

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA

IN RE: THE FORMER MARRIAGE OF:

BRIAN C. BOONE,  
Petitioner,

CASE NO.: 2017-DR-16600-O  
DIV.: 31

and

SARAH K. BOONE,  
Respondent.


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**PETITIONER'S WRITTEN CLOSING ARGUMENT**

Petitioner, Brian C. Boone ("Former Husband"), respectfully submits this closing argument in support of his petition to modify the parenting and support orders, and in opposition to the Respondent's requests, states as follows:

1. The evidence at trial and applicable law overwhelmingly support granting the relief Mr. Boone seeks for the benefit of the parties' minor child.

2. Since the Respondent's ("Former Wife") incarceration in February 2020, Mr. Boone has single-handedly provided a loving, stable home for the child, covering **all** financial, emotional, and logistical needs without any contribution from the Former Wife. In contrast, the Former Wife – now a convicted murderer serving life in prison without parole – has been completely unable to care for or support the child, having had no overnight contact since her arrest in 2020.

3. At trial, the Former Wife stipulated that Mr. Boone could relocate the child to  Florida however, she did not agree to Mr. Boone's proposed parenting plan that provided for sole parental responsibility for Mr. Boone, one monthly visit with the child and the Former Wife, and one weekly phone call between the Former Wife and the minor child.

4. The Former Wife has shown no genuine accountability or remorse for the actions that led to her incarceration. The evidence demonstrated that she continues to deflect blame for her predicament rather than take responsibility. This lack of insight into her own wrongdoing heightens concerns about her judgment and fitness as a parent.

5. A parent who cannot acknowledge such a grave error – a homicide that left her imprisoned for life – is ill-suited to make decisions affecting a child's well-being. Florida's public

policy strongly condemns violent criminal behavior; a parent incarcerated for a heinous intentional act cannot simultaneously fulfill the obligations or enjoy the benefits of an active parent.

6. In fact, Florida law recognizes that a parent's lengthy incarceration for a serious felony is so contrary to a child's welfare that it can justify termination of parental rights. *See M.S.B. v. R.B.*, 93 So. 3d 532 (Fla. 5th DCA 2012). While Mr. Boone is not presently seeking to terminate the Former Wife's parental rights, this principal underscores how profoundly the Former Wife's situation has undermined her role in the child's life.

7. Florida law presumes that shared parental responsibility is ideal, but that presumption yields when shared decision-making would be detrimental to the child. Here, sole parental responsibility in the Father is not only warranted – it is essentially compelled by the circumstances.

8. The Former Wife has been entirely absent from the child's life for over five years and will remain so for the remainder of his minority. By virtue of her incarceration until life's end, she is unable to participate in day-to-day parenting or any meaningful decision-making.

9. Mr. Boone has already been exercising sole responsibility in practice since 2020 out of necessity. Formalizing sole parental responsibility in the Father is necessary to avoid any confusion or conflict in decision-making going forward.

10. Awarding Mr. Boone sole parental responsibility will serve the child's best interests. The child is thriving under Mr. Boone's sole care, which provides stability, consistency, and safety – all of which would be jeopardized by giving the incarcerated Former Wife any decision-making authority.

11. It is simply not feasible for Mr. Boone to consult with a prisoner serving life without parole on major decisions about the child's education, medical care, or general welfare. Especially when the imprisoned parent will have no financial stake or personal time investment in the decision itself.

12. More importantly, it is not in the child's best interest to do so. The Former Wife's inability to accept responsibility for her crime raises serious concern about her judgment. The trial evidence showed that rather than expressing remorse or cooperating in the child's welfare, she has made unfounded, inflammatory accusations against Mr. Boone – for example, accusing him of parental alienation simply because he has protected the child from exposure to trauma. Such

behavior reflects a mindset that is not conducive to healthy co-parenting or prioritizing the child's needs.

13. Consistent with the above, Mr. Boone's proposed parenting plan should be approved as it is tailored to the child's best interests under these unique circumstances. Mr. Boone's plan is generous yet prudent: it permits the Former Wife to maintain a relationship with the child through supervised, monthly visitation at her correctional facility and weekly telephone calls. This plan ensures the child can have some contact with his mother, preserving their bond to the degree possible, without compromising the child's safety or welfare.

14. The Former Wife's durational alimony award should be terminated retroactive to the date that Mr. Boone filed his petition to modify in April of 2022, due to the substantial change in circumstances and the elimination of her need for support.

15. Here, the Former Wife has no legitimate financial need for alimony at this time. Her incarceration means that the State of Florida (at taxpayer expense) is providing all her essential needs – including housing, food, clothing, and medical care. She pays no rent, no utilities, no grocery bills, no insurance; the primary living expenses that alimony is designed to cover have been entirely assumed by the prison system. Any minimal personal expenses she might have (such as commissary items or phone minutes) are negligible and certainly not expenses the Former Husband should be ordered to finance.

16. In short, the entire premise underlying the original alimony award (to assist the Former Wife's post-marital living expenses and transition to self-sufficiency) has been upended. Given her life sentence, she will never re-enter society or incur the normal living costs that the alimony was intended to defray.

17. Put simply, the Former Wife's incarceration has extinguished any reasonable claim of need for alimony, and it would be inequitable in the extreme to force Mr. Boone to keep paying.

18. Moreover, the Former Wife's incarceration and conviction amount to a substantial change in circumstances that was not contemplated at the time of the divorce.

19. The Former Wife stipulated that Mr. Boone does not owe him child support since she was incarcerated in February 2020.

20. However, Florida law does not automatically extinguish a parent's duty to support a child due to incarceration. *See Wilkerson v. Wilkerson*, 220 So.3d 480, 483 (a parent's duty to support "exists as a result of parenthood" and is not erased by a criminal conviction).

21. In other words, the Former Wife's incarceration did not terminate her obligation to contribute to the child's support; it merely rendered her unable to do so. The unfortunate result is that Mr. Boone and the child have borne the full financial burden with zero assistance from the Former Wife. For over five years, the Former Wife has paid nothing toward the child's needs. She also failed to exercise any visitation.

22. Mr. Boone testified that between February 2020 and April 2022, he provided the Former Wife with direct monetary support averaging \$600 per month, in addition to paying \$240 per month for a mini-storage unit on her behalf.

23. During this same period, the Former Wife had a child support obligation of \$367 per month to Mr. Boone, based on his exercise of 100% timesharing, an imputed income of \$60,000 annually to him, and minimum wage imputed to her.

24. Extrapolated from February 2020 through the child's age of majority in October 2028—a span of 104 months—that obligation totals \$38,168 in child support owed by the Former Wife, child support she will never satisfy given her life sentence in prison.

25. Even without giving Mr. Boone any credits and assuming that Mr. Boone owed the Former Wife the maximum amount of \$26,000 in alimony arrears from February 2020 through the filing of the petition to modify in April of 2022, the Former Wife's child support obligation alone more than offsets any such claim.

26. This calculation does not even account for the substantial sums Mr. Boone actually paid her directly, the storage expenses he covered, or the more than \$14,000 in attorney's fees he has incurred in protecting his child's best interests against the Former Wife's persistent obstruction. Accordingly, any claim by the Former Wife for arrearages must be denied, as the equities and evidence overwhelmingly establish that Mr. Boone owes her nothing.

27. For all the foregoing reasons, Petitioner, Brian Boone, respectfully requests that this Court:

- a. Grant his modification petition and deny the Former Wife's outstanding motions;
- b. Award him sole parental responsibility;
- c. Approve his amended Parenting Plan;
- d. Terminate his's alimony obligation and order that neither party owes the other any arrearages for unpaid support;
- e. Order the immediate release of any clerk-held funds to Mr. Boone;

f. Deny all relief sought by the Former Wife, including claims for alimony, sanctions, contempt, or attorney's fees.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing has been filed via electronic court filing and provided via U.S. Mail to Pro Se Respondent, SARAH K. BOONE, on this 28<sup>th</sup> day of August 2025, at the below address provided by her.

Sarah Boone U72509  
11120 NW Gainesville Road  
Lowell Correctional Institution-Main Unit  
Ocala, FL 34482

/s/ Joshua J. Martell  
JOSHUA J. MARTELL, ESQ.

