

BROOKE ELVINGTON, JD, PHD

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AV-rated attorney with 20 years' professional experience in criminal trial, appellate and post-conviction litigation. Represented clients throughout the State of Florida for offenses ranging from misdemeanors to first-degree murder and federal terrorism.

Former assistant university professor in legal studies and criminal justice. Committed to criminal justice research and policy development. Research interests: mass homicide, homicide, sentence reform, problem-solving courts

EDUCATION

Nova Southeastern University
Fort Lauderdale, FL

PhD, Criminal Justice
2022

Pennsylvania State University
Carlisle, PA

Juris Doctor, *Cum Laude*
2001

Rollins College
Winter Park, FL

BA, International Relations

PROFESSIONAL LEGAL EXPERIENCE

Brooke Elvington, Attorney at Law
Owner

2008-Present

www.FLCriminalAppeals.com

Successfully represented clients throughout the State of Florida in criminal and civil appeals, extraordinary writs and post-conviction matters. Responsible for extensive case analysis, coordinating defense efforts with expert witnesses, development of case strategy, litigating at the trial-level, drafting pleadings, and conducting oral argument.

Trial-level experience from jury selection to verdict in criminal matters involving both misdemeanor and felony offenses. Trial-level experience in family and dependency matters including cases generating international media attention.

Consultant for criminal trial level matters including state and federal capital offenses.

Barack, McLaughlin & Elvington, PA 2007-2008
Partner

Drafted extraordinary writs, trial-level complex motions, and appellate briefs for the District Courts throughout the State of Florida.

Office of the Public Defender 2007
Attorney

Responsible for creating, organizing and operating the Felony Violation of Probation division. Responsible for handling hundreds of felony cases per week. Coordinated case management with multiple entities including the Office of the Public Defender, the State Attorney's Office and the Chief Circuit Judge.

Escobar, Ramirez & Associates 2005-2006
Attorney

Drafted extraordinary writs, trial-level complex motions, and appellate briefs for the District Courts throughout the State of Florida.

United States District Court 2003-2005
Attorney – United States v. Sami Al Arian

Successfully represented co-defendant in the first Patriot Act case tried in the United States during pre-trial and trial-level proceedings. Responsible for reviewing, analyzing and cataloging discovery encompassing a 20-year history involving the governments of the United States and Israel. Developed comprehensive case analysis and trial strategy. Cross-examined key government witnesses, including the lead FBI Agent. Conducted closing arguments.

Office of the Public Defender 2002-2003
Attorney

PROFESSIONAL ACADEMIC EXPERIENCE

Husson University 2017-2019
Bangor, Maine

Assistant Professor in the School of Legal Studies.

Developed and taught ground courses and curriculum in legal studies and criminal justice from both an academic and experiential perspective.

Developed and taught online synchronous and asynchronous courses in the Canvas course platform in legal studies and criminal justice.

Created and supervised Husson's first Moot Court program for legal studies students.
Conducted and supervised two complete mock murder trials from openings to closings.

Areas of Teaching

Criminal Law and Procedure
Constitutional Law
Legal Research & Writing & Advanced Legal Research & Writing
Domestic Violence Law
Evidence
Alternative Dispute Resolution
Post-Conviction Law
Wrongful Convictions
Juvenile Criminal Law

Course Creation

Developed and taught new ground courses.

“Wrongful Convictions”: Course designed for both legal studies and criminal justice students examining the nature of “wrongful convictions” in both state and federal jurisdictions. Students were required to choose an exoneree, conduct a complete legal case analysis, and provide live presentations.

“Art of Criminal Suppression”: Coordinated the course with other faculty members to combine criminal justice students and legal studies students in a single course project. Taught the course from a constitutional perspective regarding challenges to the admissibility of evidence from the perspectives of the 4th, 5th and 14th Amendments. Course culminated with students provided with case/discovery packets, researching and drafting suppression motions and responses, and then litigating the suppression hearing by role playing and using witnesses from other faculty's courses.

Online Course Management

Canvas Learning System

University-Based Service

Husson University, General Education Committee, *Member*

Advisor to Legal Studies and Criminal Justice students

Mentor/Supervisor of Legal Studies student internships

CASE SAMPLING

Federal Murder-for-Hire, Middle District

Worked as a consultant and conducted extensive case analysis on federal death cases and prepared memoranda delivered to the Department of Justice in opposition to a notice of intent to seek capital punishment.

Trafficking, Florida

Successfully obtained case dismissal following a suppression motion regarding police misconduct.

Armed Robbery, Florida

Successfully represented client in reference to a post-conviction claim regarding ineffective assistance of counsel. Client was offered a reduction in sentence.

First-Degree Murder, Florida

Successfully represented client in post-conviction claim regarding newly discovered DNA evidence. Client was offered a time-served disposition in lieu of life in prison.

DUI Manslaughter, Florida

Successfully represented client convicted of DUI manslaughter and obtained a new trial based upon improper admission of photographs of the deceased.

Second-Degree Murder, Florida

Obtained an appellate reversal and a vacated judgment for a client sentenced to life for second-degree murder based upon ineffective assistance of counsel.

Child Abuse, Florida

Successfully negotiated a no-filing decision after conducting extensive case analysis including physician depositions regarding complex medical matters, and presenting memoranda regarding the State's inability to prove offense elements.

Federal Terrorism, Middle District

Successfully represented defendant with 23 not-guilty verdicts following a six-month trial in the Nation's first Patriot Act case following 9-11.

APPELLATE CASE SAMPLING

Mallick v Mallick, 311 So. 3d 243 (Fla. 2d DCA 2020): Affirmed client's favorable trial court judgment regarding parental timesharing/responsibility. Court receded from prior precedent.

JL & JL v State, 207 So. 3d 1028 (Fla. 1st DCA 2017): 1st District Court of Appeal granted extraordinary writ quashing writ of bodily attachment against parent of juvenile offender.

Eveland v. State, 189 So. 3d 990 (Fla. 2d DCA 2016): Prison sentence following revocation of violation of probation reversed where court admitted improper evidence and the State failed to prove willful violation.

L.A.H. v. State, 197 So. 3d 1265 (Fla. 2d DCA 2016): Juvenile adjudication of delinquency for burglary reversed where the State failed to prove that the juvenile intended to commit an offense at the time of entry.

Williams v. State, 182 So. 3d 912 (Fla. 2d DCA 2015): Reversed special conditions of probation where conditions were not related to the conviction.

Gammage v. State, 181 So. 3d 1256 (Fla. 2d DCA 2015): Jury tampering conviction reversed on fundamental error grounds where the jury was provided with improper instruction on attempt.

Rivera v. State, 180 So. 3d 1195 (Fla. 2d DCA 2015): Trial court's exclusion of evidence regarding defendant's lack of criminal record resulted in a vacated judgment where the defendant claimed entrapment as a defense.

Yarn v. State, 106 So. 3d 39 (Fla. 2d DCA 2013): Evidence insufficient for battery of a police dog where defendant did not have knowledge of the dog's presence.

Wilson v. State, 76 So. 3d 1085 (Fla. 2d DCA 2011): Reversal of armed robbery conviction where the Court failed to follow proper procedures regarding the defendant's exercise of his right to self-representation.

Hicks v. State, 41 So. 3d 327 (Fla. 2d DCA 2010): Convictions for vehicular homicide and second-degree murder violated Double Jeopardy Clause. Conviction for second-degree murder reversed where the record demonstrated ineffective assistance of trial counsel.

Seago v. State, 23 So. 3d 1269 (Fla. 2d DCA 2010): Reversal of armed robbery conviction where the trial court violated duty of neutrality in questioning state witnesses during trial.

Vazquez v. State, 14 So. 3d 288 (Fla. 4th DCA 2009): Defendant entitled to an evidentiary hearing on his motion for post-conviction relief based upon claims of ineffective assistance of counsel. Matter successfully resolved on remand.

Conner v. State, 987 So. 2d 130 (Fla. 2d DCA 2007): DUI Manslaughter conviction reversed and remanded for a new trial where the Court admitted into evidence irrelevant and prejudicial photographs of the deceased.

Chouquer v. State, 950 So. 2d 1276 (Fla. 2d DCA 2007): Defendant's claim of ineffective assistance regarding counsel's failure to file a suppression motion required an evidentiary hearing.

Dean v. State, 948 So. 2d 1042 (Fla. 2d DCA 2007): Conviction and sentence following revocation of violation of probation reversed where the State failed to prove that the Defendant willfully and substantially violated probation.

Sierra v. State, 941 So. 2d 566 (Fla. 2d DCA 2006): Conviction and sentence for aggravated battery reversed where the trial court committed fundamental error regarding the self-defense jury instruction.

Flynn v. State, 947 So. 2d 1229 (Fla. 2d DCA 2007): Conviction and sentence for aggravated battery reversed where the trial court committed fundamental error regarding the self-defense jury instruction.

Jones v. State, 939 So. 2d 238 (Fla. 5th DCA 2006): Affirmed post-conviction order denying relief where Defendant was present during plea negotiations and as such counsel could not be ineffective for failure to advise.

United States v. Al Arian, 329 F.Supp. 1294 (M.D. Fla. 2004) (Trial Attorney)

SCHOLARLY WORK

2022- Author and Researcher of a Quantitative Research Study on Florida's Risk Protection Legislation and Mass Homicide Offender Typology in partial fulfillment of Doctor of Philosophy at Nova Southeastern University.

AWARDS & ACTIVITIES

ACUE certificate in effective college instruction Completed semester-long training course	2018
AV Rated Martindale-Hubbell: Appellate Practice	2013-Present
Martindale Hubbell Preeminent Bar of Women Lawyers	2013
Bruce Jacob Inn of Court, Member Appellate Practice	2011-2016
Florida Drug Teen Court, Hearing Master	2003
Law Review, Penn State Law Editor	1999-2001
Book Awards-Penn State University	2001

CALI award of excellence- Penn State 2001
Woolsack Honorary Society – Penn State 2001

PRESENTATIONS

USA v. Al-Arian 2007
Documentary/Political Drama
Provided interview for film

Victim’s Rights and Responsibilities 2015
Restorative Justice
Bruce Jacob Inn of Court

Handling the 5th Amendment & Miranda 2016
Husson University

Trump Takes Aim at 14th Amendment’s Citizen Clause 2018
Fox Bangor
Televised Video Interview

Murder Mock Trial 2019
Husson University

Impact of Brady Disclosures and Prosecutorial Misconduct 2019
YouTube/Podcast

Loss of Custody following Dependency Ruling 2019
Chasing News, NYC
Televised Video Interview

ACTIVE MEMBERSHIPS

Florida Bar Association, Member
American Society of Criminology, Member

REFERENCES

Brian Gonzalez, Esq.
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