

Steven N. Gosney

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Education

University of Central Florida Orlando, Florida
Earned Master of Science, Criminal Justice Spring 2017
Final GPA 3.979

Washington & Lee University School of Law Lexington, Virginia
Earned Juris Doctor Fall 1997 to May 1999
Foreign study sponsored by Tulane University School of Law:
Trinity College, Cambridge, United Kingdom

Stetson University School of Law St. Petersburg, Florida
Fall 1996 and Spring 1997
Highest grade award - Criminal Law, Contracts I

Stetson University DeLand, Florida
Earned Bachelor of Arts in History Fall 1985 to Winter 1990
Additional post-graduate work in Education

Significant work experience

Office of the Public Defender Daytona Beach
Assistant Public Defender September 2010 to present.
Currently assigned as Senior Attorney – Appellate Training. Promoted to Capital Division Appeals in March 2019 (position also maintains a regular appellate docket). The public defender’s appellate division in Daytona Beach handles criminal appeals of indigent defendants in the thirteen counties composing the Fifth District. To date, I have personally handled over 452 direct appeals. This position requires superior written communications skills, and the capacity to function with minimal guidance in a highly demanding environment. During my tenure in the appellate division, I developed a file management system and trained all new appellate attorneys, as well as occasionally training trial attorneys in individual boot camp format. I also continue to assist the trial division with targeted trial assistance. Prior to serving in the appeals division, served in the Putnam County felony division from September 2010 to March 2011. Responsibilities included client contact and management, drafting of motions and the conduct of felony jury trials

when necessary. After reducing the docket load in trial Division 53 as was my mandate from the Public Defender, I was reassigned to the appellate division. Temporarily reassigned to major felony docket October to December 2020 due to reduction in appellate work from shutdowns. Sample of reported cases: Farley v. State, 76 So.3d 1107 (Fla. 5th DCA 2011); Tyler v. State, 90 So.3d 346 (Fla. 5th DCA 2012); Scott v. State, 102 So.3d 676 (Fla. 5th DCA Nov. 2, 2012) cert. denied 116 So.3d 1263; Carlisle v State, 105 So.3d 625 (Fla. 5th DCA 2013); Tales v State, 108 So.3d 721, (Fla. 5th DCA 2013); Fisher v State, 124 So.3d 413, (Fla. 5th DCA 2013); State v Thomas, 133 So.3d 1133, (Fla. 5th DCA 2014) oral argument only; Collins v. State, 161 So.3d 480 (Fla. 5th DCA 2014); Corbin v. State, 147 So. 3d 626 (Fla. 5th DCA 2014); Peterson v. State, 150 So.3d 219 (Fla. 5th DCA 2014); Little v. State, 152 So.3d 770 (Fla. 5th DCA 2014); M.B. v State, 159 So.3d 960 (Fla. 5th DCA 2015); Murphy v. State, 181 So.3d 574 (Fla. 5th DCA 2015); Poillot v. State, 200 So.3d 743 (Fla. 2016); Crosby v. State, 175 So.3d 382 (Fla. 5th DCA 2015); Morris v. State, 185 So.3d 630 (Fla. 5th DCA 2016); Basaldua v. State, 199 So.3d 1129 (Fla. 5th DCA 2016); Oliver v. State, 201 So.3d 210 (Fla. 5th DCA 2016); Williams v. State, 203 So.3d 198 (Fla. 5th DCA 2016); Ball v. State, 208 So.3d 327 (Fla. 5th DCA 2016); J.J.N. v State, 214 So.3d 784, (Fla. 5th DCA 2017); Bell v. State, 216 So.3d 751 (Fla. 5th DCA 2017); Cumberland v. State, 225 So.3d 952 (Fla. 5th DCA 2017); Taylor v. State, 256 So.3d 950 (Fla. 5th DCA 2018); Harrell v. State, 272 So.3d 881 (Fla. 5th DCA 2019) (resolved at 3.800b2 stage); Davis v. State, 286 So.3d 170 (Fla. 2019); Colley v. State, 310 So.3d 2 (Fla. 2020); Bova v. State, 311 So.3d 1000 (Fla. 5th DCA 2021); Navarro v. State, 338 So.3d 1066 (Fla. 5th DCA 2022); Kelley v. State, 341 So.3d 468 (Fla. 5th DCA 2022); Brand v. State, 363 So. 3d 206, 207 (Fla. 6th DCA 2023); Wells v. State, 48 Fla. L. Weekly D1600 (Fla. 5th DCA Aug. 11, 2023); Fletcher v. State, SC23-0058.

Office of the State Attorney, 7TH Judicial Circuit Bunnell
Assistant State Attorney November 2004 to September 2010

I served in the Flagler County felony division from August 2007. This position handled one half of the felony docket in Flagler County, Florida. This was a large docket, with a caseload ranging in the 350 open file range, approximately 10% of which were major felonies. During my tenure in this position, I prosecuted fifteen felony jury trials to conclusion in addition to handling one half of the felony division arraignments and pre-trial docket soundings, with a total of 2327 felony cases closed. Additionally, I handled the entire juvenile docket for Flagler County during the first quarter of 2009 during administrative transition. I was involved in the restructuring of docket assignments in Flagler County as well as correcting an imbalance in numbers of juvenile probation officers assigned to Flagler County. Prior to promotion to the felony division, I was responsible for all juvenile prosecution for Flagler County from 2004 to 2007, conducting over thirty bench trials in 2007 alone, with a total number of bench trials conducted exceeding 50 and total number of juvenile cases closed equaling 1602.

Landis Graham French, P.A.

DeLand

Associate Attorney August 1999 to November 2004, Clerk: Summer 1998

This position's primary focus was civil litigation. This mid-sized law firm allowed for tremendous freedom of action regarding case management. My duties included all aspects of civil litigation such as conducting initial client interviews, drafting of pleadings and legal briefs, conducting discovery and trial. I was primarily responsible for client management, timekeeping, billing, and training and supervision of my staff assistant. Areas of practice include real estate law including landlord tenant law, quiet title, foreclosure and other real property and probate litigation as well as consumer litigation. During my time at the firm, I was involved with several complex multiparty and multi-firm cases.

East Florida Building Industry Association

Port Orange

Executive Officer March 1993 to August 1996

I was the Executive Officer (CEO) for the Volusia County-wide non-profit trade association affiliated with the National Association of Homebuilders. During my tenure, the financial stability of the organization was reestablished. I obtained and maintained funding for a three-year, \$650,000 legal challenge involving school impact fees, representing the board of directors in the settlement negotiations. As editor and coordinator of all Association communications, the Association won three National AEA Awards for publications and communications. Other duties included payroll, budgeting, computer systems, and employee relations. Responsibilities of this position included coordination of the political action committee and the organization's legislative programs as well as events including a greatly expanded Parade of Homes. Also, during my tenure, we reviewed and updated all policies and bylaws for the organization. It was an honor to be nominated for the 1995 National Association of Homebuilder's Executive Officer "Rookie of the Year" Award by the Florida Home Builder's Association Executive Officer, Carla Roehl.

Daytona Beach Area Association of Realtors, Inc.

Holly Hill

Executive Assistant March 1990 to March 1993

I was primarily responsible for a monthly sixteen-page newsletter, monthly four-page brief, and numerous other publications. As editor, I managed content, layout, and design of legal forms, policy manuals, annual reports, and brochures. During my tenure, the Association won the 1993 National Association of Realtors Excellence Award in Realtor Association Publications. Other responsibilities included oversight of a major interoffice computer conversion. The Rapattoni Corporation, a national software developer, adopted the UNIX file structure that I designed. My job also included coordination of education and training relating to office computers and the Multiple Listing Service.

Academic and other Writings

"Death Penalty Designs" anticipated book. Training manual for Capital Appellate Attorneys. Publication anticipated 2024.

- “*My Difficult Dog*” children’s book, publication anticipated Christmas 2024.
- “*A Cry For Clarity: Clearly defining the beyond a reasonable doubt standard*”
Working title. Law Review article. Anticipated publication 2024.
- “*Death Penalty Desires: Passion, Lust, and Murder*” novel, published March 2024.
- “*Brucie the One-Eyed Wonder Dog*” children’s book, published November 2023.
- “*The Summer Friend: Surfing, Music, and Growing Up*” novelette, published Summer 2023.
- “*Death Penalty Debates: Is Capital Punishment a Net Positive or a Net Negative*” book, published Summer 2023. Also available on audio, and ebook. Death Penalty Debates is included in the reading list at Saratov State Law Academy for the topic “International human rights law” of the course “Theory and Practice of International and Eurasian Law” for post-graduate studies program “Lawyer in the Area of International and Eurasian Law,” as well as material for extra-curriculum activities at Saratov State Law Academy with students who study English legal terminology and legal argumentation. Selected for reading list inclusion in Steven F. Hayward’s graduate public policy class at Pepperdine University.
- “*Prepare! The Handbook for individual Freedom*” book, published 2023.
- “*Ideas & Answers in Law*” book, with contributions by Brian L. Cutler, Danielle M. Rumschik, Dr. Nadejda Lipkina, Dr. K. Michael Reynolds, Mr. John Zak, and Ms. Alexis Nava, published in 2022.
- “*Florida’s Cost of Incarceration: An Unconstitutional Excessive Fine.*” Work in progress, with Dr. Nadejda Lipkina, Dr. K. Michael Reynolds, and Ms. Alexis Nava. Work in progress, 2022.
- “*Battery by Slight Touch in Florida: What is the law?*” with Christopher L. Jenks, M.D. July 1, 2022. Available at SSRN: <https://ssrn.com/abstract=4152131> or <http://dx.doi.org/10.2139/ssrn.4152131> Listed on SSRN's Top Ten download list for AARN: Laws & Legislation, AARN: Other Legal Anthropology: Criminal Law, CJRN: Criminal Law and CJRN: Violent Crime on July 18, 2022.
- “*Facial Recognition in the Courtroom. The Challenges of the Photo and Video Identification Witness in a World of Improving Facial Recognition Technology*” with Danielle M. Rumschik and Brian L. Cutler, *The Champion*, p. 36-38, November, 2021 (published by the National Association of Criminal Defense Lawyers).
- “*Concealed Carry in a Vehicle: Combining Second Amendment Constitutional protections with Stand Your Ground laws*” November 2021. Available at SSRN <https://ssrn.com/abstract=3943611> WPS (rewrite and update of earlier 2016 article). Selected for publication by *Stetson Journal of Advocacy and the Law*, 2022.
- “*Contradictory Evidence is Insufficient: The Reasoning and Safeguards of the Rule Protecting Innocence*” November 2021 Available at SSRN <https://ssrn.com/abstract=3943605> (rewrite and update of earlier 2019 article). Listed on SSRN's Top Ten download list for: LSN: Procedure (Criminal Procedure) on February 2, 2022.

- “*Florida’s Prove Yourself Innocent Absurdity - The Unresolved Burden of Proof Question in Florida’s Prescription Drug Affirmative Defense.*” Stetson Journal of Advocacy and the Law, September 2021. Available at SSRN <https://ssrn.com/abstract=3919088>
- “*Identification and Interpretive Testimony from Photo/Video Evidence: The Coming Battle of Experts over Facial Recognition.*” With Danielle M. Rumschik and Brian L. Cutler, 20 Appalachian J.L. 59, 59 April 14, 2021, Available at SSRN: <https://ssrn.com/abstract=3826434>
- “*The BB Gun: A Harmless Toy or Deadly Weapon? Practical Guidance for Objective Fact Finding in a Criminal Case.*” with undergraduate intern John Zak. The American University Washington College of Law Criminal Law Practitioner Vol. 5: Iss. 1, Article 3, August 20, 2019. Available at SSRN: <https://ssrn.com/abstract=3770213> Listed on SSRN's Top Ten download list for: CJRN: Weapons & Firearms on February 19, 2022.
- “*Internally Contradictory Evidence Requires Dismissal When it is Uncorroborated and the Sole Basis for Conviction*” published Volume 31, Number 2: Summer 2019 issue of The Florida Defender magazine.
- “*Trial Techniques for a Florida Prosecutor - A Positive Prescription for Ethical Closing Arguments*” published in The American Journal of Trial Advocacy, August 20, 2018. American Journal of Trial Advocacy, Vol. 42, No. 151. Available at SSRN: <https://ssrn.com/abstract=3816895>
- “*What Are My Chances on Appeal?*” *Comparing Full Appellate Decisions to Per Curium Affirmances*” published in Volume 18, Issue 2 of The Journal of Appellate Practice and Process, published by the William H. Bowen School of Law, University of Arkansas at Little Rock, August 20, 2017. Available at SSRN: <https://ssrn.com/abstract=3770217>
- “*Applying the Deterrence Rationale of the Exclusionary Rule to the “Good Faith” Exception: A Way Forward.*” published in the Spring 2017 issue of The American Journal of Trial Advocacy, Vol. 40, No. 245, August 20, 2016. Available at SSRN: <https://ssrn.com/abstract=3816902> A summary of this article selected for the 2017 UCF Graduate Research Forum.
- “*Florida Constitutional Concealed Carry in a Vehicle: The Second Amendment Protects the Right of an Individual to Carry a Readily Accessible Handgun in a Private Vehicle in Light of Section 776.013 Florida Statutes (Stand Your Ground) and District of Columbia v Heller, 554 U.S. 570 (2008), Rendering Section 790.25(5) Unconstitutional.*” published December 2016 issue of The Florida Defender magazine.

Accomplishments, including training and speaking experience.

- Rumble channel with 6K+ subscribers, stevegosney.com, ongoing. Companion YouTube channel.
- Provost and Professor of Law, Law of Self Defense Law School, “*Criminal Procedure*” Fall, 2023. (100% Online).
- Professor of Law, Law of Self Defense Law School, “*Criminal Law*” September 7 to December 7, 2022. (100% Online).

- Lawcards principal, with “Farmhand Tom” Tom Sailors, available at getlawcards.com.
- Special guest YouTube and Rumble channels, Rekieta Law from February 17, 2022 and Law of Self Defense with Andrew Branca from March 30, 2022, as well as Legal Vices, Megan Fox Investigates, Good Lawgic, and others with occasional appearances ongoing.
- Instructor to the Public Defender’s Office misdemeanor division trial attorneys: “*Trial Boot Camp: Practical Guidance for the Public Defender Trial Attorney*” September 1 and 8, 2022 and ongoing as needed.
- Top 10% of Authors on SSRN by total new downloads within the last 12 months period August 15, 2021 to August 15, 2022.
- Presenter, “*Dealing with photo and video identification evidence in the modern Florida courtroom*” FPDA Summer conference, July 8, 2022.
- Participant, FPDA 2022 Capital Attorney Voir Dire Training, June 6-8, 2022.
- Instructor to the Spring Defender College, May 15-18, 2022.
- Instructor to the Public Defender’s Office appellate division attorneys: “*New Appellate Attorney Quickstart*” multiple day long sessions, ongoing as needed.
- Instructor to the Public Defender’s Office misdemeanor division trial attorneys: “*Presenting Body Cam Video Evidence at Trial*” November 30, 2021, with Stephanie Park.
- Instructor to the Public Defender’s Office homicide division trial attorneys: “*Objectionable Conduct and Discussion*” November 2, 2021, with Rosemarie Peoples and Nancy Ryan.
- Instructor to the Public Defender’s Office trial attorneys: “*There’s a Motion for That*” June 3, 2021, with Rosemarie People and Trisha Laissle.
- Presenter at Saratov State Law Academy, Russia, “*Individual Gun Ownership and Deadly Self Defense in the United States of America: History, Practicality, and Problems.*” June 3, 2021.
- Instructor to the Public Defender’s Office appellate attorneys: “*Florida Criminal Punishment Code Scoresheets*” January 11, 2019.
- Instructor to the Public Defender’s Office appellate attorneys: “*Improper Closing Arguments in Florida*” November 28, 2017.
- Instructor, Volusia Senior Learning “*Epic Battles in the Pacific Theater in World War Two*” June 2019.
- Guest host, Marc Bernier Show, weeklong appearance while regular host was out, from June 21, 22, 25, 26, 27, 2018 (3-hour live radio show).
- Special guest, Marc Bernier Show, regular appearances from December 12, 2017 to September 2021 (end of show).
- Listed on the Fulbright Specialist Roster, December 1, 2017 to December 1, 2020 by the U.S. Department of State’s Bureau of Educational and Cultural Affairs.
- Instructor to the Public Defender’s Office appellate attorneys: “*Improper Closing Arguments in Florida*” November 28, 2017.
- Selected presenter at UCF’s 2017 graduate research forum.
- NRA Certified Instructor - Pistol Shooting, qualified 2016.

- Florida Association of Licensed Investigators (FALI) educational scholarship recipient, 2015.
- The Florida BAR, Board Certified in Criminal Trial Law - August 2012 to 2017 and five year renewed from 2017 to 2022, and again 2022 to 2027.
- Instructor to the Public Defender's Office appellate attorneys: "How to Write an Anders Brief," November 19, 2015.
- Commissioner, 7th Circuit Judicial Nominating Commission, (Florida BAR Appointment) 2012 to 2016.
- The Florida BAR 7th Circuit Unlicensed Practice of Law Committee, 2009 to 2015; Chair 2012-2015. (Florida BAR Board of Governors appointment).
- Editor, contributing author of the following family history titles: Marione's Story, 1999; Buster's Story, 2015; Evelyn's Story, 2016. Also, editor of Reflections on Daytona's Museum – The Early History of The Museum of Arts and Sciences, from 1948 to 1973, 2015. Author of "My memories of Derek Brooks to his daughter Anna" 2015. Author of semi-fictional short story manuscript "The Summer Friend" 2017. Drafting work of American history, working title "When America Was Great," 2022. Drafting work of fantasy fiction, currently untitled, 2022.
- Knights of Columbus 3rd Degree
- Christ Renews His Parish (CRHP) Participant, 2014; Team Leader 2015, Team Leader 2019.
- Authored letter in the April 30, 2013 Florida BAR newsletter on the burden of proof in prescription drug cases.
- Member - FACDL, occasional member 2011 to present.
- Conducted training seminar for Sheriff Volunteers, Flagler County Sheriff's Office in 2008, 2009, 2010.
- Conducted training in 2007 for School Resource Officers, Flagler County Sheriff's Office.
- The Florida BAR 7th Circuit Grievance Committee B, 2005 to 2009. Vice-Chair 2007; Chair 2008 (Florida BAR Board of Governors appointment).
- Adjunct Instructor at Daytona State College. Taught Introduction to Paralegal Studies in the Fall of 2007 and Fall of 2008. Also taught Business Law II during the Summer 2008 Term (100% online).
- Juvenile Justice Council (7th Circuit), State Attorney Representative 2005 to 2007.
- Flagler County Juvenile Justice Council, member 2005 to 2007.
- Member - 7th Circuit Juvenile Justice Council, State Attorney Representative 2005 to 2007.
- Volusia County Building Trades Board, County Council appointment, 2000-2004, Secretary 2002; Vice Chair 2003-2004.
- Cultural Council of Volusia County, County Council appointment, 2001-2004, Vice-Chair 2002; Chair 2003; Chair 2004.
- Real Property Council of Volusia County "Transaction Brokerage in Florida." This was a 2004 presentation to real estate transactional lawyers in Volusia County. The focus of the talk was to provide a litigation perspective

of the newly created transaction brokerage concept.

- Frequent speaker at Bob Fritze School of Real Estate, 2003 to 2004, “Top Three Reasons Real Estate Agents Get In Trouble.” This was a monthly presentation made to candidates for real estate licensure. The 20 to 25-minute presentation and Q&A presented real world examples and tips on how to avoid frequent mistakes made by Florida real estate agents.
- Real Property Council of Volusia County, 2002 to 2004; Chairman 2004.
- Authored letter in the November 2004 Florida BAR newsletter on the utility cutoff statute.
- Authored letter in the July 2004 Florida BAR newsletter on the probate law of the body.
- Frequent radio talk show guest on WNDB “Volusianaries” one-hour live panel discussion of current events, 2001 through 2004, and invited co-host December 12, 2017, other appearances as guest i.e. October 15, 2019 with topic of foreign policy.
- Member - Attorney’s Title Insurance Fund - Level II (currently inactive).
- DeLand Mainstreet Association firm representative 1999 to 2002.
- Designed and implemented law firm web site including rewrite of History of the Old Firm, published at <http://www.landispa.com/>.
- Member - Volusia County BAR Association, occasional member 1999 to present.
- Admitted to practice Florida BAR 1999 (BAR Number 0180830), U.S. District Court, Middle District of Florida 2001; U.S District Court of Appeals for the 11th Circuit, 2003; Supreme Court of the United States, 2003.
- Highest Grade in Criminal Law and Contracts I
- East Florida Building Industry Association Recognition Award for Outstanding Accomplishments 1993-1996 (Awarded 1996).
- National Association of Home Builders 1994 AEA Award, Best Comprehensive Communications.
- Substantial writing as Editor of “The Construction Connection” from 3/93 to 8/98, major editor and contributor of “The Realtor” 3/90 to 3/93, and associated publications with the East Florida Building Industry Association and the Daytona Beach Area Association of Realtors, Inc.
- National Association of Home Builders 1993 AEA Award, Best Newsletter Communication.
- National Association of Home Builders 1993 AEA Award, Best Special Communication.
- National Association of Realtors Executive Officer's Committee 1993 Award, 11th Annual Publications Contest.
- Florida Educator’s Certificate, Social Science (Grade 6-12) Florida DOE number 682790 (current status unknown)
- Licensed Florida Real Estate Salesman since 1985.