

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

WILLIAM CATER ELLIOTT,
Respondent.

Supreme Court Case
No.

The Florida Bar File
No. 2019-00,098(1A)NFC

NOTICE OF DETERMINATION OR JUDGMENT OF GUILT

The Florida Bar, complainant, by and through its undersigned counsel, hereby files this Notice of Determination of or Judgment of Guilt, pursuant to R. Regulating Fla. Bar 3-7.2(f) and says:

1. Respondent is a member of The Florida Bar, admitted on September 11, 1989, and subject to the jurisdiction of the Supreme Court of Florida.
2. Pursuant to R. Regulating Fla. Bar 3-7.2(a)(1), “judgment of guilt” includes only those cases in which the trial court in the criminal proceeding enters an order adjudicating the respondent guilty of the offenses charged.
3. Pursuant to R. Regulating Fla. Bar 3-7.2(a)(2), “determination of guilt” includes, inter alia, “those cases in which the jury has rendered a verdict of guilty of criminal charges”

4. Pursuant to R. Regulating Fla. Bar 3-7.2(a)(3), a “convicted attorney” is one who has either a determination or judgment of guilt entered by the trial court in the criminal proceeding.

5. When an attorney “has been determined to be or adjudicated guilty of a felony,” The Florida Bar must file this pleading with the pertinent documents attached with the Florida Supreme Court. See R. Regulating Fla. Bar 3-7.2(f).

6. “Determination or judgment of guilt of a member of The Florida Bar by a court of competent jurisdiction upon trial of or plea to any crime under the laws of this state . . . is admissible in proceedings under these rules and is conclusive proof of guilt of the criminal offenses charged. . . .” See R. Regulating Fla. Bar 3-7.2(b).

7. On or about May 24, 2018, as a result of a probable cause affidavit by the Office of the State Attorney, First Judicial Circuit, respondent was arrested for a first-degree felony, i.e., Grand Theft of \$100,000 or more.

8. On July 18, 2019, respondent was convicted by a jury of Organized Fraud over \$50,000 pursuant to Section 817.034(4)(a)1 Florida Statutes. See **Exhibit A** attached.

9. On October 29, 2019, respondent was sentenced in State of Florida v. William Cater Elliott, Santa Rosa County, Circuit Court Case No. 18-CF-998,

adjudicated guilty and required to serve a 2-year prison term followed by 8 years probation. See **Exhibit B** attached.

10. Beach Community Bank filed a fraud complaint against respondent alleging that he had deposited a counterfeit U.S. Treasury check for \$287,000.50 into his law firm business account at the Gulf Breeze, Florida branch on January 26, 2018. Shortly thereafter, respondent withdrew a substantial amount of the funds, and the bank was left with a financial loss of \$98,813.33.

11. To date, respondent has failed to notify The Florida Bar of his felony charges or conviction in violation of R. Regulating Fla. Bar 3-7.2(c) and 3-7.2(e).

WHEREFORE, The Florida Bar respectfully requests that this Court enter an Order:

A. Finding respondent guilty of violating R. Regulating The Florida Bar 3-4.3 (Misconduct and Minor Misconduct), 3-4.4(Criminal Misconduct), 3-7.2(c) (Failure to notify the Florida Bar of felony criminal charges), 3-7.2(e) (Failure to notify The Florida Bar of notice of determination or judgment of guilt of all criminal charges), and 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;

B. Suspending respondent pursuant to R. Regulating Fla. Bar 3-7.2(f);

C. Ordering respondent to furnish a copy of the suspension order to all clients, opposing counsel and courts before which he is counsel of record, and all state, federal and administrative bars of which respondent is a member, as required by R. Regulating Fla. Bar 3-5.1(h), and to furnish staff counsel with the requisite affidavit listing all clients, counsel and courts, and bar associations so informed within 30 days after receipt of the Court's order; and

D. Appointing or directing the appointment of a referee to conduct a hearing on sanctions pursuant to R. Regulating Fla. Bar 3-7.2(h).

Respectfully submitted,



Olivia Paiva Klein, Bar Counsel
The Florida Bar
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651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5845
Florida Bar No. 970247
oklein@floridabar.org

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished via the E-filing Portal with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, to Respondent, William Cater Elliott, at law@b-elliott.com, and via certified return receipt mail #7017 1070 0000 4774 3934 at his record bar address of The Elliott Law Group, PA, PO Box 43343, Vestavia, AL 35243-0343 and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, at psavitz@floridabar.org, on this 17th day of December, 2019.



Olivia Paiva Klein, Bar Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Olivia Paiva Klein, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, (850) 561-5845 and oklein@floridabar.org, dlee@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, FL 32399-2300, at psavitz@floridabar.org.

IN THE CIRCUIT COURT FOR SANTA ROSA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CLERK NO.: 2018 CF 0998A

v.

WILLIAM CARTER ELLIOTT,
Defendant.

DONALD C. SPENCER
CLERK OF COURT
001-912-9117
2019 JUL 18 PM 3:41
SANTA ROSA COUNTY FL
FELONY FILED

VERDICT

WE, THE JURY, find as follows, as to the counts charged in the Information:

Guilty of Organized Fraud, as charged in the information

If you find the Defendant Guilty of Organized Fraud, you must also determine if the State has proved beyond a reasonable doubt whether:

The value of the property obtained was \$50,000 or more;

The value of the property obtained was \$20,000 or more but less than \$50,000;

The value of the property obtained was less than 20,000.

Guilty of Theft, a lesser included offense.

If you find the defendant guilty of theft, you must also determine if the State has proved beyond a reasonable doubt whether:

the value of the property taken was \$20,000 or more but less than \$100,000.

the value of the property taken was \$10,000 or more but less than \$20,000.

the value of the property taken was \$5,000 or more but less than \$10,000.

the value of the property taken was \$300 or more but less than \$5,000.

the value of the property taken was \$100 or more but less than \$300.

the value of the property taken was less than \$100.

____ Not Guilty.

SO SAY WE ALL, this 18 day of July, 2019.

Mary Nelson
FOREPERSON

Mary Nelson
PRINTED NAME OF FOREPERSON

**STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE 1ST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY FLORIDA**

STATE OF FLORIDA,
-vs-
WILLIAM CATER ELLIOTT
Defendant.

UCN: 572018CF000998CFAXMX
Case Number: 18000998CFMXAX
OBTS#: 5701132546

Judgment

PROBATION VIOLATOR
 COMMUNITY CONTROL VIOLATOR

RESENTENCE
 RETRIAL

The defendant WILLIAM CATER ELLIOTT being personally before the court represented by BARRY W BEROSSET, the attorney of record and the state represented by THOMAS H WILLIAMS and having been tried and found guilty by jury of the following crime(s):

SEQ #	CNT #	CHARGE	LVL DGR Felony First Degree
1	1	817.034.4a1 ORGANIZED FRAUD (OVER \$50,000)	

- The PROBATION COMMUNITY CONTROL previously ordered in this case is revoked.
 The PRIOR ADJUDICATION OF GUILT IN THIS CASE IS CONFIRMED and no cause having been shown why the defendant should not be adjudicated guilty.

It is ordered that the defendant is hereby Adjudicated Guilty of the above crime(s).

**STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE 1ST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY FLORIDA**

STATE OF FLORIDA,
-vs-
WILLIAM CATER ELLIOTT
Defendant.

UCN: 572018CF000998CFAXMX
Case Number: 18000998CFMXAX.

Sentence
As To Count 1.

The defendant, being personally before this court, accompanied by the defendant's attorney of record, BARRY W BEROSSET, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable)

- and the court having on 10/29/2019 deferred imposition of sentence until this date 10/29/2019
- and the court having previously entered a judgment in this case on _____ now resentsences the defendant
- and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control

It Is The Sentence Of The Court That:

- The Defendant is hereby committed to the custody of the Department of Corrections.
- The defendant pay a fine pursuant to section 775.083, Florida Statutes, plus a 5% surcharge required by section 938.04 Florida Statutes, as indicated on the Fine/Costs/Fee Page.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned:

For a term of 2.000 year(s)
FOLLOWED BY 8 YEARS PROBATION

In the event the defendant is ordered to serve additional split sentences, all incarcerations portions shall be satisfied before the defendant begins service to the supervision terms.

**STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE 1ST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY FLORIDA**

STATE OF FLORIDA,

-vs-

WILLIAM CATER ELLIOTT
Defendant.

UCN: 572018CF000998CFAXMX
Case Number: 18000998CFMXAX
OBTS#: 5701132546

Other Provisions

As To Count 1

It is further ordered that the defendant shall be allowed a total of 3.000 day(s) credit for such time incarcerated before imposition of this sentence.

CREDIT FOR TIME SERVED:

- The Department of Corrections shall apply the original jail time (To be used for Resentencing credit and to compute and apply credit for time served and the and after VOP and VOCC.) gain time awarded pursuant to section 944.275 Florida Statutes. (Pre October 1, 1989)
- The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and unforfeited gain time awarded during prior service of incarceration of the split sentence pursuant to section 948.06 (6) Florida Statutes. (Post October 1, 1989)
- Defendant is allowed credit for _____ days credit county jail served between date of arrest as a violator and date of resentencing. The Department of Corrections shall apply original jail credit awarded and shall compute and apply credit for actual time served in prison and any earned and unforfeited gain time awarded prior service on:

CASE NO:

COUNT

pursuant to section 944.276 Florida Statutes.

State of Florida

v.

WILLIAM CATER ELLIOTT
Defendant

Case Number: **18-CF-998**

DONALD C. SPENCER
CLERK OF COURT &
COMPTROLLER
2019 OCT 29 PM 4: 54
SANTA ROSA COUNTY FL
FELONY FILED

Other Provision, continued:

**Consecutive/Concurrent
As To Other Counts**

It is further ORDERED that the sentence imposed for this count shall run consecutive to concurrent with the sentence set forth in count ___ of this case.

**Consecutive/Concurrent
As To Other Convictions**

It is further ORDERED that the composite term of all sentences imposed for the count(s) specified in this Order shall run consecutive to concurrent with the following:

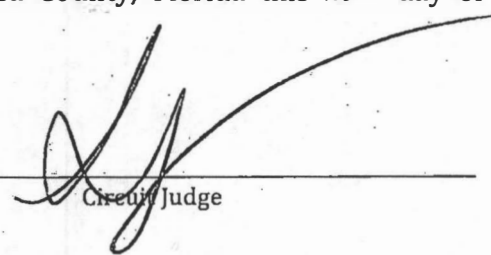
- any active sentence being served.
- specific sentences:

In the event the above sentence is to the Department of Corrections, the Sheriff of Santa Rosa County, Florida, is hereby ORDERED AND DIRECTED to deliver the Defendant to the Department of Corrections at the facility designated by the Department together with a copy of this Judgment and Sentence and any other documents specified by Florida Statute.

The Defendant in open court was advised of the right to appeal from this sentence by filing Notice of Appeal within 30 days from this date with the clerk of this Court, and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends:

DONE AND ORDERED in open court in Milton, Santa Rosa County, Florida this 29TH day of OCTOBER, 2019.



Circuit Judge