

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR BREVARD COUNTY, FLORIDA

CASE NO: 05-2016-CF-012745-AXXX-XX

STATE OF FLORIDA,

Plaintiff,

vs.

SKYLER BLAKE FRANCIS,

Defendant.

_____ /

ORDER DENYING MOTION FOR SUPERSEDEAS BOND

THIS CAUSE came before the Court, on December 20, 2019, upon the Defendant's Motion for Supersedeas Bond filed by John Gillespie on August 28, 2019, Esquire; Charles Fletcher, Esquire appeared for the Defendant at the hearing. Having considered the Motion, the Court file, trial transcript, appellate briefs, Fla. R. Crim. P. 3.691, *Younghans v. State*, 90 So. 2d 308 (Fla. 1956), along with argument of counsel, the Court finds:

On November 1, 2018, the Defendant was convicted by a jury of Attempted Manslaughter and Aggravated Battery on a Law Enforcement Officer. On December 17, 2018, the Defendant was sentenced to a five year term of incarceration for Attempted Manslaughter followed by a ten year term of incarceration followed by a fifteen year term of probation for Aggravated Battery on a Law Enforcement Officer. The Defendant was remanded to custody that same day.

The Court acknowledges the Defendant was in compliance with the conditions of his pre-trial release however, the Court finds that post-trial release is not appropriate. The grounds listed for the appeal are not fairly debatable.¹ The Defendant sets forth five grounds for appeal. Two grounds relate to sentencing which, if determined to have merit, would not impact the Defendant's conviction; the case would be remanded for resentencing and the conviction would stand. The Defendant also asserts a claim for ineffective assistance of counsel. Such claims are rarely resolved in this case's current procedural posture. The remaining two grounds involve the Court's denial of a motion for continuance and denial of the use of a special jury instruction in lieu of a standard jury instruction. Neither of these alleged errors satisfy the standard set forth in *Baker v. State*, 213 So. 2d 285, 287 (Fla. 4th DCA 1968).

The Court further finds that post-trial release is inappropriate upon consideration of the factors set forth in *Younghans v. State*, 90 So. 2d 308 (Fla. 1956). Based upon the instant convictions and a prior conviction for resisting without violence, the Defendant's habits do not indicate a respect for uniformed law enforcement officials who are responsible for enforcing the law. While the Defendant has ties to the Central Florida area, he does not have significant ties to Brevard County. He intends to live and work outside of the county while his appeal is pending, although a definitive residence and employer were not identified.² Finally, the Defendant has been sentenced to 15 years of

¹ Counsel's arguments regarding the trial judge's demeanor are not relevant to this inquiry or within the purview of this court.


² Three individuals testified that the Defendant could "stay" with them. However, the Defendant did not

incarceration followed by 15 years of probation. This sentence is not extraordinarily lengthy, but it is significant and gives the Court pause when considering the request for post-trial release.

Based upon the foregoing, it is

ORDERED AND ADJUDGED that the Defendant's Motion for Supersedeas Bond is hereby **DENIED**.

DONE AND ORDERED this 30th day of December, 2019 at Titusville, Brevard County, Florida.


TESHA SCOLARO BALLOU
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was furnished electronically to **Charles Fletcher, Esquire, John Gillespie, Esquire** and the **Office of the State Attorney**, this 31 day of December, 2019.



Judicial Assistant

provide the Court with any indication that he would, in fact, reside with any one of those three individuals. Further, there was no testimony presented that the Defendant had a job available. Counsel merely asserted that the Defendant was employable.