "delivery of a controlled substance for consideration" was equivalent to sale, and therefore sought reversal because of the trial court's refusal to instruct the jury on an attempt. The Court affirmed the conviction stating that the charge of delivery did not require an attempt instruction since the definition of delivery encompasses an attempt to deliver. The Court

reasoned even though the charging document stated the delivery was for consideration, the instructions as read to the jury and the verdict form only mentioned delivery and did not mention consideration.

Amended Information

The defense in the instant case argues that the Court should reverse its ruling and sustain the defense objection as to the amended information filed by the State on the morning of trial. The courts have criticized the filing of an information charging "sale or delivery" as ambiguous since sale of cocaine and delivery of cocaine are distinct and separate crimes with different elements.

The Court in the instant case struggled with this exact issue as the defense moved for a judgment of acquittal at the close of the State's case. Viewing evidence in a light most favorable to the State, the Defendant could be guilty of attempted sale of cocaine because Officer Ketner never completed the sale by presenting and conveying the money. However, because of the ambiguous information, the Defendant could be guilty of delivery of cocaine because the definition of delivery encompasses an attempt.

The defense argues that there was not sufficient time on the morning of trial to adequately address the problems inherent in an information charging two separate crimes. In fairness, the Court should deny the filing of the amended information and instead rule based on the original information.

Judgment of Acquittal

If the Court chooses to proceed on the amended information, the defense would argue for a judgment of acquittal as to Count I of the information. The State's case failed to prove that Officer Ketner gave any consideration to Jones or the Defendant for the

cocaine. Although appellate courts have ruled that "delivery" does not require a transfer of consideration, the State in the amended information alleged that Defendant did "unlawfully and for a valuable consideration sell or deliver....". Clearly, the State's amended information put the defense on notice that valuable consideration was an element of the "sale or delivery" charge. Unlike Bosier, there was extensive testimony and argument before the trier of fact regarding Officer Ketner's failure to receive any money for the drugs. Since the State alleged valuable consideration for the "sale or delivery", the defense argues that the State failed to prove the elements alleged in the information.

Closing Argument

Defense argues that the State failed to meet its burden of proving the Defendant's guilt beyond a reasonable doubt as to both Counts I and II.

Officer Ketner did not seem to have an independent recollection for any of the facts disclosed during his testimony. Officer Ketner often had to refer to a deposition transcript or a police report before answering questions. Officer Ketner did not write the report his testimony relied on, and the deposition transcript he referred to was also based on the police report with an unknown author.

Prior to the alleged incident in this case, Officer Ketner stated that he did not expect the Defendant to arrive at the hotel room with Durwood Jones. In fact, Officer Ketner had not even heard of Brian Stokes prior to the meeting at the hotel room. The confidential source placed all phone calls to Jones in the attempt to purchase cocaine. At the hotel room, Jones talked to Officer Ketner and the confidential source while the Defendant talked on a hands free cellular phone. Jones produced the cocaine and handed it to Officer Ketner.

The only evidence of Defendant's guilt offered through Officer Ketner's testimony was Defendant's statement, "I have more in the truck" when Officer Ketner questioned the amount of cocaine he received for $700.00. Officer Ketner testified that he did not remember the Defendant's statement, but had heard the statement when reviewing a video tape of the alleged incident. The video was not offered as evidence by the State because according to Officer Ketner the audio was bad.

Defense argues that the trier of fact does not have sufficient evidence to find Defendant guilty based on the testimony of Officer Ketner. Certainly alluding to a statement allegedly made by Defendant on a video when the video purportedly has audio problems is suspicious. Furthermore, the fact that the video was not played for the trier of fact to weigh the reliability of Officer Ketner's version of events makes his testimony less trustworthy. Durwood Jones made all the arrangements to set up the alleged drug transaction. Jones drove his truck to the hotel, carried the drugs into the hotel room and handed the drugs to Officer Ketner. Defense argues that the evidence shows that Jones is the only culprit.

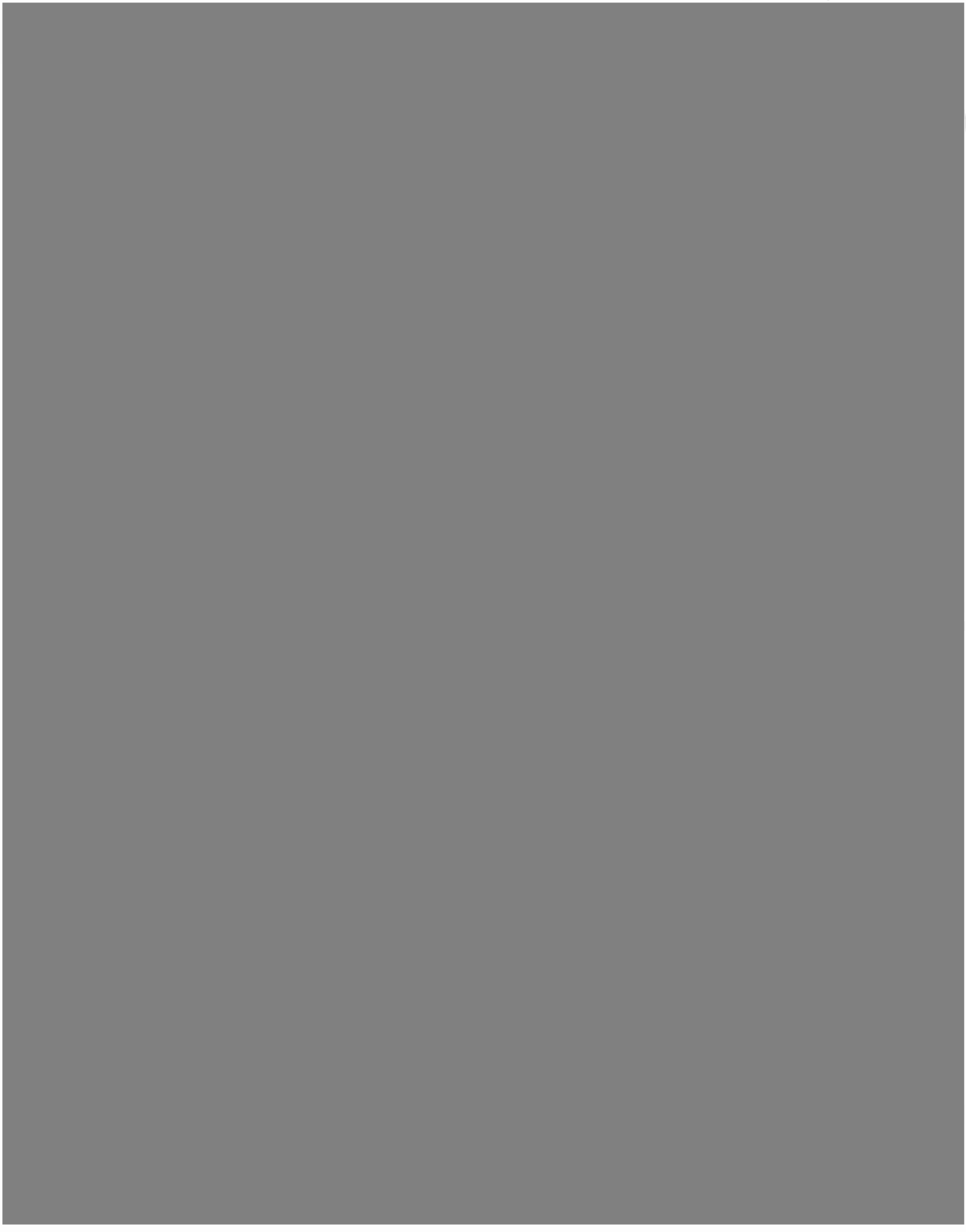
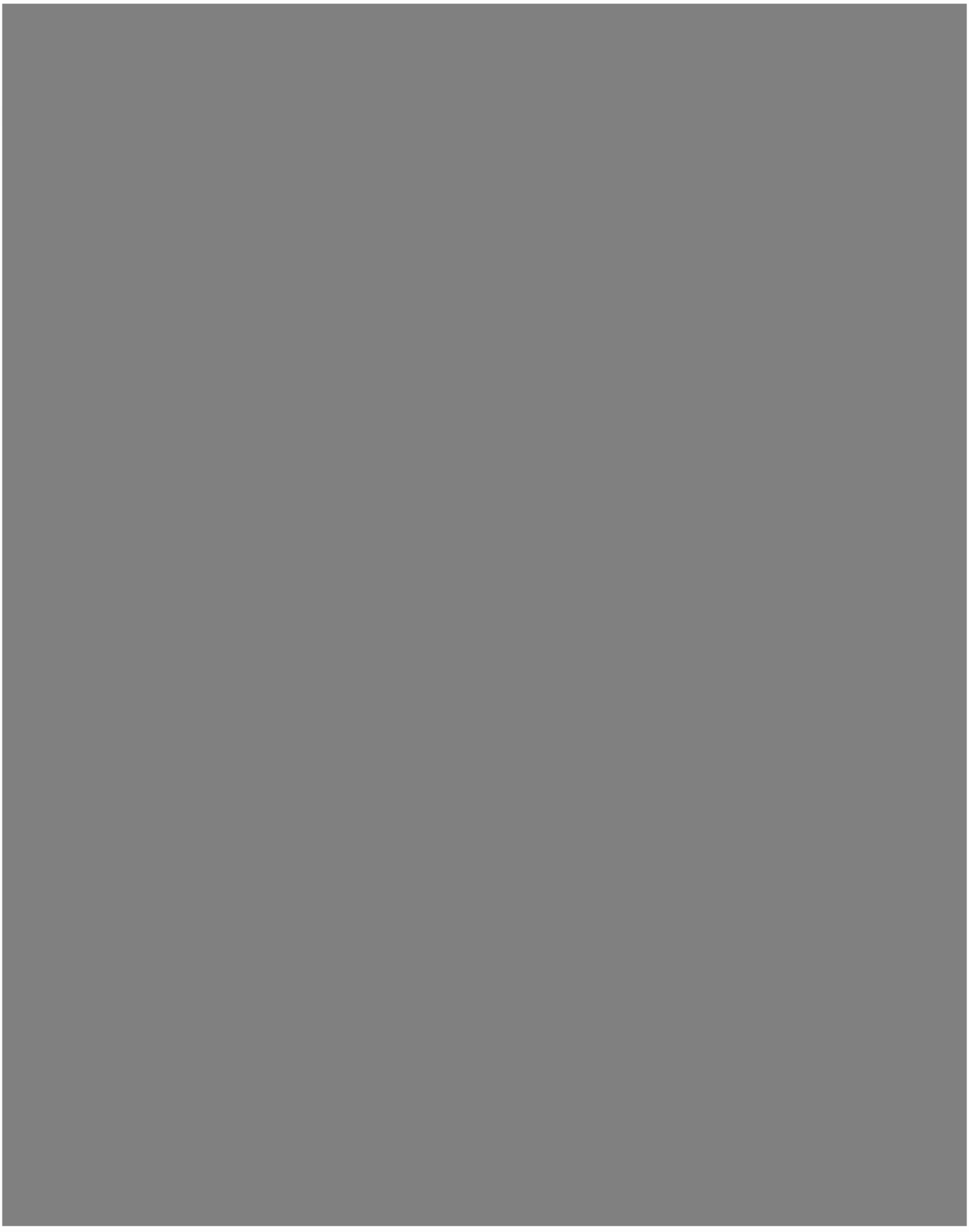
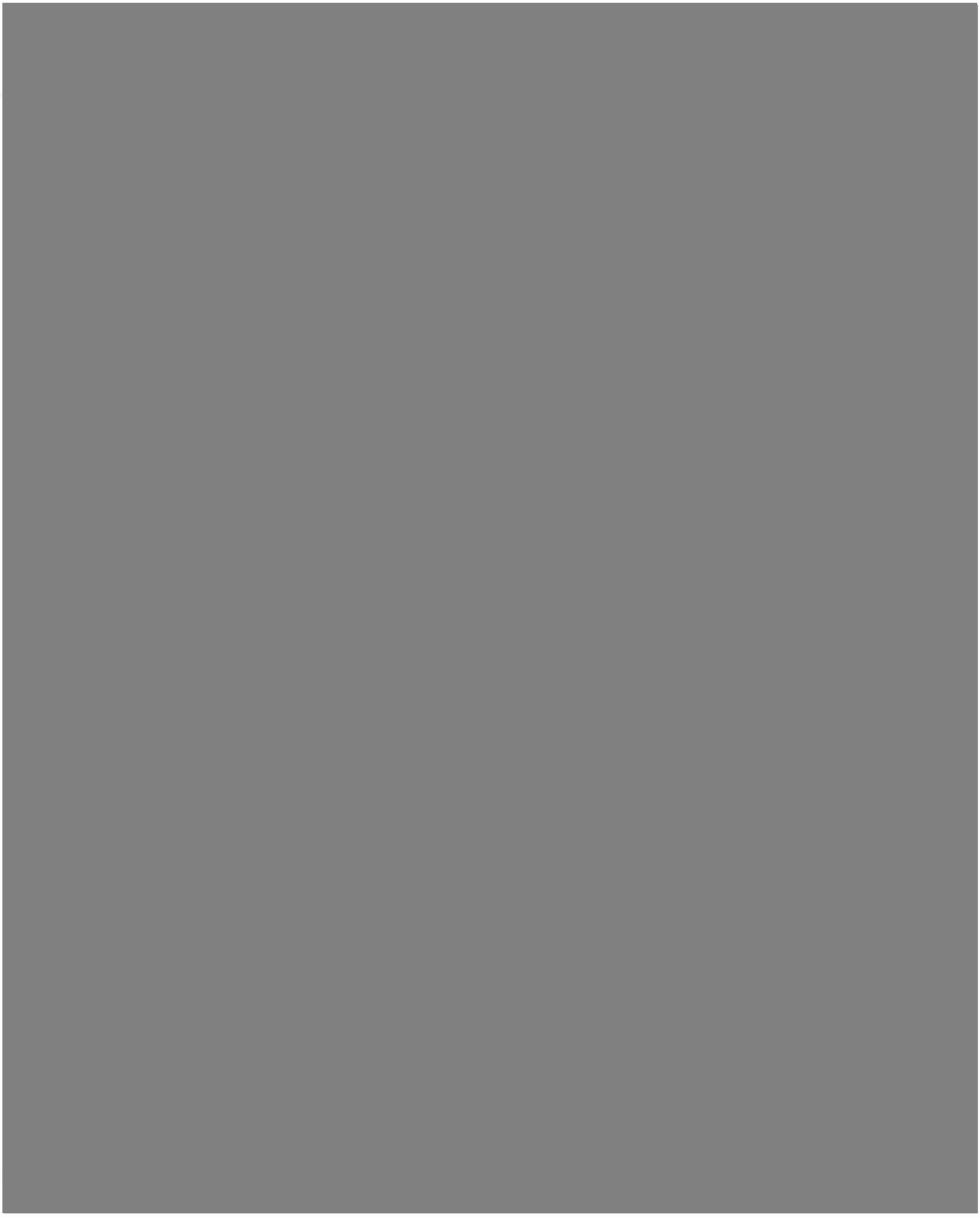
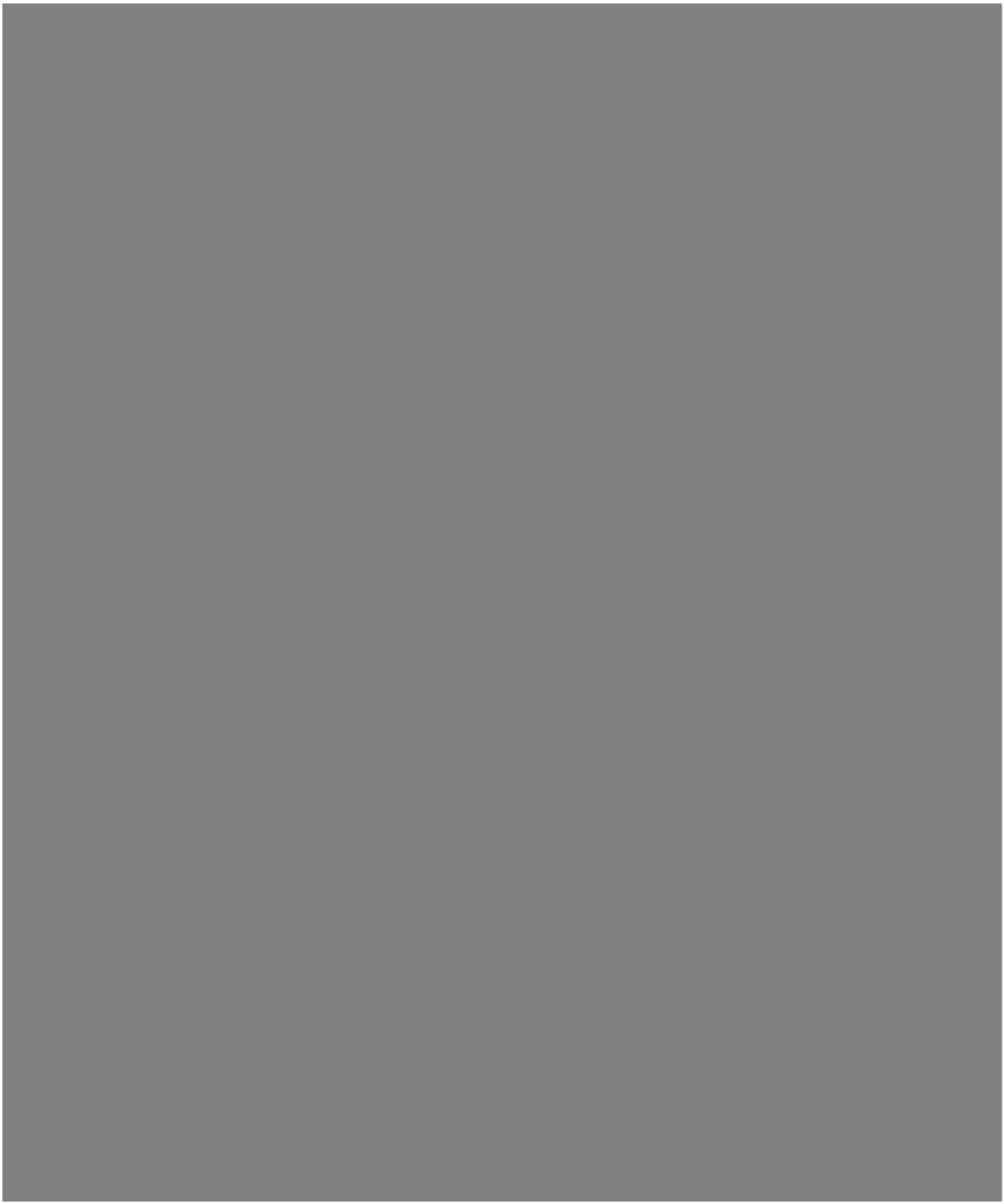
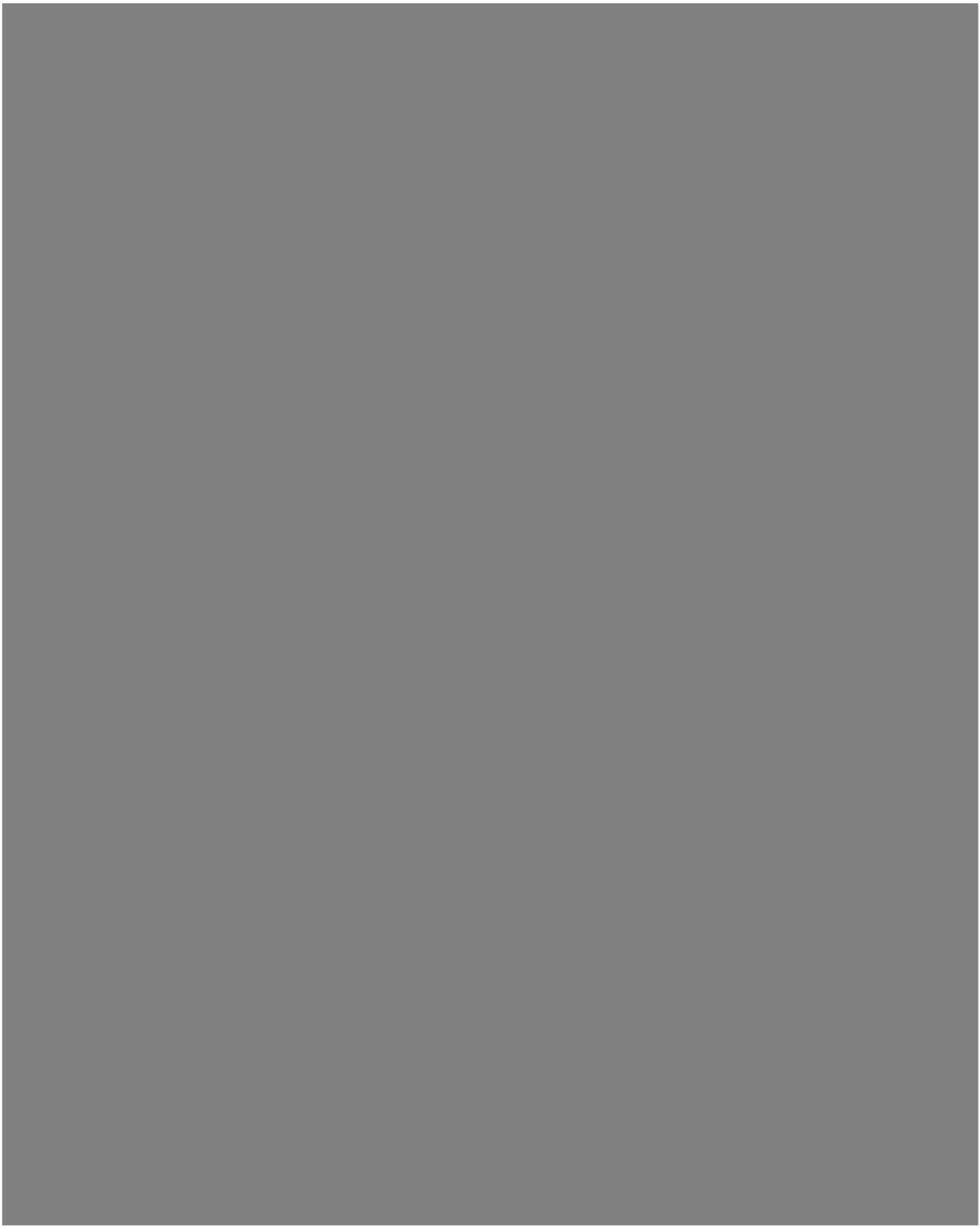
The Court should not believe Durwood Jones' testimony. Jones has worked for law enforcement on and off over the past ten years. At the time of the alleged incident, he was using crack cocaine heavily. Although Jones was arrested for sale and possession, he subsequently pled to possession of cocaine and received a withhold of adjudication of guilt and eighteen months probation. Jones testified that he believed he would receive two years prison if convicted of sale of cocaine.

Durwood Jones clearly had an interest in testifying against Defendant, and because

of his prior work for law enforcement, Jones knew that by cooperating he would avoid a two year prison sentence. The Court should not rely on the testimony of witness Jones since he had the overriding interest of avoiding a prison sentence guiding his testimony.

Based on the argument above, the Defense asks the Court to return a verdict of not guilty as to both counts.

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to Andrea Muirhead, Esq., Assistant State Attorney, PO Drawer 1595, Bronson, Florida 32621 this 22nd day of August, 2006.

Respectfully submitted,

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