

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

GABRIEL F.V. WARREN,

Respondent.

Supreme Court Case
No. SC2024-1206

The Florida Bar File
No. 2024-00,378 (2A)

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

The undersigned was duly appointed as referee to conduct disciplinary proceedings herein under Rule 3-7.6, Rules of Discipline, and the following proceedings occurred:

On August 19, 2024, The Florida Bar filed a *Notice of Determination or Judgment of Guilt* in this proceeding. A violation of Rule 4-8.4(b) of the Rules Regulating the Florida Bar is alleged in the aforementioned Notice. By order dated August 19, 2024, the Supreme Court suspended Respondent from the practice of law. The Court's order gave Respondent thirty (30) days to cease the practice of law and wind down all pending matters.

The Supreme Court of Florida entered an order on August 19, 2024, designating the Chief Judge of the Third Judicial Circuit of Florida to appoint a referee in this case. The Honorable Melissa G. Olin appointed the undersigned to serve as the referee.

A sanction hearing was held in this matter on February 13, 2025. The Florida Bar was represented by Lance DeWolf Stephens, Esq. and the Respondent was represented by Richard A. Greenberg, Esq.

The Respondent was the only fact witness to testify. The Respondent called thirteen (13) character and reputation witnesses. The Florida Bar's Exhibits B, C, and D, were received as evidence. Respondent entered no exhibits.

All of the 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.

On June 20, 2024, Mr. Warren was charged in a single-count *Information* in the case of *State of Florida v. Gabriel Francisco Warren*, Second Judicial Circuit case no. 24-CF-710, with unlawful use of a two-way communication device to facilitate or further the commission of a felony. (Bar's Exhibit B). The *Information* did not identify any specific felony and simply provides, "the commission of any felony, contrary to Section 934.215, Florida Statutes." No additional evidence concerning the underlying criminal charge(s) was introduced.

The same date the *Information* was filed Mr. Warren entered a plea of no contest to the single charge in the *Information*. (Bar's Exhibit C). The disposition agreed upon with the State Attorney's Office was adjudication of guilt withheld, fifteen (15) days in jail with credit for two (2) days, forty-eight (48) months of circuit probation, no contact with victim, restitution ordered and jurisdiction reserved as to the amount for sixty (60) days. (Bar's Exhibit B). During the sanction hearing, Mr. Warren testified that no restitution was ever ordered in the underlying criminal case as the sixty (60) days reserved for jurisdiction expired.

On October 22, 2024, just four (4) months after being placed on forty-

eight (48) months of probation, Mr. Warren filed an unopposed motion to convert supervision to administrative non-reporting probation. The Circuit Court entered an order granting this motion on October 25, 2024. (Bar's Exhibit D).

Mr. Warren promptly reported to The Florida Bar that he had been charged in the case. He also promptly reported the disposition of the case to The Florida Bar.

On February 13, 2025, the sanction hearing was held. At the start of the sanction hearing, the Respondent's counsel made an ore tenus motion that this matter be consolidated with SC24-1208 (The Florida Bar File No. 2024-00,379(2A), The Florida Bar v. Sarah Savannah Warren), for the efficiency of the two (2) sanction hearings. Bar counsel agreed on the condition that the rule of sequestration be applied to each Respondent while the other was testifying. The Respondents waived their respective rights to be present during the co-Respondent's testimony on the record, and the motion was granted.

At the sanction hearing, The Florida Bar submitted into evidence one composite notebook containing its Exhibits B, C, and D. There was no Exhibit A. Mr. Warren did not submit any exhibits into evidence.

During the sanction hearing, The Florida Bar called Mr. Warren as a witness. The primary focus of Mr. Warren's testimony was that he voluntarily entered a plea of no contest to the one count charged in Bar's Exhibit B; adjudication of guilt was withheld; he was placed on forty-eight (48) months of probation, with fifteen (15) days in jail with credit for time served; his probation was converted to administrative probation after less than four months; his criminal defense attorney stipulated to a factual basis for the plea, and there has been no attempt to appeal or otherwise collaterally attack his plea.

During Respondent's case, Mr. Warren presented testimony from the following witnesses, including his own testimony:

Elizabeth Ellis (a member of The Florida Bar); Magdalena (Magie) Ozarowski (a member of The Florida Bar); Stephen Ecenia (a member of The Florida Bar); William D. (Will) Hall, III (a member of The Florida Bar); Amanda Hessein (a member of The Florida Bar); Ashley Spicola (a non-lawyer lobbyist); Alexandra (Alex) Snyder (a non-lawyer Licensed Clinical Social Worker); Russ Myles (a member of the Alabama State Bar and former client of Mr. Warren); William (Will) Spicola (a member of The Florida Bar); Steve Menton (a member of The Florida Bar); and Lane McCormick (a non-

lawyer law firm administrator).

Elizabeth Ellis has been a member of The Florida Bar since September 2012. (Tr., p. 45). She has known Mr. Warren for over ten (10) years. He was a groomsman at her wedding. (Tr., p.46).

During her legal career, Mrs. Ellis served as an assistant state attorney for the State Attorney's Office for the Second Judicial Circuit of Florida, the same office that prosecuted Mr. Warren in the underlying criminal case. She currently serves on The Florida Bar's Standing Committee on Professionalism ("SCOP"), is President-elect of the Tallahassee Bar Association, serves on the board of the Tallahassee Women Lawyers, and has been actively involved in other state and local bar activities, including the William Stafford Chapter of the Inn of Court in Tallahassee. (Tr., pp. 45-46).

Mrs. Ellis testified that although she has not had any legal matters directly with Mr. Warren, she knows he has "an extremely stellar reputation in the legal community." (Tr., p. 48). She referred one client to Mr. Warren and the client was "extremely over-the-moon pleased" with the advice and representation received from Mr. Warren. Mr. Warren performed all of the work pro bono. (Tr., p. 46). Mrs. Ellis made it clear that Mr. Warren is honest, trustworthy, and ethical. She, along with every other witness, had nothing

negative to say about Mr. Warren. She also stated that the charge Mr. Warren pled no contest to is “entirely inconsistent with the [person] I have known for over a decade.” (Tr., p. 54).

In addition to testifying about Mr. Warren’s reputation as an attorney, Mrs. Ellis testified about both her personal opinion of his character and his reputation in the local community. Mrs. Ellis and her husband are members of a small social group which includes Mr. Warren and his wife. This group meets on a regular basis in each other’s homes and other social gatherings. According to Mrs. Ellis, Mr. Warren has a stellar reputation in this social group and in the community at large. (Tr., p. 50).

Magie Ozarowski has been a member of The Florida Bar since December 2012. She is also a member of the California Bar. After working for various state agencies as a litigator she joined the Ausley McMullen law firm as of counsel. (Tr., p. 56). She is a past vice-chair of the Bar’s SCOP and a past-president of the Tallahassee Women Lawyers. Ms. Ozarowski currently serves on the executive committee of the Stafford Inn of Court. (Tr., p. 57).

Ms. Ozarowski has been friends with Mr. Warren for over ten (10) years. According to Ms. Ozarowski, Mr. Warren has a reputation as a

very competent attorney. She has never heard anyone question his honesty or legal ethics. (Tr., p. 58).

Ms. Ozarowski is also a member of the close-knit social group mentioned by Ms. Ellis. She confirmed that Mr. Warren enjoys an excellent reputation in that community. As she stated, knowing the type of person she is if Mr. Warren wasn't an honest, trustworthy person with good character she would not be friends with him. (Tr., p. 60).

During her testimony, Ms. Ozarowski made a comment that resonated with the undersigned and which was echoed in sentiment by every other witness: I do not believe that people should "be judged solely on the worst day of their life." (Tr., p 61).

Stephen Ecenia has been a member of The Florida Bar for over forty-three (43) years and has been board certified in State and Federal Government and Administrative Practice since 2007. Mr. Ecenia hired Mr. Warren as an associate in his law firm (Rutledge Ecenia) shortly after Mr. Warren graduated from law school and served as his supervisor and mentor. In this role, Mr. Ecenia gained a great deal of insight into Mr. Warren's character and ethics. Eventually, Mr. Warren was made a partner in Mr. Ecenia's law firm. (Tr., pp. 85-86).

According to Mr. Ecenia, Mr. Warren is “a great lawyer, very well respected and admired by the clients.” (Tr., p. 87). In regard to Mr. Warren’s reputation for legal ethics, Mr. Ecenia testified it was never questioned by anyone in his firm or outside the firm. (Tr., p. 87).

Mr. Ecenia and Mr. Warren worked directly together on many cases and trials. This included out-of-town trips where they spent hours together. Mr. Ecenia had nothing negative to say about Mr. Warren and holds him in the highest regard.

Will Hall has known Mr. Warren since high school. Although they were not close friends at that time they have become closer over the years. (Tr., p. 95). Like Mrs. Ellis, Mr. Hall previously served as an assistant state attorney for the State Attorney’s Office for the Second Judicial Circuit of Florida. He then went to the Department of Business and Professional Regulation where he served as the chief attorney for the Division of Pari-mutual Wagering. (Tr., p. 93). Mr. Hall previously served on a Florida Bar grievance committee and has been board certified in State and Federal Government and Administrative Practice since 2023. (Tr., p. 94).

Mr. Hall attended Mr. Warren’s wedding and is a member of their close-knit social group. Mr. Hall and Mr. Warren have referred cases to each other

in the past and have worked together on a few matters. (Tr., p. 95).

According to Mr. Hall, Mr. Warren is extremely knowledgeable and skilled in his areas of practice. Mr. Warren has a reputation in the legal community “as someone who knew what he was doing, was smart, could be trusted”. (Tr., p. 96).

Mr. Hall and his family have a very close personal relationship with Mr. Warren and his family. They have taken trips to the coast together and their children play together. (Tr., pp. 96-97). According to Mr. Hall, he’s never heard a bad word about Mr. Warren. (Tr., p. 98).

During cross-examination by counsel for The Florida Bar, Mr. Hall was asked how he reconciled his assessment of Mr. Warren’s character with the fact Mr. Warren entered a no contest plea to a felony. Mr. Hall’s response was consistent with that of other character witnesses for Mr. Warren: “At some point, if you know people and you trust people, I think you have to believe that you know their character, you know their hearts, and what they – and you have to kind of go from that.” (Tr., p. 101).

Amanda Hessein has been a member of The Florida Bar since 2017. Mr. Warren was her mentor and direct supervisor at the Rutledge Ecenia law firm. As Ms. Hessein testified, Mr. Warren taught her everything she knows

about practicing law.

It is fair to say that Ms. Hessein is an unabashed fan of Mr. Warren's. When asked if she understood why the Bar was bringing this proceeding against Mr. Warren, she replied "I don't think we should be here." (Tr., p. 107).

Ms. Hessein's bias in favor of Mr. Warren reduced her credibility. Nevertheless, her opinion of his character and reputation is consistent with all the other evidence presented at the sanction hearing.

Ashley Spicola is a managing partner for a lobbying firm in Tallahassee. Prior to becoming a lobbyist she worked for Governor Crist's administration in the Lieutenant Governor's office and then worked for Governor Scott in his education policy unit. (Tr., p. 112).

Mrs. Spicola met Mr. Warren approximately ten (10) years ago and she and her husband, William Spicola, are good friends with Mr. Warren and his wife. She and Mr. Warren have worked on opposite sides of issues. Tr., p. 113).

According to Mrs. Spicola, Mr. Warren has an excellent legal reputation. As she put it, she "hated being on the opposite side of him. He really understood the issues well, and I always like to be on the opposite side

of someone that doesn't know it as well. But I liked it when we were on the same side of the issue." (Tr., p. 114).

When asked if the public would be deprived of the services of a competent and ethical attorney if Mr. Warren were not allowed to practice law, Mrs. Spicola said "I think we're all deprived that [he is] not able to practice law for the last year. I think this is a really unfortunate miscarriage of what's happened here." (Tr., pp. 116-17).

Alexandra Snyder was also a nonlawyer character witness for Mr. Warren. Ms. Snyder is a licensed clinical social worker in the State of Florida. (Tr., p. 120). Ms. Snyder has known Mr. Warren for almost ten (10) years. She met him through the person she is dating, Adam Komisar. Mr. Komisar is an attorney. (Tr., pp. 121-22).

Through her social interactions with Mr. Warren, Ms. Snyder has developed an opinion about his character. She described him as "an outstanding person to – to have in your – in your court. He's very generous with his relationships and friendships". (Tr., p. 123).

Russ Myles, a member of the Alabama State Bar, testified on behalf of Mr. Warren. After practicing law in private practice for over thirty (30) years he became the general counsel for Blake Senior Living and QSL

Management. (Tr., p. 129).

Mr. Myles met Mr. Warren when he was referred to the Rutledge Ecenia firm in approximately 2021 for help with some of his company's senior living communities. Eventually, Mr. Warren became the principal partner working on all their matters. (Tr., p. 130).

Mr. Myles described how over the years he was trained by very good lawyers and has trained lawyers. He described Mr. Warren as "the kind of lawyer that I liked working with. He was sort of no- nonsense, got straight to the point, was helpful, a self-starter." (Tr.,p. 131). As a client, Mr. Myles was very impressed with Mr. Warren's commitment to his company. (Tr., p. 132).

William Spicola has been a member of The Florida Bar for over fifteen (15) years. He's currently a member of the Bar's SCOP and previously served on the Judicial Nominating Procedures Committee. (Tr., p. 135).

Prior to entering the private practice of law in Tallahassee, Mr. Spicola served as an assistant state attorney in the Second Judicial Circuit. He then became a senior attorney at the Office of Insurance Regulation. From there Mr. Spicola went to the Department of Business and Professional Regulation where he served as the chief attorney for the Division of Pari-mutuel Wagering. He was then the division director for the Division of Alcoholic

Beverages and Tobacco and then became the General Counsel of the Department of Business and Professional Regulation. Following this position, he became General Counsel for then Governor Rick Scott and then served as the General Counsel for the Constitution Revision Commission. (Tr., p. 136).

Mr. Spicola and his wife, Ashley Spicola, met Mr. Warren and his wife through mutual friends. He has also worked on a couple of legal matters with Mr. Warren. (Tr., p. 137).

Based upon these interactions, Mr. Spicola described Mr. Warren as an excellent lawyer. “He’s always been helpful, professional and knowledgeable”. He also testified that Mr. Warren has an excellent reputation in the legal community. (Tr., p. 138).

Mr. Spicola made it clear that nothing about the fact that Mr. Warren entered a plea of no contest to the felony offense of unlawful use of a two-way communication device changes his opinion about Mr. Warren’s character. He also offered his “hope is that the powers that be can recognize what happened and the kind of character these individuals have.” (Tr., p. 141).

Steve Menton has been a member of The Florida Bar since 1981. (Tr., p. 143). He previously served as an Administrative Law Judge (ALJ) at the

Division of Administrative Hearings for eight (8) years. He has been at the Rutledge Ecenia firm since leaving his position as an ALJ. (Tr., p. 144).

Mr. Menton worked extensively and closely with Mr. Warren at the Rutledge Ecenia law firm. They tried cases together and traveled the state together. In one instance, they spent five (5) weeks together in an Airbnb while trying a case in Fort Lauderdale. (Tr., p. 145).

In Mr. Menton's opinion, Mr. Warren is a lawyer of great skill and integrity who always takes the proper professional course in all actions. (Tr., p. 146). He was respected at the Rutledge Ecenia firm and by clients. Mr. Menton also testified Mr. Warren is respected in the legal community. (Tr., p. 147).

Lane McCormick, the firm administrator at the Rutledge Ecenia firm, was the final character witness for Mr. Warren. He has known Mr. Warren for fifteen (15) years. During most of the years Mr. Warren was at the firm his office was either directly across from or right next to Mr. McCormick's. (Tr., p. 152).

In Mr. McCormick's opinion, Mr. Warren "has a very high character" and is "very well respected in his practice." (Tr., p. 153). Mr. McCormick has continued to see Mr. Warren frequently since Mr. Warren's suspension from

the practice of law. When asked if his no contest plea to a felony affected his opinion of Mr. Warren, Mr. McCormick said “I can tell you without hesitation that if I had any concerns about Gabe’s character or integrity I would not be sitting here today in this courtroom.” (Tr., p. 154).

Gabriel Warren (Respondent), testified on his own behalf. He testified how he and his wife have supported a number of charitable organizations, including America’s Second Harvest of the Big Bend, Legal Services of North Florida, Legal Aid Foundation of Tallahassee, Refuge House, Young Actor’s Theater, Tall Timbers Foundation, and Kate Sullivan Elementary School. (Tr., p. 166).

As a result of his suspension from The Florida Bar, Mr. Warren lost his position as a partner at Rutledge Ecenia. Since then he has been unemployed. (Tr., pp. 166-67).

Mr. Warren described how his arrest and prosecution impacted his life. He stated it was “destructive professionally, as well as personally, and [he and his wife] are currently trying to rebuild and put [their] life back together”. (Tr., p. 168).

III. RECOMMENDATIONS AS TO GUILT

Under Rules Regulating The Florida Bar 3-7.2(b) I find the *Judgment*

and Sentence entered in *State of Florida v. Gabriel Francisco Warren*, attached to the Bar's *Notice of Determination or Judgment of Guilt* in these proceedings, as well as by Exhibit B at the sanction hearing, to be conclusive proof of the criminal offense charged. Based on the foregoing, I recommend the Respondent be found guilty of violating the following provision of the Rules Regulating The Florida Bar:

4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects).

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

The undersigned considered the following Standards prior to recommending discipline:

1.1 STANDARDS FOR IMPOSING LAWYER SANCTIONS

Before recommending the appropriate discipline a referee shall consider each of these questions:

- (a) duties violated;
- (b) the lawyer's mental state;
- (c) the potential or actual injury caused by the lawyer's misconduct;

(d) the existence of aggravating or mitigating circumstances.

1.3 PURPOSE AND NATURE OF SANCTIONS

...

(c) The purpose of the Standards is to “promote: (1) consideration of all factors relevant to imposing the appropriate level of sanctions in an individual case; (2) consideration of the appropriate weight of these factors in light of the stated goals of lawyer discipline; and (3) consistency in the imposition of disciplinary sanctions for the same or similar offenses.”

The Comment to Standard 1.3 provides that the “sanctions imposed must reflect the circumstances of each individual lawyer, and therefore provide for consideration of aggravating and mitigating circumstances in each case.”

3.2(b) AGGRAVATING FACTORS

No aggravating factors were found. The Florida Bar requested the undersigned consider substantial experience in the practice of law (Standard 3.2(b)(9)) as an aggravating factor in this matter. The underlying criminal charge filed against Mr. Warren was not related to the practice of law. Mr.

Warren's experience in the practice of law is simply a non-factor in this case.

3.3(b) MITIGATING FACTORS:

- (1) absence of a prior disciplinary record;
- (2) absence of a dishonest or selfish motive;
- ...
- (5) full and free disclosure to the bar or cooperative attitude toward the proceedings;
- ...
- (7) character or reputation;
- ...
- (11) imposition of other penalties or sanctions; and
- (12) remorse.

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.

The mitigating evidence submitted by Mr. Warren is compelling. It is undisputed that he has never been disciplined by this Court. The underlying charge is not related in any way to the practice of law. There is nothing about the offense charged which shows a selfish or dishonest motive.

Mr. Warren provided full and free disclosure to the Bar. He promptly reported that he had been criminally charged and promptly reported the disposition of his case.

At the sanction hearing, Mr. Warren testified in both the Bar's case and in his own case. It is clear Mr. Warren was truthful. The majority of the Respondent's witnesses testified that Mr. Warren is truthful and honest.

The underlying criminal case had a devastating impact on his personal and professional life. He is currently unemployed and is focused on his marriage, his young daughter, and the many friends and associates who have stood by him.

V. CASE LAW

The undersigned considered the following case law prior to recommending discipline:

***The Florida Bar v. Ellzey*, Case No. SC20-173, TFB File No. 2019-10,081 (6D) (2020 WL 857392) (February 20, 2020).** Ellzey was arrested for DUI and refusal to submit to testing. He was charged with felony driving under the influence of alcohol, his third offense within ten (10) years. He subsequently pled guilty to misdemeanor DUI and misdemeanor refusal to submit to testing. He was adjudicated guilty of both charges and placed on one (1) year of probation. Ellzey successfully completed the terms of his criminal probation.

Disposition: Public reprimand with three (3) years of probation.

***The Florida Bar v. Roberts*, Case No. SC20-142, TFB File No. 2018-00,187 (4C) (2020 WL 2204804) (May 7, 2020).** In 2012, Roberts was arrested for alleged exposure of sexual organs. As a result of that arrest, Roberts entered into a deferred prosecution agreement. He successfully completed the deferred prosecution and the arrest record was expunged. Two (2) years later, following a domestic battery call at his address, he attended an anger management course. Later in 2014, he was charged with domestic violence/battery against his then wife and pled guilty to simple battery. Roberts was required to attend anger management classes and in the Bar's

case was diverted to Florida Lawyers Assistance, Inc., for evaluation, which found he did not need treatment or follow-up. After Roberts' ex-wife filed a complaint in 2017 relating the above history, Roberts agreed to another evaluation which again found no need for treatment.

Disposition: 45 days suspension.

***The Florida Bar v. Landy*, Case No. SC20-1578, TFB File No. 2019-30,855 (5A) (2020 WL 6606029) (November 12, 2020).**

Landy was arrested for aggravated stalking and extortion. He was previously employed as an assistant state attorney in the Eighteenth Judicial Circuit. Landy was subsequently charged by information with Aggravated Stalking, a third-degree felony, and with Threats or Extortion, a second-degree felony.

Eventually, Landy entered no contest pleas to two amended charges of misdemeanor stalking. The court withheld adjudication, placing Landy on probation for one (1) year as to each count to run consecutive, with early termination permitted after one (1) year upon successful completion of all conditions of probation.

Disposition: Public reprimand with three (3) years of probation.

***The Florida Bar v. Blainey*, Case No. SC19-372, TFB File No. 2017-10,243 (6B) (2020 WL 7694303) (December 28, 2020).**

Blainey was arrested and charged with the third-degree felony of felony battery. The charges arose from an altercation where Blainey was drinking alcohol with a client and friend. The two got into in a physical altercation where Blainey struck his client with his fists and said he would “put a bullet in your mouth”. Subsequently, Blainey was convicted of misdemeanor battery after having willfully failed to comply with the terms of a pretrial intervention agreement. In addition to being intoxicated at the time of the incident, Blainey has a history of DUIs and issues with alcohol. After his arrest, Blainey failed to provide the Bar with updates regarding his criminal case.

Disposition: 91 day suspension and three (3) years of probation.

***The Florida Bar v. Aranguren*, Case No. SC21-468, TFB File No. 2020-30,767 (5A) (CFC) (2021 WL 2375938) (June 10, 2021).**

Aranguren entered pleas of nolo contendere to three felony counts of Grand Theft (Statutory Theft) and two misdemeanor counts involving trespass. The criminal charges were filed in two separate cases in Marion County, Florida. The court withheld adjudication as to all counts and sentenced Aranguren to two (2) years of conditional probation as to the felony counts and to credit for

time served as to the misdemeanor counts.

Disposition: 18 month suspension *nunc pro tunc* to the effective date of his felony suspension.

***The Florida Bar v. Manie*, Case No. SC22-706, TFB File No. 2021-30,486 (5A) (2022 WL 2071006) (June 9, 2022).** Manie

responded to an advertisement posted on an escort website and committed a sexual act with a woman in exchange for money. At that time, Manie, who was thirty (30) years old, believed he was meeting with an escort who was over the age of eighteen (18). The individual was in fact seventeen (17) years and nine (9) months of age. Due to a grant of immunity, Manie was not criminally prosecuted for the offense. As stated in The Florida Bar's complaint, Manie "could have been arrested and charged with a second-degree felony, facing a prison sentence and probably disbarment. And, significantly, for the criminal charge, by statute, it does not matter that [Respondent] did not know the young woman was underaged."

Disposition: Suspended for six months and four (4) years of probation.

***The Florida Bar v. Mangines*, Case No. SC22-1110, TFB File No. 2019-50,731 (15E) FFC (2022 WL 7205502) (October 13, 2022).**

Mangines pled guilty to one count of Patient Brokering, a third degree felony, and was sentenced to 24 months of probation, which included a condition that he could not engage in the practice of law during probation. The Supreme Court suspended Mangines on August 24, 2022, after the Bar filed a Notice of Determination or Judgment of Guilt following his guilty plea. The Court then suspended Mangines for two (2) years, effective *nunc pro tunc* August 24, 2022, after he entered into a consent judgment with the bar.

Disposition: Suspended for two (2) years, *nunc pro tunc* to date of felony suspension.

***The Florida Bar v. Sarbinoff*, Case No. SC22-573, TFB File No. 2017-70,559 (11J) (MFC) (2022 WL 16843469) (November 10, 2022).**

Sarbinoff entered a plea of guilty to two counts of criminal use of personal identification information, one count of unlawful use of a two-way communications device, and 16 counts of offenses against users of computers. Adjudication of guilt was withheld except for one count of criminal use of personal identification information. Sarbinoff is currently on probation in the criminal case.

Disposition: Suspended for three (3) years.

***The Florida Bar v. Moore*, Case No. SC22-1348, TFB File No. 2022-30,702 (7A) (2022 WL 17491266) (December 8, 2022).** In Volusia County Case No. 2020-105768-MMDL, Moore was charged by Information with Battery, a misdemeanor of the first degree, alleged to have occurred on October 15, 2020. On May 24, 2022, Moore pled no contest and received a withhold of adjudication and six months of conditional probation.

Disposition: Public reprimand.

***The Florida Bar v. Smades*, Case No. SC21-1521, TFB File No. 2022-10,170 (6B) (2023 WL 3513876) (May 18, 2023).** In 2013, Smades was arrested on three separate occasions for Driving Under the Influence (DUI) in Pinellas County. In each of these criminal cases, Smades was adjudicated guilty for first-degree misdemeanor offenses. In 2019, Smades was arrested on two separate occasions for DUI and Refusal to Submit to Testing in Pinellas County. She was adjudicated guilty for a third-degree felony offense in each of the 2019 criminal cases. Smades failed to inform The Florida Bar of any of the arrests or convictions. She argued that at the time of arrest she was suffering from Auto Brewery Syndrome. The referee found that Respondent did not suffer from Auto Brewery Syndrome, but

rather alcohol use disorder.

Disposition: Suspended for three (3) years, *nunc pro tunc* to date of felony suspension.

***The Florida Bar v. Nordt*, Case No. SC2022-0789, TFB File No. 2021-50,567 (17G) (2023 WL 4636833) (July 20, 2023).** Nordt entered a plea of nolo contendere to leaving the scene of a crash with personal injuries, a third-degree felony, and Driving Under the Influence (DUI) causing property damage/personal injury, a misdemeanor.

Disposition: Suspended for three (3) years, effective immediately following a July 20, 2023 court order.

***The Florida Bar v. Sorce*, Case No. SC23-1100, TFB File No. 2022-70,220 (11C) (MFC) (2023 WL 7030435) (October 26, 2023).**

Sorce pled no contest to charges of felony reckless driving with serious bodily injury, possession of cocaine, and two counts of misdemeanor DUI. Adjudication was withheld as to the felony charges, and Sorce was sentenced to five (5) years of probation.

Disposition: Suspended for two (2) years (*nunc pro tunc* August 7, 2023 (date of felony suspension)).

***The Florida Bar v. Stover*, Case No. SC23-1204, TFB File No. 2021-30,425 (7A) (2023 WL 8110943 (November 22, 2023)).**

Stover was caught in an undercover drug sting asking for, and receiving, a controlled substance (60 Adderall tablets) in exchange for providing legal services to a potential criminal client. He was allowed by the State Attorney's Office to enter into a diversion program, which he successfully completed.

Disposition: Suspended for 60 days.

***The Florida Bar v. Heimendinger*, Case No. SC2023-1224, TFB File No. 2023-30,362 (9C) (CFC) (2023 WL 8824680) (December 21, 2023).**

Heimendinger entered a plea of no contest to Aggravated Assault and Carrying Concealed Firearm, both third degree felonies, and Improper Exhibition of a Dangerous Weapon and Battery, both first degree misdemeanors. The trial court sentenced Heimendinger on the two felony counts to five (5) years of probation and on the misdemeanor counts to two days of imprisonment with credit for two days' time served.

Disposition: Suspended for two (2) years.

***The Florida Bar v. Mosley*, Case No. SC2024-0094, TFB File Nos. 2023-30,223 (19A) and 2023-30,727 (19A) (2024 WL 370153) (February 1, 2024).** Mosley pled nolo contendere to Reckless Driving (reduced from DUI First Offense). The court withheld adjudication and placed Mosley on probation for 364 days and fined him \$1,551. Mosley successfully completed all conditions of his probation, which was then terminated. Subsequently, Mosley was arrested and charged again with Driving Under the Influence with Property Damage, a first-degree misdemeanor, Refusal to Submit to DUI Test After License Suspension, a first-degree misdemeanor, and Violation of Driver's License Restrictions, a second-degree misdemeanor. Mosley pled nolo contendere to all of these charges. He was adjudicated guilty on the three counts, and the state dismissed the remaining counts. Mosley was sentenced to a total of 30 days in jail, with credit for time served in the rehabilitation program he completed, and was placed on probation for 364 days with special conditions.

Disposition: ten (10) day suspension and three (3) years of probation.

***The Florida Bar v. Gillette*, Case No. SC2023-1491, TFB File No. 2024-10,143 (6B) (2024 WL 1211802) (March 21, 2024).** Gillette pled guilty to Grand Theft Motor Vehicle, a third-degree felony; Trespass in Unoccupied Structure, a second-degree misdemeanor; and Possession of Drug Paraphernalia, a first-degree misdemeanor. Gillette subsequently pled guilty to Possession of a Controlled Substance Without Prescription, a third-degree felony; Burglary of an Unoccupied Conveyance, a third-degree felony; and Petit Theft, a second-degree misdemeanor. In a third case, Gillette pled guilty to Possession of a Controlled Substance Without Prescription, a third-degree felony. Gillette failed to notify the Bar of these arrests, charges, and convictions.

Disposition: Suspended for two (2) years.

***The Florida Bar v. Feinberg*, Case No. SC2024-0505, TFB File No. 2020-50,402 (17A), 384 So. 3d 741 (Mem.), Fla. 2024.** In November 2019, Feinberg was charged with felony aggravated assault with a deadly weapon following a road rage incident, which he self-reported to the Bar. In June 2022, Feinberg pled to the first-degree misdemeanor of improper exhibition of a weapon. He was sentenced to twelve months of probation, subject to early termination upon completion of a firearms safety course.

Disposition: Public reprimand.

***The Florida Bar v. Dudley*, Case No. SC2023-1306, TFB File No. 2023-30,464 (09B) (CFC) (2024 WL 4165322) (September 12, 2024).**

Dudley was arrested after he entered the victim's backyard and then attempted to gain entry to the residence. Dudley "was under the influence of alcohol and intoxicated to a point [that] he did not know where he was or apparently what he was doing." He entered a plea of nolo contendere to the charges of Attempted Burglary of an Occupied Dwelling, a third-degree felony, and Criminal Mischief (above \$200.00 but below \$1,000.00), a first-degree misdemeanor. The court withheld adjudication of guilt as to all counts and sentenced Respondent to two (2) years of conditional probation as to the felony count and to credit for time served as to the misdemeanor count.

Disposition: Suspended for ninety (90) days and three (3) years of probation.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

After consideration of all the evidence introduced during the sanction hearing, the case law presented, and the Standards, the undersigned

recommends the Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

A. 60-day suspension from the practice of law effective the date the Florida Supreme Court approves the recommendation (not retroactive to the date of the felony suspension).

B. Payment of the costs in these proceedings and itemized below.

C. During his suspension, the Respondent shall 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.

The case law cited above shows a wide range of sanctions for lawyers guilty of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects. These sanctions run from a public reprimand to a three (3) year suspension.

In many of the cases considered, the Respondent attorney was charged with multiple rule violations, had more than one criminal charge, or had prior discipline. None of these factors apply to Mr. Warren.

It is clear the criminal charge to which Mr. Warren entered a plea of no contest did not reflect on his honesty or trustworthiness as an attorney. It is

also clear the criminal charge was not related to the practice of law.

The testimony of Mr. Warren's character witnesses was very impressive. These individuals, many of whom are members of The Florida Bar, came into a public proceeding to testify on behalf of Mr. Warren without fear of someone from the public following up on a blog or some other social media platform with negative comments about them. They put their reputations at risk for Mr. Warren.

It was only after carefully weighing all of the evidence, including an appraisal of the credibility of the witnesses, that the recommendation made in this case was reached.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending a 60-day non-rehabilitation suspension, the following personal history of the Respondent was considered:

Age: 40

Date admitted to the Bar: September 23, 2010 Prior

Discipline: None

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

The following costs were reasonably incurred by The Florida

Bar:

| | |
|--|------------|
| Administrative Fee | \$1,250.00 |
| Investigative Costs (50% of \$134.70) | \$67.35 |
| Court Reporter's Fees (50% of \$1,464.5) | \$732.25 |
| Referee Costs (50% of \$181.20) | \$90.60 |
| | ----- |
| TOTAL | \$2,140.20 |

It is recommended that the above costs be charged to the Respondent and that interest accrue at the statutory rate. The Respondent will be delinquent thirty (30) days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Dated this _____ day of _____, 2025, or the date set forth in the electronic signature block.

Digitally signed by
Fred L. Koberlein
Date: 2025.03.14
16:41:22 -04'00'
Fred Koberlein, Jr., Referee

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500
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