

CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

April 20, 2009

Warden Bryant
Florida State Prison
7819 N.W. 228th Street
Raiford, FL 32026-1000

Re: Execution Date for John Richard Marek

Dear Warden Bryant:

Enclosed is the death warrant that I signed to carry out the sentence for John Richard Marek, as well as certified copies of his judgment and sentence. I have designated the week beginning at 12:00 noon on May 8, 2009 through 12:00 noon on May 15, 2009, for the execution. I have been advised that you have set the date and time of execution for Wednesday, May 13, 2009 at 6:00 p.m.

Sincerely,

A handwritten signature in black ink that reads "Charlie Crist".

Charlie Crist

cc:

Honorable Peggy A. Quince
Supreme Court Chief Justice
The Supreme Court of Florida
507 S. Duval Street
Tallahassee, FL 32399

Chief Judge Victor Tobin, 17th Judicial Circuit
201 S.E. 6th Street
Fort Lauderdale, FL 33301

Secretary Walter A. McNeil
Department of Corrections
2601 Blair Stone Road
Tallahassee, FL 32399-2500

The Honorable Michael J. Satz
State Attorney, 17th Judicial Circuit
201 S.E. 6th Street
Suite 665
Fort Lauderdale, FL 33301

Ms. Carolyn Snurkowski
Assistant Deputy Attorney General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-0001

Mr. Neal Dupree, Capital Collateral Regional Counsel – Southern Region
Attorney for Inmate
101 North East 3rd Avenue, 4th Floor
Fort Lauderdale, FL 33301

Ms. Janet Keels
Office of Executive Clemency
2601 Blair Stone Road
Building C, Rm. 229
Tallahassee, FL 32399-2450

Mr. John Marek
Union Correctional Institution
7819 N.W. 228th Street
Raiford, FL 32026-4000

DEATH WARRANT

STATE OF FLORIDA

WHEREAS, JOHN RICHARD MAREK, did on the 17th day of June, 1983, murder Adella Marie Simmons; and

WHEREAS, JOHN RICHARD MAREK, on the 1st day of June, 1984, was found guilty of murder in the first degree of Adella Marie Simmons; and

WHEREAS, JOHN RICHARD MAREK, on the 3rd day of July, 1984, was sentenced to death; and

WHEREAS, on the 26th day of June, 1986, the Florida Supreme Court affirmed the conviction and sentence; and

WHEREAS, on the 11th day of May, 1989, the Florida Supreme Court affirmed the trial court's denial of a Motion for Post-Conviction Relief and also denied a Petition for Writ of Habeas Corpus; and

WHEREAS, on the 10th day of October, 1989, JOHN RICHARD MAREK filed a Petition for Writ of Habeas Corpus with the United States District Court, Southern District of Florida; and

WHEREAS, on the 1st day of October, 1990, the United States District Court, Southern District of Florida, denied the Petition for Writ of Habeas Corpus; and

WHEREAS, on the 28th day of December, 1990, JOHN RICHARD MAREK filed an appeal of the District Court's denial of the Petition for Writ of Habeas Corpus, and

WHEREAS, on the 14th day of August, 1995, the United States Court of Appeals, Eleventh Circuit, affirmed the denial of the Petition for Writ of Habeas Corpus; and

WHEREAS, on the 8th day of August, 1992, JOHN RICHARD MAREK filed a Petition for Writ of Habeas Corpus in the Florida Supreme Court;

WHEREAS, on the 2nd day of September, 1993, the Florida Supreme Court denied the Petition for Writ of Habeas Corpus;

WHEREAS, on the 15th day of February, 1994, JOHN RICHARD MAREK, filed a Petition for Writ of Certiorari in the United States Supreme Court; and

WHEREAS, on the 16th day of May, 1994, the United States Supreme Court denied the Petition for Writ of Certiorari; and

WHEREAS, on the 28th day of May, 1996, JOHN RICHARD MAREK, filed a Petition for Writ of Certiorari in the United States Supreme Court; and

WHEREAS, on the 7th day of October, 1996, the United States Supreme Court denied the Petition for Writ of Certiorari; and

WHEREAS, on the 16th day of June, 2006, the Florida Supreme Court affirmed the trial court's denial of a Motion for Post-Conviction Relief; and

WHEREAS, it has been determined that Executive Clemency, as authorized by Article IV, Section 8(a), Florida Constitution, is not appropriate; and

WHEREAS, attached hereto is a certified copy of the record of the conviction and sentence pursuant to Section 922.052, Florida Statutes;

NOW, THEREFORE, I, CHARLIE CRIST, as Governor of the State of Florida and pursuant to the authority and responsibility vested in me by the Constitution and Laws of Florida, do hereby issue this warrant, directing the Warden of the Florida State Prison to cause the sentence of death to be executed upon JOHN RICHARD MAREK, in accord with the provisions of the laws of the State of Florida.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 20th day of April, 2009.

Handwritten signature of Charlie Crist in cursive script.

GOVERNOR

ATTEST:

Handwritten signature of the Secretary of State in cursive script.

SECRETARY OF STATE

FILED
2009 APR 20 PM 12:59
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

JOHN RICHARD MAREK

Defendant

DIVISION FF-STANTON S. KAPLAN

CASE NUMBER 83-7088CF-B

ST. ATTY. ROB CARNEY

CT. RPTR. ROSE HENRY

BOOK 450 PAGE 269

JUDGMENT

The Defendant, JOHN RICHARD MAREK, being personally before this Court represented by HILLIARD MOLDOF, ESQ., his attorney of record, and having:

(Check Applicable Provision)

- Been tried and found guilty of the following crime(s)
Entered a plea of guilty to the following crime(s)
Entered a plea of nolo contendere to the following crime(s)

Table with 4 columns: COUNT, CRIME, OFFENSE STATUTE NUMBER(S), DEGREE OF CRIME, CASE NUMBER. Rows include MURDER IN THE FIRST DEGREE, KIDNAPPING, CRIMINAL ATTEMPT - BURG.W/ASSAULT, BATTERY.

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)

The Defendant is hereby ordered to pay the sum of fifteen dollars (\$15.00) pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of two dollars (\$2.00) as a court cost pursuant to F.S. 943.25(4).

- The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S.943.25(8).
The Defendant is further ordered to pay a fine in the sum of \$
The Court hereby imposes additional court costs in the sum of \$
The Court hereby stays and withholds the imposition of sentence as to count(s) and places the Defendant on probation for a period of under the supervision of the Department of Corrections
The Court hereby defers imposition of sentence until JUNE 18, 1984 @ 2:30 (date)

The Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication.

Handwritten signature of Judge Stanton S. Kaplan

FINGERPRINTS OF DEFENDANT

Grid of 10 fingerprint impressions labeled 1. R. Thumb through 10. L. Little.

Fingerprints taken by:

Handwritten signature and title of fingerprint taker

DONE AND ORDERED in Open Court at Broward County, Florida this 1ST day of JUNE 1984

JOHN RICHARD MAREK HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the Defendant, and that they were placed thereon by said Defendant in my presence in Open Court this date.

BROWARD COUNTY, FLORIDA
This instrument filed for record on 6-13-84 and recorded in MINUTES CIRCUIT COURT, BOOK 450 PAGE 269

ROBERT E. LOCKWOOD, Clerk
By [Signature] D.C.

Handwritten signature of Judge Stanton S. Kaplan

JOHN RICHARD MAREK

Defendant

JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA
DIVISION FF-STANTON S. KAPLAN
CASE NUMBER 83-7088CF-B
ST. ATTY. ROB CARNEY
CT. RPTR. ROSE HENRY
BOOK 450 PAGE 270

JUDGMENT

The Defendant, JOHN RICHARD MAREK, being personally before this Court represented by HILLIARD MOLDOF, ESQ., his attorney of record, and having:

- (Check Applicable Provision)
[X] Been tried and found guilty of the following crime(s)
[] Entered a plea of guilty to the following crime(s)
[] Entered a plea of nolo contendere to the following crime(s)

Table with columns: COUNT, CRIME, OFFENSE STATUTE NUMBER(S), DEGREE OF CRIME, CASE NUMBER. Row 1: V, BATTERY, 784.03 (1), MISD, 83-7088CF-B

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)

The Defendant is hereby ordered to pay the sum of fifteen dollars (\$15.00) pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of two dollars (\$2.00) as a court cost pursuant to F.S. 943.25(4).

- (Check if Applicable)
[] The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S.943.25(8). (This provision is optional; not applicable unless checked).
[] The Defendant is further ordered to pay a fine in the sum of \$... pursuant to F.S. 775.0835. (This provision refers to the optional fine for the Crimes Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of a sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s)).
[] The Court hereby imposes additional court costs in the sum of \$...
[] The Court hereby stays and withholds the imposition of sentence as to count(s) ... and places the Defendant on probation for a period of ... under the supervision of the Department of Corrections (conditions of probation set forth in separate order.)
[X] The Court hereby defers imposition of sentence until JUNE 18, 1984 @ 2:30 P. M. (date)

Imposition of Sentence Stayed and Withheld (Check if Applicable)

Sentence Deferred Until Later Date (Check if Applicable)

The Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigence.

Handwritten signature of Stanton S. Kaplan, JUDGE

FINGERPRINTS OF DEFENDANT

Table with 10 columns for fingerprints: 1. R. Thumb, 2. R. Index, 3. R. Middle, 4. R. Ring, 5. R. Little, 6. L. Thumb, 7. L. Index, 8. L. Middle, 9. L. Ring, 10. L. Little. Each cell contains a fingerprint image.

Fingerprints taken by:

Handwritten signature and title of the fingerprint taker.

DONE AND ORDERED in Open Court at Broward County, Florida this 1ST day of JUNE 1984

AD 19 JOHN RICHARD MAREK HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the Defendant, and that they were placed thereon by said Defendant in my presence in Open Court this date.

BROWARD COUNTY, FLORIDA
This instrument filed for record on 6-13-84 and recorded in MINUTES CIRCUIT COURT, BOOK 450 PAGE 270, nunc. pro. tunc. Record verified.

ROBERT E. LOCKWOOD, Clerk By [Signature] D.C.

Handwritten signature of Stanton S. Kaplan, JUDGE

SENTENCE

(as to Count I)

The Defendant, being personally before this Court, accompanied by his attorney, HILLIARD MOLDOF

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 he should not be sentenced as provided by law, and no cause being shown.

- and the Court having on JUNE 1, 1984 (date) deferred imposition of sentence until this date.
- (Check either provision if applicable) and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that;

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- The Defendant is hereby committed to the custody of the Department of Corrections
- The Defendant is hereby committed to the custody of the Sheriff of Broward County, Florida.
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

- For a term of Natural Life
- For ~~xxxxxxx~~ DEATH BY ELECTROCUTION
- For an indeterminate period of 6 months to _____ years.
- Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

If "split" sentence complete either of these two paragraphs

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this section:

Firearm - 3 year mandatory minimum

Drug Trafficking - mandatory minimum

Retention of jurisdiction

Habitual Offender

Jail Credit

Consecutive/Concurrent

Consecutive/Concurrent (As to other convictions)

- It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() () are hereby imposed for the sentence specified in this count.
- The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court
- It is further ordered that the Defendant shall be allowed a total of 380 DAYS credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
- It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count _____ above.
- It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run consecutive to concurrent with (check one) the following:
- Any active sentence being served.
- Specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of Broward County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____

DONE AND ORDERED in Open Court at Broward County, Florida, this 3RD day of JULY

A.D., 19 84

BROWARD COUNTY, FLORIDA

This instrument filed for record on _____

and recorded in MINUTES CIRCUIT COURT, BOOK _____

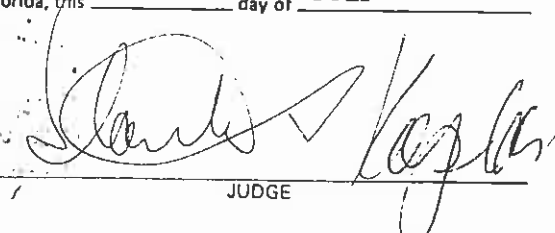
_____ PAGE _____, nunc pro

tunc _____ Record verified.

ROBERT E. LOCKWOOD, Clerk

By _____ D.C.

JUDGE



SENTENCE

(as to Count II)

The Defendant, being personally before this Court, accompanied by his attorney, HILLIARD MOLDOF, 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 he should not be sentenced as provided by law, and no cause being shown.

- (Check either provision if applicable)
- and the Court having on JUNE 1, 1984 deferred imposition of sentence until this date.
 - and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- The Defendant is hereby committed to the custody of the Department of Corrections
- The Defendant is hereby committed to the custody of the Sheriff of Broward County, Florida.
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

- For a term of Natural Life
- For a term of THIRTY (30) YEARS
- For an indeterminate period of 6 months to _____ years.
- Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

If "split" sentence complete either of these two paragraphs

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this section:

- Firearm - 3 year mandatory minimum* It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking - mandatory minimum* It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() () are hereby imposed for the sentence specified in this count.
- Retention of jurisdiction* The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender* The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit* It is further ordered that the Defendant shall be allowed a total of 380 DAYS credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count I above.
- Consecutive/Concurrent* It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run consecutive to concurrent with (check one) the following:
 - Any active sentence being served.
 - Specific sentences: _____
- Consecutive/Concurrent (As to other convictions)*

In the event the above sentence is to the Department of Corrections, the Sheriff of Broward County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____

DONE AND ORDERED in Open Court at Broward County, Florida, this 3RD day of JULY A.D., 19 84.

BROWARD COUNTY, FLORIDA

This instrument filed for record on _____

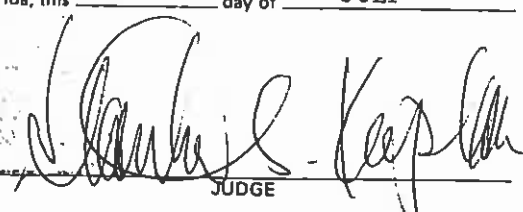
and recorded in MINUTES CIRCUIT COURT; BOOK _____

_____ PAGE _____, nunc pro

tunc _____ Record verified.

ROBERT E. LOCKWOOD, Clerk

By _____ D.C.



JUDGE

SENTENCE

(as to Count III)

The Defendant, being personally before this Court, accompanied by his attorney, HILLIARD MOLDOF, 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 he should not be sentenced as provided by law, and no cause being shown.

- and the Court having on JUNE 1, 1984 deferred imposition of sentence until this date. (date)
- (Check either provision if applicable) and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- The Defendant is hereby committed to the custody of the Department of Corrections
- The Defendant is hereby committed to the custody of the Sheriff of Broward County, Florida. (Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

- For a term of Natural Life
- For a term of NINE (9) YEARS
- For an indeterminate period of 6 months to _____ years.
- Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

If "split" sentence complete either of these two paragraphs

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this section:

- Firearm - 3 year mandatory minimum* It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking - mandatory minimum* It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() () are hereby imposed for the sentence specified in this count.
- Retention of jurisdiction* The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender* The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit* It is further ordered that the Defendant shall be allowed a total of 380 DAYS credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
- Consecutive/Concurrent* It is further ordered that the sentence imposed for this count shall run consecutive to COUNT I, concurrent with ~~(sentence)~~ the sentence set forth in count II above.
- Consecutive/Concurrent (As to other convictions)* It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run consecutive to concurrent with (check one) the following:
- Any active sentence being served.
- Specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of Broward County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____

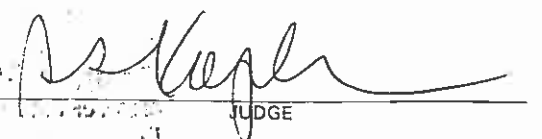
DONE AND ORDERED in Open Court at Broward County, Florida, this 3RD day of JULY A.D., 19 84.

BROWARD COUNTY, FLORIDA

This instrument filed for record on _____ and recorded in MINUTES CIRCUIT COURT, BOOK _____ PAGE _____, nunc pro tunc _____, Record verified.

ROBERT E. LOCKWOOD, Clerk

By _____ D.C.


JUDGE

SENTENCE

(as to Count IV)

The Defendant, being personally before this Court, accompanied by his attorney, HILLIARD MOLDOF, 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 he should not be sentenced as provided by law, and no cause being shown.

- and the Court having on JUNE 1, 1984 deferred imposition of sentence until this date. (date)
- (Check either provision if applicable) and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that;

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- The Defendant is hereby committed to the custody of the Department of Corrections
- The Defendant is hereby committed to the custody of the Sheriff of Broward County, Florida. (Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

- For a term of Natural Life
- ~~For a term of _____~~ **SENTENCE SUSPENDED BY THE COURT**
- For an indeterminate period of 6 months to _____ years.
- Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

If "split" sentence complete either of these two paragraphs

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this section:

- Firearm - 3 year mandatory minimum* It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking - mandatory minimum* It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() are hereby imposed for the sentence specified in this count.
- Retention of jurisdiction* The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender* The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit* It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
- Consecutive/Concurrent* It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count _____ above.
- Consecutive/Concurrent (As to other convictions)* It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run consecutive to concurrent with (check one) the following:
- Any active sentence being served.
- Specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of Broward County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____

DONE AND ORDERED in Open Court at Broward County, Florida, this 3RD day of JULY A.D., 19 84.

BROWARD COUNTY, FLORIDA

This instrument filed for record on _____

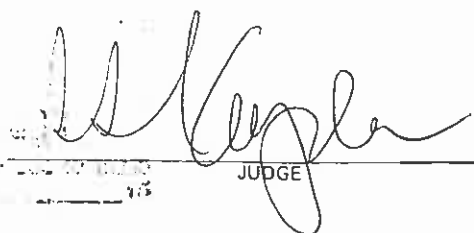
and recorded in MINUTES CIRCUIT COURT, BOOK _____

_____ PAGE _____, nunc. pro. _____

tunc _____, Record verified, _____

ROBERT E. LOCKWOOD, Clerk

By _____ D.C. _____



JUDGE

SENTENCE

(as to Count V)

The Defendant, being personally before this Court, accompanied by his attorney, HILLIARD MOLDOF, and having been adjudicated guilty herein, ^{ON JUNE 1, 1984} 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 he should not be sentenced as provided by law, and no cause being shown.

JUNE 1, 1984

- and the Court having on _____ this date. (date) deferred imposition of sentence until _____
- (Check either provision if applicable) and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- The Defendant is hereby committed to the custody of the Department of Corrections
- The Defendant is hereby committed to the custody of the Sheriff of Broward County, Florida.
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

- For a term of Natural Life
- ~~For a term of~~ _____ SENTENCE SUSPENDED BY THE COURT
- For an indeterminate period of 6 months to _____ years.

If "split" sentence complete either of these two paragraphs

- Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this section:

Firearm - 3 year mandatory minimum

Drug Trafficking - mandatory minimum

Retention of jurisdiction

Habitual Offender

Jail Credit

Consecutive/Concurrent

Consecutive/Concurrent (As to other convictions)

- It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() are hereby imposed for the sentence specified in this count.
- The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
- It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count _____ above.
- It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run consecutive to concurrent with (check one) the following:
- Any active sentence being served.
- Specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of Broward County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____

DONE AND ORDERED in Open Court at Broward County, Florida, this 3RD day of JULY A.D., 19 84

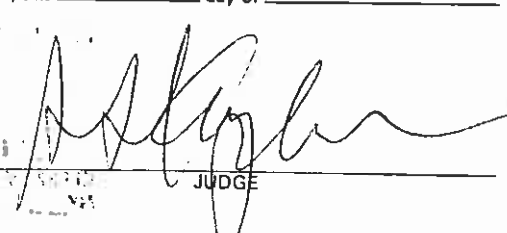
BROWARD COUNTY, FLORIDA

This instrument filed for record on _____ and recorded in MINUTES CIRCUIT COURT, BOOK _____

PAGE _____ nunc pro tunc _____ Record verified.

ROBERT E. LOCKWOOD, Clerk

By _____ D.C.



JUDGE