

# Florida Criminal Law *Newsletter*

## **Fleet Wins Bar Association Poll, Primary Race**

*But former candidate Welton  
endorses Jim Ward*

Judicial candidate David Fleet decisively won the Okaloosa-Walton Bar Association candidate poll, but can he beat Jim Ward?

With only fifty votes separating the two candidates, the Group One County Judge race is closer than many expected.

Both candidates have their share of endorsements from local interest groups, but former candidate Mark Welton has endorsed his former rival, Jim Ward. In fact, Welton has not limited his support to endorsing Ward. He is also actively campaigning for him. **Continued on page 2**

## **Cobb Law Firm Moves to FWB**

*Shalimar Office Closes, New  
Okaloosa Island Office Opens*

A fixture across from the courthouse, the Shalimar office of Cobb Law Firm has moved to Fort Walton Beach. The firm was renamed the Cobb Criminal Defense Law Firm in order to more accurately reflect the firm's area of concentration.



Cobb Criminal Defense Law Firm wouldn't fit o the sign

"We have a nicer office and a better location," said firm founder, Stephen Cobb. "The Shalimar location served us well, but the Okaloosa Island location will serve our clients better," he added. They can be reached at 244-1625.

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**Judicial Poll, Primary Race**

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Walton Beach**

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## Judicial Race

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Welton's impact could prove to be substantial: Fleet would have to win over former candidate Bill Parker's supporters with roughly the same percentage that Welton's endorsement delivers to Ward. If Fleet fails to do so, Jim Ward will be our next Group One County Judge.

Thus the momentum appears to be on Ward's side, despite errors such as a mailer touting his 'trail' experience. This all leads to a question: Why?

First, Jim Ward has campaigned like his life depended on it from day one. He hired Steve Peterman as a campaign consultant, which was a stroke of genius. By contrast, the Fleet campaign appeared to have a slow start.

Second, although many in the local Bar are reluctant to speak of it, David Fleet suffers from the legacy of his own father, Judge Irwin Fleet. Stories of Judge Fleet's 'temperamental' nature abound, and many lawyers are concerned that David Fleet might suffer an acute hereditary case of 'black robe fever.'

Third, David Fleet has higher negatives among members of the Bar due to his personality – many find him to be a know it all and fear he would be insufferable on the bench.

However, writing off the Fleet candidacy would be foolish for several reasons: He is well financed, he isn't intimidated, and he wants the judgeship with every fiber of his being. His campaign had what appeared to be a slow start, but when he started, you couldn't miss it.

One final note: Jim Ward has attended the FACDL-OW meetings on two separate occasions. David Fleet never has. Both have a standing invitation.



**FACDL  
MEETING**

**October 20, 2004  
NOON**

**FACDL-OW at  
Docker's, in Fort  
Walton Beach,  
Florida at Noon**

*Felony Plea  
Agreement  
changes effective  
July 1, 2004 as  
well as the  
formation of a  
committee to  
propose changes  
to streamline  
plea agreements*

## Directly Speaking

By Stephen G. Cobb  
Editor, FCL Newsletter

Some random thoughts on the practice of law and the legal system . . . .

Was the Clerk's race a blow out or what? No disrespect to the other candidates, but Don Howard was an easy choice. Unlike certain counties (Walton) that have issued me a subpoena instead of a Notice to Appear, the Deputy Clerks at the Okaloosa County Clerk's Office do a great job.

\* \* \*

Can the Powers That Be get the new Judicial Facility built *correctly*? The current facility is inadequate and a security nightmare. I suspect nickel and diming will produce a facility that is too small and woefully inadequate. Remember how Hwy 123 was improved? They 'didn't have the money' to do it right, so the money was spent on a partial solution: Two lanes, with each side having a three line stretch just long enough to cause more head-on collisions. Perhaps if we build a new courthouse on just *five* acres of land it will be obsolete before it is off of the drawing board.

\* \* \*

The new felony plea agreement forms are out. Designed to ensure that attorneys dig a trench with a spoon, they have grown from a single page, when I started practicing law, to *nine* pages. Two pages should be the max. For example, Section 4(2), page 1, could shorten subsections (a) through (i) by eliminating the phrase "The right to." Section 4(3), "I understand that there will not be a further trial of any kind and I waive or give up my right to a trial" should be deleted. How? Make Section 4(2) (b) read: "Trial, by jury or otherwise."

But this would actually *make sense* . . . .

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**New Minimum Costs in  
Misdemeanor, DUI & BUI Cases**

- \$210 Misdemeanor
- \$225 Criminal Traffic,  
Alcohol/Drugs
- \$562 DOMV, Assault, Battery &  
Stalking
- \$311 Crimes against Minors
- \$710 Prostitution
- \$637.50-900 1<sup>st</sup> DUI/BUI under .20
- \$900-1425 1<sup>st</sup> DUI/BUI above .20
- \$900-1425 2<sup>nd</sup> DUI/BUI under .20
- \$1425-3000 3<sup>rd</sup> DUI/BUI under .20
- \$2475-5625 3<sup>rd</sup> DUI/BUI above .20
- \$1590-5790 4<sup>th</sup> or subsequent  
conviction

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