

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC23-1204

v.

The Florida Bar File
No. 2021-30,425 (7A)

MICHAEL M. STOVER,
Respondent.

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On August 24, 2023, The Florida Bar filed its Complaint against respondent in these proceedings. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. **FINDINGS OF FACT**

A. **Jurisdictional Statement.** Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar,

subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case. The Florida Department of Law Enforcement (FDLE) Tri-County Narcotics Task Force (SAFO) received information of possible illegal narcotics being exchanged for legal services by a licensed private attorney operating within the St. Johns and Putnam County area. In January of 2021, law enforcement equipped a confidential source with an audio/video recording device. The confidential source then met with respondent to discuss respondent's representation of the confidential source in a criminal matter.

During the January 6, 2021 meeting, the confidential source informed respondent that he makes money selling drugs and can get any type of drugs. Respondent and the confidential source exchanged communications between January 6, 2021 and January 14, 2021, that resulted in a meeting at the Flying J Travel Center in St. Johns County in the afternoon of January 14, 2021.

At approximately 1:00 p.m. on January 14, 2021, respondent arrived at the Flying J Travel Center and accepted sixty Adderall pills from the confidential source. The confidential source confirmed that the pills would be worth \$5.00 each towards respondent's fee for representation and that

he would bring respondent the remaining amount due. After the confidential source exited the respondent's vehicle, law enforcement arrested respondent for the purchase of a controlled substance, a third-degree felony. Following the respondent's arrest, respondent voluntarily ceased practicing law with the exception of several pro bono cases.

On March 23, 2021, the Office of the State Attorney in the Seventh Judicial Circuit, filed a one count Information charging respondent with violating Florida Statute 893.13(2)(a)(2), a third degree felony, by purchasing or possessing with intent to purchase a controlled substance under Florida Statute 893.03.

In or around September 2021, respondent entered into a Pretrial Intervention Contract with the State. The agreement deferred prosecution of the offense for a period of 24 months with the requirement that respondent comply with all conditions and successfully complete all of the terms of the contract. Respondent was required to pay the court costs and the costs of prosecution; comply with the terms of his Florida Lawyers Assistance, Inc. contract; continue treatment for anger management, substance abuse, and mental health issues; and abstain from illegal drugs and alcohol.

On March 8, 2023, the State Attorney's Office filed a Notice of Completion of Pre-Trial Intervention Agreement and a Nolle Prosequi, dismissing the criminal charges based on respondent's successful completion of the Pretrial Intervention Contract.

III. RECOMMENDATIONS AS TO GUILT

I recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar: 3-4.3 (Misconduct and Minor Misconduct); and, 4-8.4(b) (Misconduct).

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

5.1 Failure to Maintain Personal Integrity

(b) Suspension is appropriate when a lawyer knowingly engages in criminal conduct which is not included elsewhere in this subdivision or other conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

3.3(b) Mitigating Factors

- (1) absence of a prior disciplinary record;
- (3) personal or emotional problems;
- (5) full and free disclosure to the bar or cooperative attitude toward proceedings;
- (8) physical or mental disability or impairment or substance-related disorder;
- (10) interim rehabilitation;
- (11) imposition of other penalties or sanctions; and
- (12) remorse.

3.2(b) Aggravating Factors

None.

V. CASE LAW

I considered the following case law prior to recommending discipline:

In The Florida Bar v. Martinez, 2021 WL 5370068 (Fla. Nov. 18, 2021) (Unpublished Disposition), pursuant to a consent judgment, Martinez received a public reprimand and a two-year period of probation with FLA, Inc. Martinez was arrested after a traffic stop and charged with possession of cocaine, license suspended without knowledge, speeding, possession of cannabis and possession of drug paraphernalia. The State later dropped the possession of cannabis and possession of drug paraphernalia counts. Martinez was accepted into the Pretrial Intervention program. After

Martinez successfully completed the Pretrial Intervention program, all remaining charges were dropped. Martinez had no prior discipline.

In The Florida Bar v. Gammons, 2020 WL 4371327 (Fla. July 30, 2020) (Unpublished Disposition), pursuant to a consent judgment, Gammons was suspended from the practice of law for 30 days followed by probation to FLA, Inc. not to exceed five 5 years. Gammons entered a plea of no contest to Possession of Cocaine, Possession of 20 Grams or Less of Cannabis and Possession of Drug Paraphernalia. Gammons successfully completed the Orange County Veteran's Court Program and the State Attorney's Office announced a nolle prosequi of Gammon's criminal charges.

In The Florida Bar v. Annunziato, SC19-1230 (2019), the Supreme Court approved a stipulation as to probable cause, unconditional guilty plea and consent judgment for a 30-day suspension from the practice of law, probation for the length of his Florida Lawyer Assistance, Inc. contract, and payment of the bar's discipline costs. Annunziato was charged with possession of a controlled substance after attempting to purchase \$20.00 worth of heroin from an undercover officer. Annunziato was accepted into drug court and upon successful completion of the program his criminal charge will be dismissed.

In The Florida Bar v. Kuhec, SC15-1420 (2015), the Supreme Court approved an unconditional guilty plea and consent judgment for a 30-day suspension from the practice of law and probation to include a Florida Lawyer Assistance, Inc. contract, not to exceed three years. Kuhec was charged with possession of cocaine, possession of controlled substances and possession of drug paraphernalia. Kuhec was accepted into the drug court program and if successful, his criminal charges would be dismissed.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

- A. A sixty (60) day suspension from the practice of law.
- B. Respondent will participate actively in the program offered by Florida Lawyers Assistance, Inc. (FLA, Inc.), by continuing to comply with the rehabilitation contract that he entered into with that organization on April 3, 2021. Respondent shall follow all recommendations by FLA, Inc., and will be placed on probation for three (3) years from the date of the Supreme Court's Order approving this Consent Judgment.
- C. Respondent will pay FLA, Inc. a probation monitoring fee of \$100.00 per month directly to FLA, Inc. The Florida Bar will monitor

respondent's compliance with his FLA, Inc. rehabilitation contract, including nonpayment of his monthly monitoring fees. Should respondent fail to pay FLA, Inc., his failure to pay will be reported to The Florida Bar and the bar will follow up, with regards to respondent's noncompliance, up to and including holding respondent in contempt for failure to pay his monthly monitoring fees.

D. Payment of the bar's disciplinary costs.

E. During the period of suspension, respondent will eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of respondent, to wit:

Age: 35

Date admitted to the Bar: April 17, 2015

Prior Discipline: None.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida

Bar:

Investigative Costs	\$45.66
Administrative Fee	\$1,250.00
Court Reporters' Fees	\$65.00

TOTAL	\$1,360.66
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It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 7th day of November 2023.



Meredith Charbula, Referee

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927

Conformed Copies by email to:

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