

**APPLICATION FOR NOMINATION TO THE
CIRCUIT COURT**



Kenneth J. Janesk, II

Managing Assistant State Attorney

Office of the State Attorney, Seventh Circuit

Palatka, Florida

APPLICATION FOR NOMINATION TO THE CIRCUIT COURT

Full Name: **Kenneth James Janesk II** Social Security No.: **Redacted per FSA 119**

Florida Bar No.: **85993** Date Admitted to Practice in Florida: **10/4/2010**

1. Please state your current employer and title, including any professional position and any public or judicial office you hold, your business address and telephone number.

**Office of the State Attorney, Seventh Judicial Circuit
Managing Assistant State Attorney
410 St. Johns Ave., Suite 109
Palatka, FL 32177
386-329-0259**

2. Please state your current residential address, including city, county, and zip code. Indicate how long you have resided at this location and how long you have lived in Florida. Additionally, please provide a telephone number where you can be reached (preferably a cell phone number).

Redacted per FSA 119

Moved to Florida in January 2008

Redacted per FSA 119

3. State your birthdate and place of birth. **March 12, 1982 - Paterson, New Jersey**
4. Are you a registered voter in Florida (Y/N)? **Y**
5. Please list all courts (including state bar admissions) and administrative bodies having special admissions requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have ever been suspended or resigned. Please explain the reason for any lapse in membership.

**Florida Bar member - October 4, 2010; never been suspended nor resigned
New Jersey Bar member - November 2010; never been suspended nor resigned**

6. Have you ever been known by any aliases? If so, please indicate and when you were known by such alias. **Kenny**

EDUCATION:

7. List in reverse chronological order each secondary school, college, university, law school or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, the date the degree was received, class standing, and graduating GPA (if your class standing or graduating GPA is unknown, please request the same from such school).

Florida Coastal School of Law

January 2008 - May 2010

Juris Doctor - May 2010

I graduated in the top 19% of my class with a grade point average of 3.06 on a 4.0 scale

University of Delaware

August 2000 - May 2004

Bachelor of Arts Degree – May 2004 (Majors: Psychology and Criminal Justice)

2283 out of 3309 in class ranking

144 out of 215 in Psychology and

90 out of 155 in Criminal Justice

2.798 grade point average out of 4.0

8. List and describe any organizations, clubs, fraternities or sororities, and extracurricular activities you engaged in during your higher education. For each, list any positions or titles you held and the dates of participation.

Club Rugby Team – University of Delaware Fall 2000 - Spring 2001

EMPLOYMENT:

9. List in reverse chronological order all full-time jobs or employment (including internships and clerkships) you have held since the age of 21. Include the name and address of the employer, job title(s) and dates of employment. For non-legal employment, please briefly describe the position and provide a business address and telephone number.

Office of the State Attorney, Seventh Judicial Circuit

410 St. Johns Ave. Suite 109

Palatka, Fl. 32177

386-329-0259

Managing Assistant State Attorney

January 2011 - present

Association of Defence Counsel at the International Criminal Tribunal for the Former Yugoslavia (ICTY)

Churchillplein 1 2517 JW, Den Haag Netherlands

No phone number available

Intern for the trial team defending Mico Stanisic

January 2010 – May 2010

**Florida Coastal School of Law
8787 Baypine Road
Jacksonville, FL 32256
904-680-7700**

**Teaching Assistant for the Hon. Joe Boatwright - Legal Writing and Research class for 1L students
January 2009 – December 2009**

**Office of the State Attorney's Office, Seventh Judicial Circuit
251 N. Ridgewood Ave. #300
Daytona Beach, FL 32114
386-239-7710**

**Certified Legal Intern - Putnam County State Attorney's Office and the Homicide Investigations Unit
January 2009-December 2009**

**Office of the Public Defender, Fourth Judicial Circuit
407 N. Laura Street
Jacksonville, FL 32202
904-255-4673**

**Intern - Client interviewer with the investigations department; adult and juvenile defendants
May 2008 – May 2009**

**Pressler and Pressler, LLP
7 Entin Road
Parsippany, NJ 07054
973-753-5100
Paralegal assisting with debt collection
January 2007 – December 2007**

**American Red Cross
209 Fairfield Road
Fairfield, NJ 07004
973-797-3300**

**Instructor - taught lifesaving techniques to a wide array of both civilian and professional rescuers
August 2000 – December 2007**

**Highlands Natural Pool
180 Snake Den Road
Ringwood, NJ 07456
973-835-4299
Seasonal Aquatics Director
May 2006 – October 2006**

Federal Express (FedEx)
635 Zerega Avenue
Bronx, NY 10473
800-463-3339
Manager overseeing daily operations of a “Home Delivery” facility
March 2006 – May 2006

U.S Navy
Recruit Training Command
3355 Illinois Street
Great Lakes, IL 60088
847-688-2405
Enlisted as an E3 for Nuclear Engineering (Electrical/Mechanical Equipment Repairman)
in 2004 under the Delayed Entry Program. (DEP)
November 2005 – December 2005

Fat Tuna Grill
Millville, DE 36404
(No longer exists, no phone available)
Seasonal server and bartender
July 2005 – September 2005

Club Hiedra
Avenida Ashford
Condado, Puerto Rico
(No longer exists, no phone available)
Bartender
October 2004 – December 2004

University of Delaware
Carpenter Sports Building
26 N. College Avenue
Newark, DE 19716
302-831-8600
Hired first as a general employee to upkeep the operations of the student fitness center and
then promoted to a manager of the facility
Spring 2002 – Spring 2004

Borough of Totowa
Community Pool
11 Colonial Court
Totowa, NJ 07512
973-595-0172
Seasonal lifeguard but then promoted to pool manager
June 1996 – September 2004

10. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

As an Assistant State Attorney, I have no clients and represent the State of Florida in criminal matters.

11. What percentage of your appearance in court in the last five years or in the last five years of practice (include the dates) was:

	Court		Area of Practice
Federal Appellate	_____ %	Civil	<u>2 (SVP)</u> %
Federal Trial	_____ %	Criminal	<u>98</u> %
Federal Other	_____ %	Family	_____ %
State Appellate	<u>5</u> %	Probate	_____ %
State Trial	<u>95</u> %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

If your appearance in court the last five years is substantially different from your prior practice, please provide a brief explanation: Before promoting to a management position,

I began with the State Attorney’s Office prosecuting misdemeanor and juvenile crimes. I promoted to felony and then to a career criminal position. In these positions, I handled a much larger case count and would have had official appearances in court more often than I do now as a managing attorney.

12. In your lifetime, how many (number) of the cases that you tried to verdict, judgment, or final decision were:

Jury?	<u>43 (6 as 2nd chair)</u>	Non-jury?	<u>10</u>
Arbitration?	_____	Administrative Bodies?	_____
Appellate?	_____		

13. Please list every case that you have argued (or substantially participated) in front of the United States Supreme Court, a United States Circuit Court, the Florida Supreme Court, or a Florida District Court of Appeal, providing the case name, jurisdiction, case number, date of argument, and the name(s), e-mail address(es), and telephone number(s) for opposing appellate counsel. If there is a published opinion, please also include that citation. **None**
14. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended, or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action. **No**
15. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain full. **No**
16. For your last six cases, which were tried to verdict or handled on appeal, either before a jury, judge, appellate panel, arbitration panel or any other administrative hearing officer, list the names, e-mail addresses, and telephone numbers of the trial/appellate counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

State v. Adam Short 2016-0818-CF

Defense Counsel was Thomas Cushman Redacted per FSA 119 info@tomcushmanlaw.com

Learned the added challenges of an adult on adult sex allegation.

State v. Kevin Tilton 2015-CA-388

Defense Counsel was Craig Atack 386-239-6500. Atack.Craig@pd7.org

My first SVP trial and experience with civil trial work.

State v. Traci Lynn Clark 2016-0699-CF

Defense Counsel was James “JW” Hubbard 904-827-5699 Hubbard.James@pd7.org

A DUI Manslaughter case where we made a reasonable offer but the defendant would not take it.

State v. Harold Swift 2016-0010-CF

Defense Counsel was Shavone McCants 386-239-6500 McCants.Shavonne@pd7.org

A case where the Court really challenged the legal sufficiency on the JOA argument.

State v. Jimmie Keene 2011-1023-CF

Defense Counsel was Jessica Deaton 904-237-7665 Jessica@deatonlawpa.com

A case that I took to trial years after the crime, thus I had to track down witnesses that were no longer available.

State v. Laforest Williams 2008-1844-CF

Defense Counsel was Garry Wood 386-326-3993 Garrywood2011@hotmail.com

17. For your last six cases, which were either settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

State v. Christopher Maag 2015-1653-CF

Defense Counsel was David Cianci 917-974-1358 CianciD@pdo8.org

State v. Jeromy Bailey 2014-1658-CF

Defense Counsel was Kevin Monahan 386-312-6380 kevinmonahan90@yahoo.com

State v. Suni Shah 2019-1246-CF

Defense Counsel was Elizabeth Hernandez 262-673-7850 EHernandez@mwl-law.com

State v. Nicole Pace 2019-0213-CF

Defense Counsel was Robert Fields 386-325-2041 Dowdfieldslaw@gmail.com

State v. Thomas Thornton 2017-1575-CF

Defense Counsel was Garry Wood 386-326-3993 Garrywood2011@hotmail.com

State v. Donald Ray Thomas 2016-0161-CF

Defense Counsel was Tyler Williams 904-827-5699 Williams.Tyler@pd7.org

18. During the last five years, on average, how many times per month have you appeared in Court or at administrative hearings? If during any period you have appeared in court with greater frequency than during the last five years, indicate the period during which you appeared with greater frequency and succinctly explain.

I appear in court approximately 10 times per month. I cover all of felony arraignments to get the best idea of what my attorneys are filing and offering. I also represent the State in Drug Court. Prior to becoming a Managing Assistant State Attorney, I appeared in court

approximately 15 times per month.

19. If Questions 16, 17, and 18 do not apply to your practice, please list your last six major transactions or other legal matters that were resolved, listing the names, e-mail addresses, and telephone numbers of the other party counsel. **N/A**
20. During the last five years, if your practice was greater than 50% personal injury, workers' compensation or professional malpractice, what percentage of your work was in representation of plaintiffs or defendants? **Not applicable.**
21. List and describe the five most significant cases which you personally litigated giving the case style, number, court and judge, the date of the case, the names, e-mail addresses, and telephone numbers of the other attorneys involved, and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant.

State v. Derek Hill 2009-0921-CF. I tried this case before a jury on January 24, 2012, in Division 52 before Judge Patti Christiansen in Putnam County, Florida. Ralph Rowe (386-530-0529 no email available) was the defense counsel and the Hon. Joe Boatwright (my then managing attorney) sat second chair. This was my first felony trial and I had less than one year experience as an attorney/prosecutor. The defendant was charged with Sexual Battery of a Helpless Person for an incident that occurred in 2008. This case was significant because the crime occurred during my first semester in law school and it was still pending several years later when I was assigned to handle it as a new prosecutor. I reviewed the case, discovered that the evidence was incomplete and sent some physical evidence off for further DNA testing. The results of this testing strengthened the State's case. This was a very serious charge for a new felony prosecutor to handle, but I asked questions of the right people, surrounded myself with more experienced co-workers and took on the challenge. The defendant was found guilty and sentenced to life in prison.

Laforest Williams 2008-1844-CF. I prosecuted this case in 2016 when the case returned to the trial court after a successful defense appeal. Garry Wood (386-326-3993 Garrywood2011@hotmail.com) defended the case before the Hon. Clyde Wolfe in Division 52 in Putnam County, Florida. The defendant qualified as a Prison Releasee Reoffender and was charged with the armed robbery of an undercover DEA Agent. The defendant's original conviction was reversed and I found myself learning an eight-year-old case. The case was significant because I had the challenge of finding original witnesses and using a defense attorney as my main witness in order to correct the appealable issue from the previous trial. Between the changes in the law and the obvious attorney-client privilege argument, I had to overcome numerous pretrial motions before taking this case back to trial. I was able to navigate these challenges and obtain a conviction (which has now been PCA'd by the 5th DCA) resulting in a life sentence.

State v. Christopher Maag 2015-1653-CF. The defendant was charged with numerous counts of Sexual Battery on a family member and went to trial in March of 2019. David Cianci (917-974-1358 CianciD@pdo8.org) represented Mr. Maag before the Hon. Howard McGillin in Division 52 in Putnam County, Florida. This case was significant due to the close familial relationship between the victim and the defendant. The defendant impregnated the victim and the case was initially delayed in order to obtain DNA results from the resulting child. The victim was very hesitant to testify against the defendant, was taken away from her family and placed in a group home, changed her name and lost custody of her child. Throughout the case, the defendant had rejected an offer of 25 years in prison. I prepared the victim for trial but still she did not want to testify. Jury selection took nine hours and the parties questioned over 75 potential jurors. Before the defense attorney began his questioning of the second panel, he requested a side bar and made a 25-year prison offer. This case was extremely strong in terms of evidence, but I accepted the offer because in the end it was the right thing to do for the victim. This case reminded me that the cases I handle are not about me.

State v. Stratus Shelton 2012-1478-CF. Stratus Shelton was charged with first-degree attempted murder when he slashed his victim in the face while inside a vehicle. Jessica Deaton (904-237-7665 Jessica@deatonlawpa.com) was appointed counsel before Mr. Shelton opted to represent himself at trial with Ms. Deaton sitting as standby counsel. This trial was significant because of the added element of a defendant representing himself at trial, the legally unique duties of standby counsel and the legal arguments that arose when the defendant opted for his standby counsel to take over halfway through the trial.

State v. Daniel Wilkinson 2013-0359-CF. Daniel Wilkinson was charged with the murder of his neighbor. This was a cold case that was later filed and eventually went to trial in June of 2016. Defense Counsel was Clyde Taylor Jr. (850-591-3254 ct@taylor-taylor-law.com) and I sat second chair with the now Hon. Chris Miller. We presented our case for two days, but it ultimately resolved by a plea in the middle of trial. This case was significant because we were fighting for justice for a man who was targeted simply because he was homosexual. It was also personally significant for me because I was able to participate in a homicide and contribute my local knowledge and experience as a Putnam County prosecutor. I had previously prosecuted many witnesses on unrelated charges and some of them knew me from drug court. I had developed a reputation with these witnesses, even as defendants, that I could be trusted and it helped when preparing them for court.

22. Attach at least two, but no more than three, examples of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach a writing sample for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

I personally wrote the three attached documents at the end of the application.

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

23. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved, the dates of service or dates of candidacy, and any election results. **None**
24. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor's Office for consideration. **N/A**
25. List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard. **None**
26. If you have prior judicial or quasi-judicial experience, please list the following information: **N/A**
- (i) the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance;
 - (ii) the approximate number and nature of the cases you handled during your tenure;
 - (iii) the citations of any published opinions; and
 - (iv) descriptions of the five most significant cases you have tried or heard, identifying the citation or style, attorneys involved, dates of the case, and the reason you believe these cases to be significant.
27. Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions. **N/A**
28. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, attach copies of the opinions. **N/A**
29. Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give the date, describe the complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution. **N/A**
30. Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances. **N/A**
31. Have you ever held or been a candidate for any other public office? If so, state the office, location, dates of service or candidacy, and any election results. **N/A**

NON-LEGAL BUSINESS INVOLVEMENT

32. If you are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

I own one residential rental property and have rented it to long-term renters since 2015. I would continue to rent this home upon appointment.

33. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received.

The landlord position stated above is the only business for which I have received compensation outside the practice of law. I profit approximately \$1,500 - \$3,000 per year from this rental property.

POSSIBLE BIAS OR PREJUDICE

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you, as a general proposition, believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself. **None**

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

35. List the titles, publishers, and dates of any books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials published only on the Internet. Attach a copy of each listed or provide a URL at which a copy can be accessed. **None**
36. List any reports, memoranda or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. Provide the name of the entity, the date published, and a summary of the document. To the extent you have the document, please attach a copy or provide a URL at which a copy can be accessed. **None**
37. List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place they were delivered, the sponsor of the presentation, and a

summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.

Panel Discussion presented by the Florida Bar about the effects of COVID-19 in the Seventh Circuit. I was on the panel in my capacity as the Putnam County Bar President with Bar Presidents from St. Johns, Flagler, and Volusia Counties, along with a representative from the Young Lawyers Division and Chief Judge Raul Zambrano. This panel discussion occurred on September 15, 2020.

38. Have you ever taught a course at an institution of higher education or a bar association? If so, provide the course title, a description of the course subject matter, the institution at which you taught, and the dates of teaching. If you have a syllabus for each course, please provide.

“Prosecuting with Technology” Presented by Kenneth Janesk and Jennifer Dunton. This was approximately a 2 hour lesson (broken up into 2 sessions) presented at the Florida Prosecuting Attorneys Association Summer 2019 Conference in Naples, FL.

“Prosecuting with Technology”

- 1. Why Do we Need Technology in our Prosecution**
- 2. How technology will help in your prosecution**
- 3. Corroborating your Crime through Defendant’s Spending**
 - a. Case of Maintaining a Gambling Establishment**
 - b. Following the Digital Money**
 - c. Paying the tab to prove a DUI**
- 4. Giving the Jury your Defendant’s Real Voice**
 - a. Controlled Calls**
 - b. Jail Calls, Emails and Tablets**
- 5. Computer Downloads**
 - a. What they can Reveal and the legal process required**
 - b. Proving Heightened Premeditation through a computer download**
 - c. Presenting Computer Downloads to a Jury**
 - d. Explaining computer Searches to your Jury**
- 6. Cellphones and Tablets**
 - a. Case Example of “MM to Murder”**
 - b. Presenting cellphone data to your jury**
 - c. CarPlay**
- 7. Bringing your Juror to the Scene**
 - a. Body Cameras**
 - b. Google Maps**
 - c. Reenactments**
 - d. UAV’s and Drones**
 - e. GPS, Geofencing and LPR’s**
- 8. Other areas of Technology**

9. World of Social Media

10. PowerPoints in a Closing Argument

I have also taught various courses at St. Johns River State College for new detectives and School Resource officers, but these courses were not for credit. I have further taught numerous Fla. Bar credited courses for the State Attorney's Office.

39. List any fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement. Include the date received and the presenting entity or organization.

- **Pro Bon Honors - Awarded 5/15/2010 from Florida Coastal School of Law**
- **Deans list - Awarded Fall 2009 from Florida Coastal School of Law**
- **Top Gun Award - Awarded 2015 by the State Attorney's Office, 7th Judicial Circuit**
- **Law Enforcement Commendation Medal - Awarded in 2014 by the National Society of the Sons of the American Revolution.**

40. Do you have a Martindale-Hubbell rating? If so, what is it and when was it earned? **No**

41. List all bar associations, legal, and judicial-related committees of which you are or have been a member. For each, please provide dates of membership or participation. Also, for each indicate any office you have held and the dates of office.

- **Florida Prosecuting Attorney Association Education Committee Member since 2017**
- **Freedom 7 Human Trafficking Task Force Member since 2017**
- **Batterer's Accountability Board Member since 2018**
- **Putnam County Bar Association since 2011 (President 2019-Present)**
- **Putnam County Public Safety Council since 2017**
- **Putnam County Behavioral Health Consortium since 2017**

42. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of office.

- **Rotary Club of Palatka since 2018 (Currently co-chair of the annual health fair)**
- **Habitat for Humanity of Putnam County Board Member since 2020**

43. Do you now or have you ever belonged to a club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race,

religion (other than a church, synagogue, mosque or other religious institution), national origin, or sex (other than an educational institution, fraternity or sorority)? If so, state the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench. **No**

44. Please describe any significant pro bono legal work you have done in the past 10 years, giving dates of service.

None as not permitted as an Assistant State Attorney.

45. Please describe any hobbies or other vocational interests.

Carpentry, Cooking & Target Shooting

46. Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge.

I enlisted in the U.S Navy. I first enlisted in the Spring of 2004 by entering the Delayed Entry Program (7 months and 8 days of inactive). I served actively from Nov. 9, 2005 through December 12, 2005. I obtained an E3 pay grade and received an Administrative Entry level separation (General).

47. Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

Instagram = @kenejames

Facebook = Kenny James

LinkedIn = Kenneth Janesk

FAMILY BACKGROUND

48. Please state your current marital status. If you are currently married, please list your spouse's name, current occupation, including employer, and the date of the marriage. If you have ever been divorced, please state for each former spouse their name, current address, current telephone number, the date and place of the divorce and court and case number information.

I am married to Jennifer Dunton. She is currently employed as an Assistant State Attorney for the Seventh Judicial Circuit in the Homicide Division. We have been married since November 3, 2017.

49. If you have children, please list their names and ages. If your children are over 18 years of age, please list their current occupation, residential address, and a current telephone number.

Redacted per FSA 119

CRIMINAL AND MISCELLANEOUS ACTIONS

50. Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms. **No**
51. Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms. **No**
52. Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction. **No**
53. Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.

Kenneth Janesk II v. Capitol Preferred Insurance Company, Inc.

St. Johns County - Case number CC18-0662

I was the plaintiff and the litigation arose when the roof of my rental property was damaged during Hurricane Irma in 2017. I sued my insurance company when they wrongly denied a claim and the company settled quickly.

54. To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part? **None**
55. To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved. **No**
56. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, provide the particulars of each finding or investigation. **No**
57. To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior against you with any regulatory or investigatory agency or with your employer? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition. **No**

58. Are you currently the subject of an investigation which could result in civil, administrative, or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation, and the expected completion date of the investigation. **No**
59. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy. **No**
60. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain. **No**
61. Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status. **Full Compliance**

HEALTH

62. Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol? **No**
63. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism? If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.] Please describe such treatment or diagnosis. **No.**
64. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner: experiencing periods of no sleep for two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering from extreme loss of appetite, issuing checks without sufficient funds, defaulting on a loan, experiencing frequent mood swings, uncontrollable tiredness, falling asleep without warning in the middle of an activity. If yes, please explain. **No**
65. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed. **No**

66. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, provide full details as to court, date, and circumstances. **No**
67. During the last ten years, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal or State law provisions.) **No**
68. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned, or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs, or illegal drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action **No**
69. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal, and the reason why you refused to submit to such a test. **No**
70. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full. **No**

SUPPLEMENTAL INFORMATION

71. Describe any additional education or experiences you have which could assist you in holding judicial office.

My last four years as the manager of the Putnam County State Attorney's Office has allowed me to refine and build a skill set which will serve me well on the judiciary. Regardless of the particular area of law and division a judge presides over, there are certain qualities every judge should strive to possess.

Consistency: During my ten years with the State Attorney's Office, my client has always been the State of Florida and my goal has always been justice. As a manager supervising seven other Assistant State Attorneys, I have stressed the need for consistency on a daily basis. When choosing to file or not file a certain case, we must first consider how this decision compares to a previous filing decisions to ensure we are administering justice in a consistent manner. When making offers we must ask ourselves, "How do these offers line up with our previous offers?" or "Has the same prosecutor with the same set of facts offered something very different in a previous case?" Furthermore as a supervisor, I must ask myself "Has a different prosecutor in the same office with the same set of facts offered

something very different?” When making legal arguments to a court, we cannot shift our arguments from case to case. We can compare and distinguish cases, but we cannot alter our principles with each case. The defense attorneys, defendants and the system as a whole, rightfully require consistency from prosecutors.

Following Precedent: All attorneys should feel confident that when they go before a court on solid legal ground, the law will be followed. As a prosecutor, I follow prior legal precedent in making filing decisions. This is probably the least seen aspect of my job. Prosecutors very rarely get credit for the cases they choose not to file, however a large part of my day is spent briefing cases with other prosecutors and making decisions. Can we prove the case? Should we go forward with the case? We cannot make filing decisions because we feel sorry for a victim or want to help them. All of our decisions must be based in the law. My position routinely requires me to have tough talks with victims and law enforcement about why we cannot file a case. These conversations are rarely pleasant but always necessary. A wise judge once explained, “If you are stuck in a position of doing what you want to do or following the law, always follow the law and you can’t go wrong.”

Willingness to consider all sides: When going before any court, all parties want to know that they are being heard and “getting their day in court.” Many times before a defense attorney ever steps foot in court, he or she first wants a meeting with me and the assigned prosecutor to present mitigation for the best offer possible or even a dismissal of the charges. I have always taken the time to meet with all defense counsel and during meetings I go in with an open mind. My experience has taught me that I do not always know all of the facts and I may be getting only half of the story. There are times I agree, times I disagree and times I meet defense counsel in the middle; however, I always provide an audience and open mind.

Timely Decision: Regardless of the courtroom, all counsel deserve a timely answer. If they file a motion, they need to get before the court without delay; if they have a hearing, they need a timely decision. Along with meeting defense counsel, I am also dedicated to getting them a timely response. The system comes to a halt if I either set up a meeting a month after the request or never respond at all. There are times I want to digest what they have presented or research the laws they have argued in our meeting, however, I always get the defense their answer quickly. A timely response is only fair so that defense attorneys know we have come to an agreement or that they will need to find an alternate path for the case.

Efficiency: The practice of law requires long hours and all attorneys want to know that they are using their time in the most efficient way. As a managing attorney, I do not carry a large caseload anymore; however, I still attend court on a regular basis. Much of my time in court now is spent listening to the cases and ensuring that the process is moving efficiently. When I see private counsel waiting, I make sure the prosecutor knows they are there. If the delay is the transport of a prisoner, I speak with the bailiffs to ensure the right defendant gets into the courtroom as soon as possible. I do the same for the public defenders when they are in court waiting on one more case with a line of clients waiting to

meet them back at their office. I ensure their final case is called quickly so they can move on to the other tasks of the day. With the challenge of COVID-19 I have been able to better use my organizational skills. As in-person court was not allowed, I was part of the group working with our Judges, court administration, Sheriff's Office and defense bar to come up with the procedures that would keep the process moving. I did the same inside my office when we shifted to working from home.

Finality: A decision can come after proper debate and can come in a timely manner, but all parties to any litigation want to know that the decision is final as well. In my time as an attorney, I have had the opportunity to prepare over fifty post-conviction responses. While appeals will happen and new areas of law will require guidance from higher courts, my experience in post-conviction appeals is a constant reminder that my work will be judged by a higher court and in my current job I owe it to my victims and the tax payers that my decisions are lawful, well rooted in controlling authority and will stand up to the scrutiny of an appeal.

72. Explain the particular contribution you believe your selection would bring to this position and provide any additional information you feel would be helpful to the Commission and Governor in evaluating your application.

On any given day in court, regardless of the area of law, a judge will encounter people from all walks of life. An extremely experienced litigator, a newly licensed attorney and a pro se litigant without any formal education can all come before the same judge on the same day. It is important for a judge to be even-tempered and respectful to all that come before him or her. My life experiences, both legal and non-legal, show that I have a history of this. As a managing Assistant State Attorney, I have the opportunity to have high level legal debates with very experienced litigators, but then shift to teaching a brand new attorney or legal intern, fresh out of law school, or explaining the law to a victim or a new law enforcement officer. My employment background, even before my 21st birthday, shows that I have worked with all aspects of the community. I understand what it means to wake up before the sun to get to a construction site for eight straight hours of manual labor at minimum wage as much as I understand working a nightshift as a waiter where your livelihood depends on your ability to be personable with each guest. From my time as a legal intern, I understand how trying it can be to interview each of your clients in a small concrete jail cell with the standard stainless steel table and bench bolted to the ground and can relate to the stigma of representing someone who has been accused of the most atrocious crimes. I would bring this lifetime of experience to the bench and conduct a courtroom where all are shown the same respect.

REFERENCES

73. List the names, addresses, e-mail addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for a judicial position and of whom inquiry may be made by the Commission and the Governor.

- **Hon. R.J Larizza. Seventh Circuit State Attorney. 251 N. Ridgewood Ave. #300
Daytona Beach, FL 32144. 386-239-7710 larizzaR@sao7.org**
- **Hon. Joe Boatwright. County Judge for Putnam County. 410 St. Johns Ave. Palatka,
FL 32177. 386-329-0269 jboatwright@circuit7.org**
- **Comm. Jeremiah Blocker. St. Johns County Commissioner. 101 Marketside Ave., Suite
404-195 Ponte Vedra, FL 32081. Redacted per FSA 119 jrblocker@northflalawyers.com**
- **Sheriff Homer “Gator” DeLoach. Putnam County Sheriff. 130 Orié Griffin Blvd.
Palatka, FL 32177. Redacted per FSA 119 HDeLoach@putnamsheriff.org**
- **Travis Smith. Resident Area Special Agent, Florida Department of Law Enforcement.
811 SR 206 East, Suite 5 St. Augustine, FL 32086. 904-669-6979
TravisSmith@fdle.state.fl.us**
- **Hunter Conrad. St. Johns County Administrator. 500 San Sebastian View St.
Augustine, FL 32084. 904-209-0530 HConrad@sjcfl.us**
- **Eric Leonard. Regional Conflict Counsel. 2450 Old Moultrie Road, STE 201 St.
Augustine, FL 32086. 904-797-8111 ELeonard@rc5state.com**
- **Hon. Christopher Ferebee. 7th Judicial Circuit Judge. 410 St. Johns Ave. Palatka, FL
32177. 386-329-0471 cferebee@circuit7.org**
- **Hon. Tim Smith, Putnam County Clerk of Courts. 410 St. Johns Ave. Palatka, FL
32177. 386-937-6409 Tim.Smith@putnam-fl.com**
- **Hon. Howard O. McGillin Jr., 7th Judicial Circuit Judge. 7th Judicial Circuit Judge. 410
St. Johns Ave. Palatka, FL 32177. 386-329-0266 hmcgillin@circuit7.org**


CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(1), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 19TH day of OCTOBER, 2020.

Kenneth J. Janesk #
Printed Name


Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: 71,250.03

Last Three Years: 2019=93,380.20 2018=85,977.79 2017=75,950.10

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: 71,250.03

Last Three Years: 2019=93,380.20 2018=85,977.79 2017=75,950.10

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: 13,000 (Rental House)

Last Three Years: 15,600 15,600 15,600

4. State the amount you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: 13,000 (Same Rental House as above)

Last Three Years: 15,600 15,600 15,600

5. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current Year-To-Date: 2,420.56 (Rental House)

Last Three Years: 2019=2,104.54 2018=1,053.45 2017=1,935.25

FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST

PART A – NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of Oct. 17, 2020 was \$ 469,428.10.

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 68,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
Bank of America Checking Account	12,754.02
Capital One Savings Accounts (2)	9,413.76
BBVA/Compass Checking Account	3,926.34
Ameris Checking Account	1,812.45
Ameris Savings Account	1,304.22
Spdr Series Trust Spdr Portfolio Stock	3,317.34
Zoom Video Communications Inc. Stock	2,236.00
AT&T Stock	8,035.02
Florida Retirement System	73,398.03
New York Life Whole Life Retirement Account	132,120.13
Real Property at 264 Pradera St. St. Augustine, Fl. 32086	180,000
Real Property at Redacted per FSA 119	475,000

PART C - LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4): NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
BBVA/Compass Home Equity Line	47,000
BBVA/Compass Mortgage for Redacted per FSA 119	286,123.99
Planet Home Lending Mortgage for 264 Pradera St. St. Augustine, Fl. 32086	71,234.15
Volkswagen Credit for family Vehicle	28,272.07
JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE: NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
NONE	

PART D - INCOME

You may ***EITHER*** (1) file a complete copy of your latest federal income tax return, *including all W2's, schedules, and attachments*, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.
 (if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
State of Florida (7 th Judicial Circuit, State Attorneys Office)	251 N. Ridgewood Ave. Ste 300 Daytona Beach, Fl. 32114	95,000.04

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
Rental Property	Rental Property	264 Pradera St. St. Augustine, Fl. 32086	Rental House that I solely own.

PART E – INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITTY	NONE	NONE	NONE
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

KSO

SIGNATURE

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this 19 day of Oct, 2020 by _____

Kenneth Janesk

(Signature of Notary Public—State of Florida)

Tracy M. Sorell

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification _____

Type of Identification Produced _____



JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: 19 October 2020

JNC Submitting To: 7th Judicial Circuit

Name (please print): Kenneth J. Janesk II

Current Occupation: Assistant State Attorney

Telephone Number: 201-247-0066

Attorney No.: 85993

Gender (check one):

Male

Female

Ethnic Origin (check one):

White, non-Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: St. Johns County

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR
FDLE TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Kenneth J. Janesk II
Printed Name of Applicant


Signature of Applicant

Date: 19 Oct. 2020

WRITING SAMPLE 1

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT,
IN AND FOR PUTNAM COUNTY, FLORIDA

STATE OF FLORIDA

v.

CASE NO. 2014-1107-CF

JONATHAN DEWITT LAFEVER

Defendant/

STATE'S REPOSE TO DEFENDANT'S MOTION FOR RELIEF

NOW COMES the STATE, by and through the undersigned Assistant State Attorney, pursuant to Florida Rules of Criminal Procedure 3.850 and responds to the Defendant's Motion for relief, requesting this Honorable Court deny said motion. In support of this request the State would show the following:

PROCEDURAL HISTORY

Jonathan Dewitt Lafever (hereinafter, "Defendant") was arrested on the above-styled case on 8 August 2014 for burglary while armed, grand theft of a firearm and grand theft from a dwelling. The State filed an information, adding a count of possession of a firearm by a convicted state felon, on 22 August 2014.¹ Defendant was first appointed the services of the Public Defender but later retained Garry Wood Esq. (hereinafter, "Defense Counsel") on 15 April 2015. On 14 July 2015, Defendant entered a plea of nolo contendere to counts 2, 3 and 4 as charged but an amended charge of attempted burg dwelling on count 1. Defendant received the negotiated plea of five (5) years Department of Corrections (hereinafter, "DOC") on count 1 as a Prison Releasee Reoffender (hereinafter, "PRR") concurrent with five (5) years DOC on counts 2 and 3; all of those concurrent with fifteen (15) years DOC on count 4.² At the sentencing the State put on evidence, in the form of a penitentiary packet³ and a letter from the Office of Clemency⁴, proving Defendant qualified for sentencing under PRR.⁵

Defendant filed a notice of appeal with the 5th District Court of Appeal on 7 August 2015, which was disposed of by the Court on 19 January 2016.⁶ Defendant then

¹ Exhibit A.

² Exhibit B.

³ Exhibit C.

⁴ Exhibit D.

⁵ Exhibit E.

⁶ Exhibit F.

filed a 3.850 motion with this Court, alleging five ground of ineffective assistance of counsel, which the Court ordered the State to respond.

DISCUSSION

GROUND 1

Defendant first alleges that Defense Counsel was ineffective by advising him to take five years DOC as PRR for the charge of attempted Burglary of a dwelling. Defendant argues that because this was a vessel, the State could not prove dwelling as a matter of law.

Defendant was originally charged with armed burglary in violation of Florida Statute 810.02(b) which is punishable by life in prison. Under Florida Statute 775.082(9)(a)(1)(p) lists Armed Burglary as a qualifying PRR offense. Florida Statute 775.082(9)(a)(3)(a) states the defendant "must be sentenced ... for a felony punishable by life, by a term of imprisonment for life." Florida Statute 810.011(2) defines "dwelling" as

"a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night ..."

The police report, submitted in Defendant's original motion, the supplement by Detective Owens, clearly states that there are "two airstream campers on the deck of the house boat. Boyd and his wife reside in the campers."⁷ The report also clearly states that the firearm was taken from the bathroom of said camper.⁸ Said firearm was later recovered in a top drawer of Defendant's dresser after he made a call to his mother on a recorded jail line.⁹

While Defendant is correct about his reading of Wilkes¹⁰, this case has no relevancy in our case. The State clearly could have proven armed burglary of a dwelling. The State did prove that Defendant qualified under PRR. As charged, Defendant could have been found guilty and would have been required to receive a life sentence. Through negotiations Defense Counsel was able to reduce count 1 from a mandatory life sentence to a mandatory five (5) years in DOC. Defense Counsel would have advised Defendant properly to the mandatory life sentence and would have acted in his clients' best interest to achieve such a favorable plea offer.

⁷ Exhibit G.

⁸ Id.

⁹ Id.

¹⁰ Wilkes v. State, 123 So. 3d 632 (4th DCA 2013).

The record clearly refutes that Defense Counsel fell below the standard of a competent defense attorney. When the Defendant's claims are refuted by the record, the Court is empowered to summarily deny the claim of ineffective assistance of counsel.¹¹

GROUND 2

Defendant next claims Defense Counsel was ineffective when he advised Defendant to plea to count 4, felon in actual possession of a firearm, as the State could not prove actual possession. Defendant cites Williams¹², which held that the Court could not impose a 3 year minimum mandatory, even when the jury found for actual possession in the verdict form, because there was no evidence in the trial which would have allowed for this finding.¹³ Defendant attempts to strengthen his argument by citing the Mulus¹⁴ decision holding that Court was not required to impose the three year minimum mandatory sentence when there was no finding of "actual possession" of the firearm, nor was it stipulated to for purposes of sentencing.

None of these cases have any relevancy or connection to the above-styled case. The Williams decision follows a case where the defendant was sentenced after a trial where the jury found for actual possession but the State in the appeal even stipulated that there was no evidence to support such a finding.¹⁵ The Banks decision follows the same logic when this time, after trial, the jury failed to make an actual finding on the verdict form.¹⁶ Both of these cases differ from the above-styled case because Defendant agreed upon his reduced sentencing of fifteen years, in lieu of Life; rather than go to trial. Mulus may be the closest to relevant but again fails to draw an adequate connection, as Mulus relies on an open plea, where again there was no negotiation nor stipulation by parties.¹⁷

Following the Mulus¹⁸ Court, the question to consider is, "Was Defense Counsel ineffective when he advised that the State could prove actual possession of a firearm?" The Mulus Court is clear that there needs to be a record or the Court to find actual possession.¹⁹ The Mulus court relied on a segment of the officer's report which read, "[W]hen the police officer spoke to the defendant [after pulling him over], the officer

¹¹ Rule 3.850(d), Fla. R. Crim. Pro; *see also Anderson v. State*, 627 So. 2d 1170 (Fla. 1993).

¹² Williams v. State, 997 So. 2d 486 (2nd DCA 2008).

¹³ *See Banks v. State*, 949 So. 2d 353 (4th DCA 2007) (Holding that the Court could not impose a three year minimum mandatory after trial when the jury failed to make a specific finding)

¹⁴ State v. Mulus, 970 So. 2d 349 (3rd DCA 2007).

¹⁵ Williams v. State, 997 So. 2d 486 (2nd DCA 2008).

¹⁶ Banks v. State, 949 So. 2d 353 (4th DCA 2007).

¹⁷ State v. Mulus, 970 So. 2d 349 (3rd DCA 2007).

¹⁸ Id.

¹⁹ Id. at 350.

noticed a firearm wedged between the defendant's seat and the center console in plain view."²⁰

Our case is much different in respect of actual possession of the firearm. First is the fact that the Defendant stipulated to actual possession of the firearm, which is demonstrated in his plea and waiver form.²¹ Defendant is agreeing to the three year minimum mandatory clearly when in the section which reads, "Pursuant to plea negotiations ..."²² Defendant's argument however is that he only signed that from the "ineffective" advice of Defense Counsel. This again would not be reasonable based on the police report.²³ This report first states that the firearm was stolen from the airstream on the ferry boat. That same firearm was said to have been actually possessed by the statements obtained from Taryna Thompson who last saw Defendant put it back in his room. The detective then intercepts a recorded jail phone call where Defendant is telling his mother to "clean out his top dresser drawer ..."²⁴ This is where the firearm is eventually recovered and identified to be the same firearm that was stolen. Thus the State, unlike the cited cases, could prove actual possession of the stolen firearm as it is impossible for Defendant to have stolen the firearm and then handled the firearm without actually possessing said firearm. The record is clear that the State could prove actual possession of the firearm and the record remains clear that Defense Counsel negotiated for defendant to obtain an offer of fifteen years DOC, of which only five (5) years were day for day, in lieu of a mandatory life sentence.

In Strickland²⁵, has laid out a speci²⁶fic two prong test for ineffective assistance of counsel. To satisfy Strickland Defendant would need to show 1. - That Defense Counsel's actions or inactions fell below that of a competent attorney; and 2. - but for that departure from competency the outcome would have been different.²⁷ This ground does not meet the second prong of Strickland²⁸ as Defendant's Judgment and Sentence²⁹ clearly shows that Defendant is serving the three year minimum mandatory, concurrent with the five year DOC minimum mandatory from count 1. The three year minimum mandatory will be over two years before Defendant completes his five year minimum mandatory and over a decade before his complete DOC sentence.

²⁰ Id.

²¹ Exhibit H.

²² Id.

²³ Exhibit G.

²⁴ Id.

²⁵ Strickland v. Washington, 104 S.Ct. 2052 (1984).

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ Exhibit E.

The record clearly refutes that Defense Counsel fell below the standard of a competent defense attorney. When the Defendant's claims are refuted by the record, the Court is empowered to summarily deny the claim of ineffective assistance of counsel.³⁰ Furthermore this ground cannot meet both prongs of the Strickland test.

GROUND 3

Defendant asserts that Defense Counsel was ineffective in advising him to enter a plea to count 3, grand theft from a dwelling, when the State could not prove that the ferry boat is a dwelling. Defendant makes the claim based on his opinion that a vessel of that size is not zoned for the location in which it was anchored and then argues that the mailing address given in the State's discovery answer is different from that of the vessel. Defendant fails to provide any controlling authority which would remove this ferry boat as a dwelling based on, nor does Defendant provide any controlling authority to state a dwelling can only be where one receives their mail. Florida Statute 812.014(2)(e) advises the careful reader to find the definition of "dwelling" in Florida Statute 810.011(2). Ground 1 of this motion has previously discussed that statute and how its legal definition was met in this case; thus, on this same basis ground 3 ought to be summarily denied.

Also as stated in the first ground, Defense Counsel negotiated on Defendant's behalf a sentence which removed a mandatory life sentence for a sentenced of only fifteen years, five of which would be a mandatory minimum.

The record clearly refutes that Defense Counsel fell below the standard of a competent defense attorney. When the Defendant's claims are refuted by the record, the Court is empowered to summarily deny the claim of ineffective assistance of counsel.³¹

GROUND 4

Defendant asserts that Defense Counsel was ineffective in allowing him to plea to both felon in possession of a firearm as well as grand theft of a firearm because this constitutes double jeopardy. Defendant looks to Florida Statute 775.021 for legal guidance on this claim, yet fails in its proper application. Florida Statute 775.021(4)(a) states, "... For the purposes of this subsection, offenses are separate if each offense requires proof of an element that the other does not, without regard to the accusatory pleading or the proof adduced at trial."³² Defendant feels the Blockburger test is

³⁰ Rule 3.850(d), Fla. R. Crim. Pro; *see also* Anderson v. State, 627 So. 2d 1170 (Fla. 1993).

³¹ Rule 3.850(d), Fla. R. Crim. Pro; *see also* Anderson v. State, 627 So. 2d 1170 (Fla. 1993).

³² See Also, Blockburger v. U.S., 52 S. Ct. 180 (1932).

satisfied because both the felon in possession of a firearm count and the grand theft of a firearm count are “founded upon the same possession” of the firearm. This analysis is completely inaccurate however. To prove the crime that Defendant was a felon in possession of a firearm, contrary to Florida Statute 790.23(1) the State needed to prove:

1. - Defendant possessed a firearm, and
2. - At the time of the possession of said firearm, the Defendant was a convicted felon.

To prove the crime of grand theft of a firearm, contrary to Florida Statute 812.014(2)(c)(5), the State needed to prove:

1. - Defendant knowingly and unlawfully obtained or used the property of the alleged victim.
2. - Defendant did so with the intent to, either temporary or permanently deprive the victim of his/her right to the property and benefit from it.³³

The instruction then goes on to say, “If you find the defendant guilty of theft, you must also determine if the State has proved beyond a reasonable doubt whether the stolen property was a firearm.”³⁴

Even the legally untrained reader can see that the only similarities between the elements for these two counts is that they both have two elements and they both reference the word “firearm.” The minuscule similarities remains infinitely further away from the required similarities required under Blockburger.³⁵³⁶

While this ground would be more appropriately found in a 3.800 motion, for an illegal sentence, it remains clear from the record and controlling authority that Defendant could legally be sentenced to both counts of the information. As the record clearly refutes that Defense Counsel fell below the standard of a competent defense attorney and Defendant’s claims are refuted by the record, the Court ought to summarily deny the claim of ineffective assistance of counsel.³⁷

GROUND 5

Defendant’s final claim is best characterized as a “cumulative effect catch all.” Defendant asserts that all of the above stated claims have a cumulative effect, where

³³ Florida Supreme Court Standard Jury Instruction 14.1. 2016.

³⁴ Id.

³⁵ Blockburger v. U.S., 52 S. Ct. 180 (1932).

³⁶ See Also, Florida Statute 775.021(4)(a) (Codifying the Blockburger test).

³⁷ Rule 3.850(d), Fla. R. Crim. Pro; *see also* Anderson v. State, 627 So. 2d 1170 (Fla. 1993).

even if each claim on their own achieve no merit, together they build compound to ineffective assistance. Defendant cites different cases of “cumulative effect” however, our case cannot draw any parallel to these cases. Before Defendant can show the proverbial “great wall of ineffective assistance” Defendant would first need to show the simplest brick in said wall. Defendant has listed four previous claims which have all been clearly refuted by the record. Thus as each single claim should be summarily denied in accordance with the law³⁸, so much this final “catch all” claim.

CONCLUSION

As the State has shown a legal basis, through the records, exhibits and controlling authority, as to why each ground much be summarily denied, the State would request Defendant’s motion for post-conviction relief, based on ineffective assistance of counsel, be denied in its entirety.

CERTIFICATE OF SERVICE

I Certify that a true and accurate copy of the foregoing response has been furnished via U.S mail to Jonathan Lafever, pro se defendant, at Reception Medical Center P.O Box 628 Lake Butler, Fl. 32054 this 19th day of April 2016.

s/ KENNETH JAMES JANESK II

Kenneth J. Janesk II

Assistant State Attorney

Bar No. 85993

410 St. Johns Ave.

Palatka, Fl. 32177

³⁸ Rule 3.850(d), Fla. R. Crim. Pro; *see also* Anderson v. State, 627 So. 2d 1170 (Fla. 1993).

Exhibit A

STATE OF FLORIDA
 VS.
 JONATHAN DEWITT LAFEVER
 W/M; DOB: 03/13/1987 SS# 589-64-9938

CLASSIFICATION: FELONY
 IN THE CIRCUIT COURT OF THE SEVENTH
 JUDICIAL CIRCUIT, IN AND FOR PUTNAM
 COUNTY, FLORIDA, IN THE YEAR TWO
 THOUSAND FOURTEEN

CASE NO: 2014-1107-CF
 AGENCY: PCSO/144609

INFORMATION

CHARGE(S):

- I) BURGLARY WHILE ARMED
- II) GRAND THEFT OF FIREARM
- III) GRAND THEFT FROM A DWELLING
- IV) POSSESSION OF FIREARM BY CONVICTED IN STATE FELON

R.J. LARIZZA, State Attorney for the Seventh Judicial Circuit of the State of Florida and as such prosecuting attorney for this Court, in the name of and by the authority of the State of Florida charges that:

COUNT I: JONATHAN DEWITT LAFEVER, on or about August 3, 2014, in the County of PUTNAM and State of Florida, did knowingly enter or remain in a dwelling, which was property owned by or in the possession of BOYD ERNEST THOMPSON, while JONATHAN DEWITT LAFEVER was armed, or armed himself within such with a firearm, a dangerous weapon or explosive, with the intent to commit an offense therein, contrary to Florida Statutes 810.02 (2)(b) and 810.02(1). (1 DEG FEL, PBL)

COUNT II: IN THAT JONATHAN DEWITT LAFEVER on or about August 3, 2014, in the County of PUTNAM and State of Florida, did violate F.S. 812.014(1), did knowing obtain or use, or endeavor to obtain or use firearms to wit: 9mm handgun, which was the property of Boyd Thompson, or any other person not the defendant(s), with the intent to permanently or temporarily deprive Boyd Thompson or any other person not the defendant(s) of the property or benefit therefrom or to appropriate the property to the use of Jonathan Dewitt Lafever or to the use of any person not entitled thereto, contrary to Florida Statute 812.014 (2)(c)(5). (3 DEG. FEL)

COUNT III: IN THAT JONATHAN DEWITT LAFEVER, on or about August 3, 2014, in the County of PUTNAM and State of Florida, did knowingly obtain or use, or endeavor to obtain or use a cellular phone and US Currency of a value of \$100.00 or more, which was the property of BOYD ERNEST THOMPSON, or any other person not the defendant(s), with the intent to permanently or temporarily deprive BOYD ERNEST THOMPSON or any other person not the defendant(s) of the property or benefit therefrom or to appropriate the property to the use of JONATHAN DEWITT LAFEVER or to the use of any person not entitled thereto, and did obtain or use, or endeavor to obtain or use from a dwelling or from the unenclosed curtilage of a dwelling, contrary to Florida Statute 812.014 (2)(d) and 812.014(1). (3 DEG FEL)

COUNT IV: IN THAT JONATHAN DEWITT LAFEVER on or about August 3, 2014, in the County of PUTNAM and State of Florida, after having been convicted of a felony, owned or was knowingly in the care, custody, possession, or control of a firearm, contrary to Florida Statute 790.23(1). (2 DEG FEL)

FOR THE STATE ATTORNEY

[Handwritten Signature]

KENNETH JAMES JANESK, II
ASSISTANT STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA
BAR NUMBER: 85993

COUNTY OF PUTNAM

STATE OF FLORIDA

Personally appeared before me KENNETH JAMES JANESK, II, Assistant State Attorney, for the Seventh Judicial Circuit of the State of Florida, known to me to be the foregoing prosecuting officer, who being duly sworn, says that the allegations set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged. Subscribed in good faith. Said facts based on testimony of material witnesses.

SWORN to and subscribed before me this 22 day of August, 2014.

Submitted to the Clerk of the CIRCUIT Court, Seventh Judicial Circuit, in and For PUTNAM County, Florida, on the 22 day of August, 2014.

[Handwritten Signature]

NOTARY PUBLIC AT LARGE
STATE OF FLORIDA



Exhibit B

PRE TRIAL MINUTES

STATE OF FLORIDA VS

DATE: 07/14/2015

LAFEVER, JONATHAN DEWITT

CASE NO: 14001107CFAXMX

STATE ATTORNEY: JANESK, KENNETH JAMES II

JUDGE: CLYDE E WOLFE

DEFENSE ATTORNEY: WOOD, GARRY L

COURT REPORTER: COURTSMART

- INFORMATION: 1 - BURGLARY WHILE ARMED (810.02 2b - F1)
 2 - GRAND THEFT OF FIREARM (812.014 2c5 - F3)
 3 - GRAND THEFT FROM A DWELLING (812.014 2d - F3)
 4 - POSSESSION OF FIREARM BY CONVICTED IN STATE FELON (790.23 1a - F2)

PRESENT NOT PRESENT

ON MOTION OF _____, COURT ORDERED CASE CONTINUED TO PRE TRIAL: _____ AND TRIAL: _____

STATE ANNOUNCED READY FOR TRIAL.
 DEFENSE ANNOUNCED READY FOR TRIAL. TRIAL SET _____

ON MOTION OF THE STATE OF FLORIDA TO AMEND INFORMATION TO:

_____ COURT GRANTED MOTION. _____ COURT DENIED MOTION.

DEFENDANT WAS SWORN, WITHDREW FORMER PLEA AND ENTERED A PLEA OF:

NOLO CONTENDERE GUILTY AS FOLLOWS:

AS CHARGED TO: CTS. II, III, IV

TO THE LESSER OFFENSE OF: CT. I - Attempted Burglary of dwelling

DEFENDANT ADVISED OF MAXIMUM PENALTY OF 5/5/5/15 YEARS DOC AND/OR A FINE OF \$ 5/5/5/15 AS TO CTS. I, II, III, IV

COURT ACCEPTED PLEA AND ORDERED A PSI. Located

COURT DID NOT ACCEPTED PLEA. CASE SET FOR TRIAL _____

CASE SET FOR SENTENCING ON: 7/14/15

PURSUANT TO STIPULATION AND AGREEMENT, COURT ORDERED CASE REMANDED TO COUNTY COURT

ON MOTION OF THE STATE, COURT ORDERED A NOLLE PROSEQUI AS TO:

CAPIAS

DEFENDANT NOT PRESENT, COURT ORDERED A CAPIAS ISSUED: WITHOUT BOND BOND SET IN THE AMOUNT OF: \$ _____

SECURED BOND ESTREATED UNSECURED BOND ESTREATED

REMARKS:

PREPARED BY: Trinisha D Austin
DEPUTY CLERK

CASE NO: 14001107CFAXMX

LAFEVER, JONATHAN DEWITT

CHARGE(S): Attempted Burglary of dwelling; Grand Theft
Of firearm; Grand theft from a dwelling; Possession of firearm
by convicted in state febr

DEFENDANT SENTENCED AS FOLLOWS:

CTS. I, II, III, IV
ADJUDGED GUILTY
 PROBATION REVOKED

ADJUDICATION OF GUILTY WITHHELD
 COMMUNITY CONTROL REVOKED

Prison Releasee Reoffender

AS TO COUNT: I | II | III | IV
DOC TERM OF: 5 years min. man | 5 years | 5 years | 15 years (3 years min. man)

CREDIT GIVEN FOR TIME SERVED: Credit Given (340 DAYS)

CTS. II, III, IV CONCURRENT WITH: CT. I and any active sentence

CONSECUTIVE WITH: _____

AS TO COUNT: _____

COUNTY JAIL TERM OF: _____

CREDIT GIVEN FOR TIME SERVED: _____

CONCURRENT WITH: _____

CONSECUTIVE WITH: _____

THEREUPON COURT ENTERED:

PROBATION FOR A TERM OF: _____

COMMUNITY CONTROL FOR A TERM OF: _____

CONCURRENT WITH: _____

CONSECUTIVE WITH: _____

- \$395.00 COURT COSTS
- \$100.00 COST OF PROSECUTION
- \$50.00 PD APPLICATION FEE
- \$100.00 PD ATTORNEY FEE
- \$20.00 CRIME STOPPERS
- \$15.00 ALCOHOL/DRUG TF
- \$10.00 COST OF SUPERVISION
- \$1.00 FIRST STEP, INC
- UNDERGO AND PAY FOR DRUG TESTING
- ALL COST CONVERTED TO CIVIL LIEN

- \$151.00 RAPE CRISIS TF
- \$201.00 DOMESTIC VIOLENCE SURCHARGE
- \$151.00 MINOR VICTIM COSTS
- \$30.00 COURT FACILITY FEE
- \$3.00 RADIO TRUST FUND
- DL REVOCATION _____

Tranisha D Austin

PREPARED BY: _____
DEPUTY CLERK

Exhibit C



*Changing Lives to
Ensure a Safer Florida*

FLORIDA
DEPARTMENT of
CORRECTIONS

Governor

RICK SCOTT

Secretary

MICHAEL D. CREWS

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

OFFENDER INFORMATION REQUEST COVER PAGE

8/25/2014

7TH JUDICIAL CIRCUIT
ATTN: KENNETH JAMES JANESK, II A.S.A.
OFFICE OF THE STATE ATTORNEY
1769 EAST MOODY BOULEVARD, BLDG 1, 3RD FLOOR
BUNNELL, FL 32110

RE: JONATHAN D. LAFEVER; DC No. C01529; REQUEST NUMBER: 118423

Aliases

- JOHNATHAN DEWITT LAFEVER
- JONATHAN D LAFEVER
- JONATHAN DEWITT LAFEVER
- JONATHAN DEWWITT LAFEVER
- JONATHAN D LEFEVER

INFORMATION PROVIDED:

- Criminal Justice Penitentiary Packet

COMMENTS:

10th July 15
TSA



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Ensure a Safer Florida*

FLORIDA
DEPARTMENT of
CORRECTIONS

Governor

RICK SCOTT

Secretary

MICHAEL D. CREWS

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

CERTIFICATION OF RECORDS

I, RONALD M. BROWN, hereby certify that I am a custodian of records of the Florida Department of Corrections, located at 501 South Calhoun Street, Tallahassee, Florida 32399-2500. Pursuant to sections 90.803(8), 90.803(8), and 90.902(11), Florida Statutes, I hereby certify the following:

- a) that as part of my regular duties I maintain custody and control of the official records of the Florida Department of Corrections,
- b) that the attached DC14 computer data record of **JONATHAN D. LAFEVER, DC No. C01529**, consisting of 5 page/s, reflects entries of information that were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters,
- c) that it is the regular practice of the Florida Department of Corrections to make, keep, and maintain the attached computer data during the course of regularly conducted business,
- d) and that the attached computer data record is a true and correct copy of the original record contained in the official records of the Florida Department of Corrections maintained pursuant to Section 945.25.

Pursuant to Section 92.524, Florida Statutes, I state under the penalties of perjury that I have read the foregoing certification and the facts stated in it are true.

Given under my hand and the official seal of the Florida Department of Corrections, this 8/25/2014.

RONALD M. BROWN
CORRECTIONAL SERVICES ASST
CONSULTANT

SEAL

FLORIDA DEPARTMENT OF CORRECTIONS

DC14 0 C01529

USER ID: DRECRB2

NAME: LAFEVER, JONATHAN D.

DOC NO: C01529

STATUS: INACTIVE

IISO006 OVERALL INMATE RECORD AS OF 08/25/14 TIME: 14:06

THE FOLLOWING INFORMATION IS FROM THE RECORD OF THE INMATE NAMED ABOVE.
SOME DATA AS WELL AS RELEASE DATE(S) ARE SUBJECT TO CHANGE WITH THE
AWARD OF AND/OR FORFEITURE OF GAIN TIME OR PROVISIONAL CREDITS OR WITH
A CHANGE IN SENTENCE STRUCTURE OR INMATE STATUS.

LOCATION: -RELEASED PROVISIONAL RELEASE DATE: NO CREDITS
OVERALL TERM: 5 YRS 0MOS 0DAYS TENTATIVE RELEASE DATE: 05/16/2012
CUSTODY GR: SINCE: / / LAST PROV.AWARD: 0 DAYS ON / /
DATE OF BIRTH: 03/13/87 SEX: MALE LAST GAIN TIME: 0 DAYS ON 01/31/09
BIRTHPLACE: FLORIDA HT: 5' 8" RACE: WHITE EYES: BLUE
SOC.SEC.NO.: FBI NO: FDLE:
FILE IMAGING: COMPLETE RECORD IMAGED

THE FOLLOWING DATES ARE SET BY THE PAROLE COMMISSION. QUESTIONS ABOUT
THESE DATES SHOULD BE DIRECTED TO THAT AGENCY AT (850) 488-1655.
CONTROL RELEASE DATE: / / PRESUMPTIVE PAROLE DATE: 99/99/9999

INMATE SENTENCES AS OF 08/25/14 TIME: 14:06

THE PRIOR INMATE RECORD REFLECTS THE DATE THE OFFENDER WAS RELEASED.
EXTERNAL MOVEMENTS WILL REFLECT THE TYPE OF RELEASE.
THE CURRENT INMATE RECORD IS COMPRISED OF CONCURRENT AND/OR CONSECUTIVE
SENTENCES WHICH ARE COMBINED TO ESTABLISH THE OVERALL TERM.

Table with columns: IMPOSED, COUNTY, CASE NO., OFFENSE, YRS MO DY, RELEASED. Includes rows for prior incarceration with details like 'DRIV.W/LIC S/R/C/D F' and 'BURG/DWELL/OCCUP.CON'.

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE
DOCUMENT AS SAME APPEARS IN OFFICIAL
RECORDS OF DEPARTMENT OF CORRECTIONS

NAME [Signature]
TITLE G31E DATE 8-25-2014

10/31/07 SUMTER 60-0700450 BURGUNOCCSTRUC/CV OR 1 11 9 02/09/09
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 04
 85% MINIMUM RELEASE DATE: 02/09/2009

10/31/07 SUMTER 60-0700450 GRAND THEFT,300 L/5, 1 11 9 02/09/09
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 02
 85% MINIMUM RELEASE DATE: 02/09/2009

10/31/07 SUMTER 60-0700451 BURGUNOCCSTRUC/CV OR 1 11 9 02/09/09
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 04
 85% MINIMUM RELEASE DATE: 02/09/2009

10/31/07 SUMTER 60-0700452 BURGUNOCCSTRUC/CV OR 1 11 9 02/09/09
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 04
 85% MINIMUM RELEASE DATE: 02/09/2009

10/31/07 SUMTER 60-0700452 GRAND THEFT,300 L/5, 1 11 9 02/09/09
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 02
 85% MINIMUM RELEASE DATE: 02/09/2009

10/31/07 SUMTER 60-0700469 BURG/DWELL/OCCUP.CON 1 11 9 02/09/09
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 07
 85% MINIMUM RELEASE DATE: 02/09/2009

10/31/07 SUMTER 60-0700469 GRAND THEFT,300 L/5, 1 11 9 02/09/09
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 02
 85% MINIMUM RELEASE DATE: 02/09/2009

10/31/07 SUMTER 60-0700469 GRAND THEFT FIREARM 1 11 9 02/09/09
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 04
 85% MINIMUM RELEASE DATE: 02/09/2009

--- LATEST INCARCERATION ---

05/16/12 SUMTER 60-0700273 DRIV W/LIC S/R/C/D F 5 0 0 06/27/12
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 01

05/16/12 SUMTER 60-0700448 BURG/DWELL/OCCUP.CON 5 0 0 06/27/12
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 07

05/16/12 SUMTER 60-0700448 GRAND THEFT,300 L/5, 5 0 0 06/27/12
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 02

05/16/12 SUMTER 60-0700449 BURGUNOCCSTRUC/CV OR 5 0 0 06/27/12
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 04

05/16/12 SUMTER 60-0700450 BURGUNOCCSTRUC/CV OR 5 0 0 06/27/12
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 04

05/16/12 SUMTER 60-0700450 GRAND THEFT,300 L/5, 5 0 0 06/27/12
 SPEC.PROV.: PAROLE INEL
 SENTENCING GUIDELINES OFFENSE LEVEL: 02

05/16/12 SUMTER 60-0700451 BURGUNOCCSTRUC/CV OR 5 0 0 06/27/12
 SPEC.PROV.: PAROLE INEL

SENTENCING GUIDELINES OFFENSE LEVEL: 04
05/16/12 SUMTER 60-0700452 BURGUNOCCSTRUC/CV OR 5 0 0 06/27/12
SPEC.PROV.: PAROLE INEL
SENTENCING GUIDELINES OFFENSE LEVEL: 04
05/16/12 SUMTER 60-0700452 GRAND THEFT,300 L/5, 5 0 0 06/27/12
SPEC.PROV.: PAROLE INEL
SENTENCING GUIDELINES OFFENSE LEVEL: 02
05/16/12 SUMTER 60-0700469 BURG/DWELL/OCCUP.CON 5 0 0 06/27/12
SPEC.PROV.: PAROLE INEL
SENTENCING GUIDELINES OFFENSE LEVEL: 07
05/16/12 SUMTER 60-0700469 GRAND THEFT,300 L/5, 5 0 0 06/27/12
SPEC.PROV.: PAROLE INEL
SENTENCING GUIDELINES OFFENSE LEVEL: 02
05/16/12 SUMTER 60-0700469 GRAND THEFT FIREARM 5 0 0 06/27/12
SPEC.PROV.: PAROLE INEL
SENTENCING GUIDELINES OFFENSE LEVEL: 04

INMATE DETAINERS AS OF 08/25/14 TIME: 14:06

THE FOLLOWING REFLECTS DETAINERS AGAINST THIS RECORD, AND/OR REQUESTS TO BE NOTIFIED PRIOR TO RELEASE OF THE INMATE.

--- PRIOR INCARCERATION ---				
FILED	TYPE	AUTHORITY	CHARGE(S)	REMOVED
02/09/09	NOTIFY	FSP B/CAMP F/B P & P	SUMTER CO CASES	02/09/09

INMATE MOVEMENT/TRANSFER HISTORY AS OF 08/25/14 TIME: 14:06

THE FOLLOWING ENTRIES REFLECT MOVEMENT BY THE INMATE BETWEEN DEPARTMENT FACILITIES AS WELL AS RELEASES AND RETURNS FROM OUTSIDE AGENCIES.

--- PRIOR INCARCERATION ---			
DATE	MOVEMENT TYPE	DESTINATION/LOCATION	FROM
11/29/07	NEW COMMITMENT	CFRC-MAIN	SUMTER
02/08/08	TRANSFERRED TO	BREVARD C.I.	CFRC-MAIN
08/21/08	TRANSFERRED TO	SUMTER C.I.	BREVARD C.I.
08/22/08	RECEIVED AT	SUMTER C.I.	BREVARD C.I.
08/23/08	TRANSFERRED TO	BREVARD C.I.	SUMTER C.I.
09/19/08	TRANSFERRED TO	SUMTER B.T.U.	BREVARD C.I.
02/09/09	EOS TO PROB/CC	HILLSBORO	SUMTER B.T.U.

--- LATEST INCARCERATION ---			
DATE	MOVEMENT TYPE	DESTINATION/LOCATION	FROM
06/27/12	NEW COMMITMENT	CFRC-MAIN	SUMTER
06/27/12	EXPIRATION	POLK	CFRC-MAIN

 INMATE DISCIPLINARY ACTIONS AS OF 08/25/14 TIME: 14:06

THE FOLLOWING ENTRIES REFLECT DISCIPLINARY ACTIONS AGAINST THE INMATE FOR VIOLATION OF THE RULE CITED AND INDICATE THE GAIN TIME DAYS LOST.

DATE	DAYS	--- PRIOR INCARCERATION --- VIOLATION	LOCATION

NO DISCIPLINARY ACTIONS			

 INMATE CLASSIFICATION ACTIONS AS OF 08/25/14 TIME: 14:06

THE FOLLOWING ENTRIES REFLECT CLASSIFICATION ACTIONS TAKEN REGARDING THE INMATE.

DATE	TYPE	--- PRIOR INCARCERATION --- CUSTODY	LOCATION	LEVEL

01/17/08	INITIAL	MINIMUM	CFRC-MAIN	01

 CONTROL RELEASE ACTIONS AS OF 08/25/14 TIME: 14:06

THE FOLLOWING ENTRIES REFLECT CONTROL RELEASE ACTIONS TAKEN BY THE PAROLE COMMISSION FOR THIS INMATE INCLUDING ANY ADVANCEMENTS OF THE INMATE'S CONTROL RELEASE DATE.

DATE	TYPE	--- PRIOR INCARCERATION --- DAYS	REASON

NO CONTROL RELEASE RECORDS			

 OFFENDER NAMES AS OF 08/25/14 TIME: 14:06

THE FOLLOWING ENTRIES REFLECT ALL NAMES BY WHICH THE OFFENDER IS KNOWN.

TYPE	NAME
TRUE	LAFEVER, JONATHAN D.
COMMIT.	LEFEVER, JONATHAN D.
COMMIT.	LAFEVER, JOHNATHAN D.
ALIAS	LAFEVER, JONATHAN D.

 GAIN TIME (GT) & PROVISIONAL CREDITS (PC) AS OF 08/25/14 TIME: 14:06

THE FOLLOWING ENTRIES REFLECT ONLY THAT GT AND PC WHICH HAS BEEN USED TO COMPUTE THE INMATE'S OVERALL RELEASE DATE. NOT SHOWN IS GT AND PC PREVIOUSLY EARNED THAT DOES NOT AFFECT THE RELEASE DATES DUE TO MANDATORY TERMS, OTHER SENTENCING PROVISIONS, REVOCATIONS, OR ESCAPE CONVICTIONS.

AWARDED	TYPE	--- PRIOR INCARCERATION ---		
		DAYS	AWARDED	TYPE
11/30/07	STP GT	4		
12/31/07	STP GT	4		
01/31/08	STP GT	8		
02/29/08	STP GT	10		
03/31/08	STP GT	10		
04/30/08	STP GT	10		
05/31/08	STP GT	7		
06/30/08	STP GT	10		
07/31/08	STP GT	10		
08/31/08	STP GT	10		

 INTERNAL MOVEMENTS AS OF 08/25/14 TIME: 14:06

THE FOLLOWING ENTRIES REFLECT THE OFFENDER'S INTERNAL MOVEMENTS AND JOB ASSIGNMENTS DURING INCARCERATION

DATE	FACILITY	--- PRIOR INCARCERATION ---		
		HOUSING	ASSIGNMENT AM	ASSIGNMENT PM
11/29/2007	CFRC-MAIN	H3118L	RECEPTION/ORIENT	RECEPTION/ORIENT
01/24/2008	CFRC-MAIN	H3118L	HOUSEMAN	HOUSEMAN
02/08/2008	BREVARD C.I.	C4102U	RECEPTION/ORIENT	RECEPTION/ORIENT
02/08/2008	BREVARD C.I.	K1103L	CONF-ADMIN/PROTE	CONF-ADMIN/PROTE
02/10/2008	BREVARD C.I.	K1103L	CONF-ADMIN/PROTE	CONF-ADMIN/PROTE
02/16/2008	BREVARD C.I.	K1103L	CONF-ADMIN/PROTE	CONF-ADMIN/PROTE
02/25/2008	BREVARD C.I.	K1103L	CONF-ADMIN/PROTE	CONF-ADMIN/PROTE
02/25/2008	BREVARD C.I.	B3205L	RECEPTION/ORIENT	RECEPTION/ORIENT
02/29/2008	BREVARD C.I.	B3205L	ACADEMIC STUDENT	WELLNESS EDUCATI
03/03/2008	BREVARD C.I.	B3205L	ACADEMIC STUDENT	WELLNESS EDUCATI
05/15/2008	BREVARD C.I.	B3205L	AUTO TECH/AUTOTR	AUTO TECH/AUTOTR
06/04/2008	BREVARD C.I.	B3205L	WELLNESS EDUCATI	WELLNESS EDUCATI
08/23/2008	BREVARD C.I.	B3205L	WELLNESS EDUCATI	WELLNESS EDUCATI
09/19/2008	SUMTER B.T.U.	A2119S	BASIC TRAINING	BASIC TRAINING
10/22/2008	SUMTER B.T.U.	A2103S	BASIC TRAINING	BASIC TRAINING
01/09/2009	SUMTER B.T.U.	A1215S	BASIC TRAINING	BASIC TRAINING
--- LATEST INCARCERATION ---				
06/27/2012	CFRC-MAIN	B4104U	RECEPTION/ORIENT	RECEPTION/ORIENT



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FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
RICK SCOTT
Secretary
MICHAEL D. CREWS

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

State of Florida)

County of Leon)

I, RONALD M. BROWN, CORRECTIONAL SERVICES ASST CONSULTANT, Central Records Office, State of Florida Department of Corrections, do hereby certify the attached documents to be correct copies of documents in the file of **JONATHAN D. LAFEVER, DC No. C01529**, as the same appears in the Official Records in this Office. Given under my hand and the official seal of the Florida Department of Corrections, this 8/25/2014.

RONALD M. BROWN
CORRECTIONAL SERVICES ASST CONSULTANT

SEAL

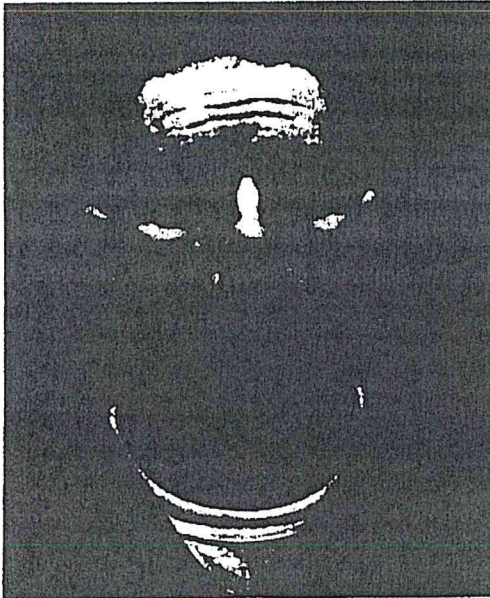
Record In IRIS
IIPR003

State of Florida
Department of Corrections
PHOTO IDENTIFICATION CARD

06/27/2012

Name: LAFEVER, JONATHAN D DC#: A-C01529 Date Received: 06/27/2012
Date Sentenced: 05/16/2012 County: SUMTER Circuit: 05
Crime: BURGUNOCSTRUC/CV OR ATT. ; BURG/DWELL/OCCUP.CONVEY ; GRAND
THEFT FIREARM ; GRAND THEFT,300 L/5,000 ; DRIV W/LIC S/R/C/D
FELONY ;

CURRENT TERM: 5 YR 0 MO 0 DA



FLORIDA DEPARTMENT OF CORRECTIONS

Last Name: LAFEVER
First Name: JONATHAN

DC#: C01529
Photo Date: 06/27/2012

Race: WHITE Sex: MALE DOB: 03/13/1987
Height: 5' 07'' Weight: 139 lbs. Build: MEDIUM
Hair: BROWN Eyes: HAZEL Complexion: LIGHT
Marks/ TATTOO-BACK-ONE LIFE
Scars: TATTOO-RIGHT ARM-cheese holes, star, flames

Next Photo Year: 2017
FP Class:

CONFIDENTIAL

Home: LAKELAND, FLORIDA
Where Born: TAMPA, FLORIDA

Notify in Case of Emergency: NELL LAFEVER
103 W MAHONEY ST, APT 110 PLANT CITY, FL 33563-

Relation: GRANDMOT
(813) 719-7454

LEAVE BLANK

CRIMINAL

(STAPLE HERE)

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4852049112

FD-200 (Rev. 11-19-83)

001589

LAFEVER, JONATHAN

CONFIDENTIAL

03/13/1987

M

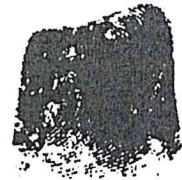
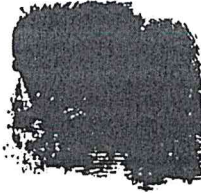
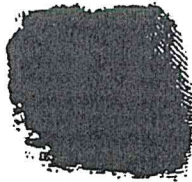
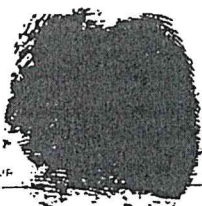
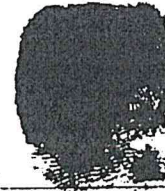
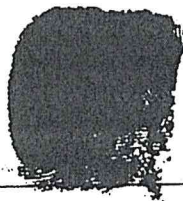
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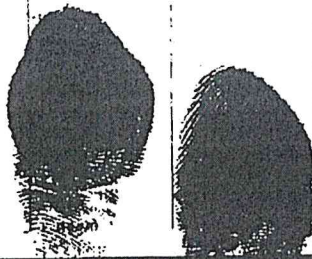


Exhibit D



STATE OF FLORIDA
OFFICE OF EXECUTIVE CLEMENCY

RICK SCOTT, GOVERNOR, CHAIRMAN
PAM BONDI, ATTORNEY GENERAL
JEFF ATWATER, CHIEF FINANCIAL OFFICER
ADAM PUTNAM, COMMISSIONER OF AGRICULTURE
and CONSUMER SERVICES

JULIA McCALL, COORDINATOR

4070 Esplanade Way, Tallahassee, Florida 32309-2450
Phone: (850) 488-2952 Fax: (850) 488-0695
Toll Free: 1-800-435-8286

STATE OF FLORIDA,
COUNTY OF LEON

I HEREBY CERTIFY that I, Julia McCall, am Coordinator of the Office of Executive Clemency of the State of Florida. I further certify that this seal is the official seal of the State of Florida. As Coordinator of the Office of Executive Clemency, I am custodian of the records of the clemency office. Staff has made a thorough search of the clemency records and there is no record of restoration of civil rights; specific authority to own, possess or use firearms; or a pardon of any kind, having been granted by the Governor and Cabinet of the State of Florida to **JONATHAN DEWITT LAFEVER, DOB: 03/13/1987**, in connection with a conviction in the State of Florida. In addition, there is no application pending for clemency at this time for the above-named person.

147A July 15
TSA



Julia McCall, Coordinator
Office of Executive Clemency
of the State of Florida
Florida Commission on Offender Review
(formerly Florida Parole Commission)

August 25, 2014

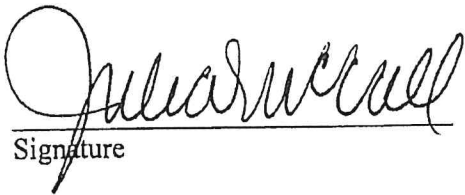
**BUSINESS RECORD CERTIFICATION
CUSTODIAN OF RECORDS
OFFICE OF EXECUTIVE CLEMENCY
4070 ESPLANADE WAY, TALLAHASSEE, FL 32399-2450**

I, Julia McCall, hereby certify that I am the Records Custodian for the Office of Executive Clemency. As part of my regular duties, I maintain custody of the official records of the Office of Executive Clemency.

I, Julia McCall, hereby further certify that the following memorandum, report, record, or data compilation, to-wit:

CERTIFICATE OF NO PARDON: JONATHAN DEWITT LAFEVER; DOB: 03/13/1987,

- (a) that the attached document is a true and correct original of the official record generated by the Office of Executive Clemency;
- (b) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters;
- (c) was kept in the course of the regularly conducted activity of; and
- (d) was made as a regular practice in the course of the regularly conducted activity.


Signature

August 25, 2014
Date


STATE OF FLORIDA
COUNTY OF LEON


Before me this day personally appeared Julia McCall, who, being duly sworn, deposes and acknowledges that the information contained in this affidavit is true and correct.

Sworn to and subscribed before me this 25th day of August 2014.

Personally Known

My commission expires:


NOTARY PUBLIC, State of Florida



OFFICE OF EXECUTIVE CLEMENCY
4070 ESPLANADE WAY
TALLAHASSEE, FLORIDA 32399-2450



U.S. POSTAGE >>> PITNEY BOWES



ZIP 32318 \$000.48⁰
02 1W
0001376523 AUG 25 2014

RECEIVED
AUG 28 2014
STATE OFFICE

Kenneth James Janesk, II, ASA
Seventh Judicial Circuit
410 St. Johns Avenue, Room 109
Palatka, Florida 32178

RECEIVED 08/27/2014

321784725 0002

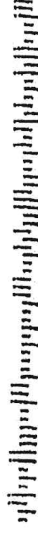


Exhibit E

**STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR PUTNAM COUNTY FLORIDA**

STATE OF FLORIDA

-vs-

JONATHAN DEWITT LAFEVER

Defendant,

UCN: 542014CF001107CFAXMX

Case Number: 14001107CFAXMX

OBTS#: 5401084631

JUDGMENT

PROBATION VIOLATOR
 COMMUNITY CONTROL VIOLATOR

RESENTENCE
 RETRIAL

The defendant JONATHAN DEWITT LAFEVER being personally before the court represented by GARRY L WOOD, the attorney of record and the state represented by KENNETH JAMES JANESK and having

been tried and found guilty by jury/by court of the following crime(s):
XX entered a plea of Nolo-Contendere to the following crime(s):

Count	Statute	Charge	LVL/DGR
1	810 02 3a	ATTEMPTED BURGLARY OF A DWELLING	Felony Third Degree
2	812 014 2c5	GRAND THEFT OF FIREARM	Felony Third Degree
3	812 014 2d	GRAND THEFT FROM A DWELLING	Felony Third Degree
4	790 23 1a	POSSESSION OF FIREARM BY CONVICTED IN STATE FELON	Felony Second Degree

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

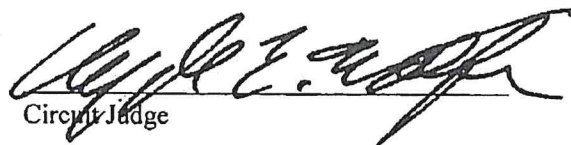
XX and having been convicted of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offense relating to sexual battery (ch. 794), lewd and lascivious conduct (ch. 800), or murder (s. 782.04), aggravated battery (s.784.045), burglary (s. 810.02), carjacking (s. 812.133), or home invasion robbery (s. 812.135) or any other offense specified in section 943.325, the defendant shall be required to submit a DNA sample.

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

DONE AND ORDERED in open court in Putnam County, Florida, this 23 day of July, 2015. NUNC PRO TUNC 07/14/2015

2015 JUL 23 AM 8:54

FILED & RECORDED
OFFICIAL PUBLIC RECORDS


Circuit Judge

STATE OF FLORIDA
VS











IN THE CIRCUIT COURT OF THE
IN AND FOR PUTNAM COUNTY, FLORIDA

LAFEVER, JONATHAN DEWITT

S.S. # 589649938 DOB: 03/13/1987

CASE NUMBER: 14001107CFAXMX

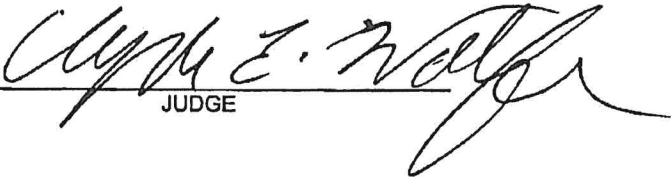
FINGERPRINTS OF DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
1. L. Thumb	2. L. Index	3. L. Middle	4. L. Ring	5. L. Little
				

Fingerprints taken by:

DSL M.A. Watson B-1277
Name and Title:

DONE AND ORDERED in Open Court at Palatka, Putnam County, Florida this 14th day of July, 2015. I HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the above named defendant, and that they were placed thereon by said the Defendant in my presence in Open Court this date.


JUDGE

14th July 15
TSA

**STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR PUTNAM COUNTY FLORIDA**

STATE OF FLORIDA

-vs-

JONATHAN DEWITT LAFEVER

Defendant,

UCN: 542014CF001107CFAXMX

Case Number: 14001107CFAXMX

Charges / Costs / Fees

The defendant is hereby ordered to pay the following sums:

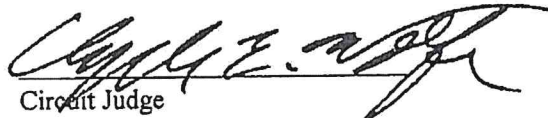
Amount	Statute	Fee Description
\$1.00	938.03(4)	CF-CRIMES COMP TF CLK
\$2.00	938.15	COUNTY LEE
\$3.00	938.01(1)	ADD COURT COST CLEARING
\$3.00	938.06(2)	CRIME STOPPERS TRUST - CLK
\$17.00	938.06(1)	CRIME STOPPER TRUST FUND
\$25.00	938.05(1)(a) \ 938.05(1)(b)	CF-ADDL COURT COSTS 1058
\$49.00	938.03(4)	CF-CRIMES COMP TRUST FUND
\$50.00	775.083(2)	CNTY CRIME PREVENTION
\$65.00	939.185(1)(a)	CNTY ADDL BOCC COSTS
\$100.00	938.27(8)	CF-PROSECUTION COST 1015
\$200.00	938.05(1)(a)	CF-ADDL COURT COSTS 1050

OTHER _____

Total Assessed at Judgment: **\$515.00**

XX To be entered as a Civil Judgment for which let execution issue.

DONE and ORDERED at PUTNAM County, Florida this 23 day of July, 2015.
NUNC PRO TUNC 07/14/2015


Circuit Judge

CLERK OF CIRCUIT COURT
PUTNAM COUNTY FLORIDA

2015 JUL 23 AM 8:55

FILED & RECORDED
CLERK OF CIRCUIT COURT
PUTNAM COUNTY FLORIDA

STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR PUTNAM COUNTY FLORIDA

STATE OF FLORIDA

-vs-

JONATHAN DEWITT LAFEVER

Defendant,

UCN: 542014CF001107CFAXMX

Case Number: 14001107CFAXMX

OBTS Number: 5401084631

SENTENCE

(As to Count 1, Statute 810 02 3a)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, GARRY L WOOD 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 applicable provision)

_____ and the court having on 07/14/2015 deferred imposition of sentence until this date
07/14/2015

_____ and the court having previously entered a judgment in this case on _____ now
resentences 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 pay a fine pursuant to section 775.083, Florida Statutes, plus a 5% surcharge
pursuant to section 950.25, Florida Statutes, as indicted on the Fine/Costs/Fee Page.

XX 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 Putnam County.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida
Statutes.

TO BE IMPRISONED (Check one; unmarked sections are inapplicable):

_____ For a Term of Natural Life

XX For a Term of 5 Years

_____ Said SUSPENDED SENTENCE for a period of _____ subject to conditions set forth in this
order.

JONATHAN DEWITT LAFEVER
Defendant

UCN: 542014CF001107CFAXMX
Case Number: 14001107CFAXMX
OBTS#: 5401084631

Special Provisions
(As to Count 1)

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

Mandatory / Minimum Provisions:

Firearm

_____ It is further ordered that the 3-year minimum imprisonment provision of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking

_____ It is further ordered that the _____ mandatory minimum imprisonment provision of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School

_____ It is further ordered that the 3-year minimum imprisonment provision of section 893.13(1)(c)(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender

_____ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender

_____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act

_____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes. (Offenses committed before January 1, 1994.)

Capital Offense

_____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes. (Offenses committed before October 1, 1995.)

Short Barreled Rifle, Shotgun, Machine Gun

_____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Continuing Criminal Enterprise

_____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Taking a Law Enforcement Officer's Firearm

_____ It is further ordered that the 3-year mandatory minimum imprisonment provision of section 775.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Prison Releasee Reoffender

XX It is further ordered that the defendant is sentenced as a Prison Releasee Reoffender pursuant to section 775.082(8)(a)(2), Florida Statutes, for a period of 5 years.

Firearm 10-20-Life

Possess

_____ It is further ordered that the defendant shall serve a minimum of 10 years before release in accordance with section 775.087(2)(a)(1), Florida Statutes. The defendant is not eligible for statutory gain-time under section 944.275, Florida Statutes, or for any form of discretionary early release prior to serving the minimum sentence.

Discharge

_____ It is further ordered that the defendant shall serve a minimum of 20 years before release in accordance with section 775.087(2)(a)(2), Florida Statutes. The defendant is not eligible for statutory gain-time under section 944.275, Florida Statutes, or for any form of discretionary early release prior to serving the minimum sentence.

Death or Great Bodily Harm

_____ It is further ordered that the defendant shall serve a minimum of 25 years before release in accordance with section 775.087(2)(a)(3), Florida Statutes. The defendant is not eligible for statutory gain-time under section 944.275, Florida Statutes, or for any form of discretionary early release prior to serving the minimum sentence.

**STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR PUTNAM COUNTY FLORIDA**

STATE OF FLORIDA

-vs-

JONATHAN DEWITT LAFEVER

Defendant,

UCN: 542014CF001107CFAXMX

Case Number: 14001107CFAXMX

OBTS Number: 5401084631

SENTENCE

(As to Count 2, Statute 812 014 2c5)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, GARRY L WOOD 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 applicable provision)

_____ and the court having on 07/14/2015 deferred imposition of sentence until this date
07/14/2015

_____ and the court having previously entered a judgment in this case on _____ now
resentences 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 pay a fine pursuant to section 775.083, Florida Statutes, plus a 5% surcharge
pursuant to section 950.25, Florida Statutes, as indicted on the Fine/Costs/Fee Page.

XX 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 Putnam County.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida
Statutes.

TO BE IMPRISONED (Check one; unmarked sections are inapplicable):

_____ For a Term of Natural Life

XX For a Term of 5 Years CONCURRENT WITH COUNT I CASE # 14-1107-CF

_____ Said SUSPENDED SENTENCE for a period of _____ subject to conditions set forth in this
order.

**STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR PUTNAM COUNTY FLORIDA**

STATE OF FLORIDA

-vs-

JONATHAN DEWITT LAFEVER

Defendant,

UCN: 542014CF001107CFAXMX

Case Number: 14001107CFAXMX

OBTS Number: 5401084631

SENTENCE

(As to Count 3, Statute 812.014 2d)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, GARRY L WOOD 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 applicable provision)

_____ and the court having on 07/14/2015 deferred imposition of sentence until this date
07/14/2015

_____ and the court having previously entered a judgment in this case on _____ now
resentences 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 pay a fine pursuant to section 775.083, Florida Statutes, plus a 5% surcharge
pursuant to section 950.25, Florida Statutes, as indicted on the Fine/Costs/Fee Page.

XX _____ 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 Putnam County.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida
Statutes.

TO BE IMPRISONED (Check one; unmarked sections are inapplicable):

_____ For a Term of Natural Life

XX _____ For a Term of 5 Years CONCURRENT WITH COUNT I CASE 14-1107-CF

_____ Said SUSPENDED SENTENCE for a period of _____ subject to conditions set forth in this
order.

STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR PUTNAM COUNTY FLORIDA

STATE OF FLORIDA

-vs-

JONATHAN DEWITT LAFEVER

Defendant,

UCN: 542014CF001107CFAXMX

Case Number: 14001107CFAXMX

OBTS Number: 5401084631

SENTENCE

(As to Count 4, Statute 790 23 1a)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, GARRY L WOOD 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 applicable provision)

_____ and the court having on 07/14/2015 deferred imposition of sentence until this date
07/14/2015

_____ and the court having previously entered a judgment in this case on _____ now
resentences 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 pay a fine pursuant to section 775.083, Florida Statutes, plus a 5% surcharge
pursuant to section 950.25, Florida Statutes, as indicted on the Fine/Costs/Fee Page.

XX 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 Putnam County.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida
Statutes.

TO BE IMPRISONED (Check one; unmarked sections are inapplicable):

_____ For a Term of Natural Life

XX For a Term of 15 Years CONCURRENT WITH COUNT I CASE # 14-1107-CF

_____ Said SUSPENDED SENTENCE for a period of _____ subject to conditions set forth in this
order.

JONATHAN DEWITT LAFEVER
Defendant

UCN: 542014CF001107CFAXMX
Case Number: 14001107CFAXMX
OBTS#: 5401084631

Special Provisions
(As to Count 4)

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

Mandatory / Minimum Provisions:

Firearm

XX It is further ordered that the 3-year minimum imprisonment provision of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking

_____ It is further ordered that the _____ mandatory minimum imprisonment provision of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School

_____ It is further ordered that the 3-year minimum imprisonment provision of section 893.13(1)(c)(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender

_____ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender

_____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act

_____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes. (Offenses committed before January 1, 1994.)

Capital Offense

_____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes. (Offenses committed before October 1, 1995.)

Short Barreled Rifle, Shotgun, Machine Gun

_____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Continuing Criminal Enterprise

_____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Taking a Law Enforcement Officer's Firearm

_____ It is further ordered that the 3-year mandatory minimum imprisonment provision of section 775.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Prison Releasee Reoffender

_____ It is further ordered that the defendant is sentenced as a Prison Releasee Reoffender pursuant to section 775.082(8)(a)(2), Florida Statutes, for a period of _____ years.

Firearm 10-20-Life

Possess

_____ It is further ordered that the defendant shall serve a minimum of 10 years before release in accordance with section 775.087(2)(a)(1), Florida Statutes. The defendant is not eligible for statutory gain-time under section 944.275, Florida Statutes, or for any form of discretionary early release prior to serving the minimum sentence.

Discharge

_____ It is further ordered that the defendant shall serve a minimum of 20 years before release in accordance with section 775.087(2)(a)(2), Florida Statutes. The defendant is not eligible for statutory gain-time under section 944.275, Florida Statutes, or for any form of discretionary early release prior to serving the minimum sentence.

Death or Great Bodily Harm

_____ It is further ordered that the defendant shall serve a minimum of 25 years before release in accordance with section 775.087(2)(a)(3), Florida Statutes. The defendant is not eligible for statutory gain-time under section 944.275, Florida Statutes, or for any form of discretionary early release prior to serving the minimum sentence.

JONATHAN DEWITT LAFEVER
Defendant

UCN: 542014CF001107CFAXMX
Case Number: 14001107CFAXMX
OBTS#: 5401084631

Other Provisions
(As to Count 1)

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

Other Provisions:

Criminal Gang Activity

_____ The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

Retention of Jurisdiction

_____ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).

Jail Credit

XX It is further ordered that the defendant shall be allowed a total of 340 days as credit for time incarcerated before imposition of this sentence.

Prison

_____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing and all unforfeited gain-time.

Unforfeited Gain-Time

_____ Defendant is allowed credit for _____ days county jail credit 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 time served and unforfeited gain-time awarded during prior service of case number / count number _____.

JONATHAN DEWITT LAFEVER
Defendant

UCN: 542014CF001107CFAXMX
Case Number: 14001107CFAXMX
OBTS#: 5401084631

Other Provisions
(As to Count 2)

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

Other Provisions:

Criminal Gang Activity

_____ The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

Retention of Jurisdiction

_____ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).

Jail Credit

XX It is further ordered that the defendant shall be allowed a total of 340 days as credit for time incarcerated before imposition of this sentence.

Prison

_____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing and all unforfeited gain-time.

Unforfeited Gain-Time

_____ Defendant is allowed credit for _____ days county jail credit 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 time served and unforfeited gain-time awarded during prior service of case number / count number _____.

JONATHAN DEWITT LAFEVER
Defendant

UCN: 542014CF001107CFAXMX
Case Number: 14001107CFAXMX
OBTS#: 5401084631

Other Provisions
(As to Count 3)

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

Other Provisions:

Criminal Gang Activity

_____ The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

Retention of Jurisdiction

_____ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).

Jail Credit

XX It is further ordered that the defendant shall be allowed a total of 340 days as credit for time incarcerated before imposition of this sentence.

Prison

_____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing and all unforfeited gain-time.

Unforfeited Gain-Time

_____ Defendant is allowed credit for _____ days county jail credit 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 time served and unforfeited gain-time awarded during prior service of case number / count number _____.

JONATHAN DEWITT LAFEVER
Defendant

UCN: 542014CF001107CFAXMX
Case Number: 14001107CFAXMX
OBTS#: 5401084631

Other Provisions
(As to Count 4)

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

Other Provisions:

Criminal Gang Activity

_____ The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

Retention of Jurisdiction

_____ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).

Jail Credit

XX It is further ordered that the defendant shall be allowed a total of 340 days as credit for time incarcerated before imposition of this sentence.

Prison

_____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing and all unforfeited gain-time.

Unforfeited Gain-Time

_____ Defendant is allowed credit for _____ days county jail credit 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 time served and unforfeited gain-time awarded during prior service of case number / count number _____.

JONATHAN DEWITT LAFEVER
Defendant

UCN: 542014CF001107CFAXMX
Case Number: 14001107CFAXMX

Consecutive As To _____ It is further ordered that the sentence imposed for this count shall run
Other Counts _____ consecutive to the sentence set forth in count _____
of this case.

Concurrent As To XX It is further ordered that the sentence imposed for this count shall run
Other Counts _____ concurrent to the sentence set forth in count I _____
of this case.

Consecutive As To _____ It is further ordered that the composite term of all sentences imposed
Other Convictions _____ for counts specified in this order shall run consecutive to (check one)
_____ Any active sentence being served.
_____ Specific Sentences:

Concurrent As To XX It is further ordered that the composite term of all sentences imposed
Other Convictions _____ for counts specified in this order shall run concurrent to (check one)
XX Any active sentence being served.
_____ Specific Sentences:

In the event the above sentence is to the Department of Corrections, the Sheriff of Putnam 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 of appeal from this sentence by filing a notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to 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 Putnam County, Florida this 23 day of July,
2015. NUNC PRO TUNC to 07/14/2015


Circuit Judge

Exhibit F

VINCENT G. TORPY, JR.
CHIEF JUDGE

THOMAS D. SAWAYA
WILLIAM D. PALMER
RICHARD B. ORFINGER
C. ALAN LAWSON
KERRY I. EVANDER
JAY P. COHEN
WENDY W. BERGER
F. RAND WALLIS
BRIAN D. LAMBERT
JAMES A. EDWARDS
JUDGES



Joanne P. Simmons
CLERK

CHARLES R. CRAWFORD
MARSHAL

DISTRICT COURT OF APPEAL
FIFTH DISTRICT
300 SOUTH BEACH STREET
DAYTONA BEACH, FLORIDA 32114
(386) 947-1500 COURT
(386) 255-8600 CLERK

MEMORANDUM

To: The Clerk of the Circuit Court or Administrative Agency Addressed

From: Joanne P. Simmons, Clerk
Fifth District Court of Appeal

By: Deputy Clerk

SUBJECT: FINAL ORDER

Date: January 19, 2016

Fifth DCA No.: 5D15-2800

County of Origin: Putnam

Trial Court No.: 2014-1107-CF

Pursuant to the provisions of Rule 9.350(c), Florida Rules of Appellate Procedure, attached is a conformed copy of the Final Order of this Court disposing of the subject Appeal. Please take the necessary action to adjust your records consistent with such order.

NO MANDATE WILL BE ISSUED IN THIS CAUSE

CLERK OF THE COURT
PUTNAM COUNTY FLORIDA

2016 JAN 19 AM 11:34

RECEIVED
JAN 19 2016

FAX NUMBER (386) 947-1582
E MAIL ADDRESS 5dca@flcourts.org

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JONATHAN DEWITT
LAFEVER ,

Appellant,

v.

CASE NO. 5D15-2800

STATE OF FLORIDA ,

Appellee.

_____/

DATE: December 31, 2015

BY ORDER OF THE COURT:

ORDERED that Appellant's Notice of Voluntary Dismissal, filed December 2, 2015, is accepted and the above-styled cause is dismissed.

*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

Joanne P. Simmons
JOANNE P. SIMMONS, CLERK



cc:

Office Of Attorney General Jonathan Lafever

Exhibit G

Agency Case Number PCSO14OFF004609	Report Date / Time 08/04/2014 02:19 AM	Offense Description 21R BURGLARY (RESIDENCE)
CAD Incident Number PCSO14CAD041354	External Case Reference Number	Range of Occurrence Date/Time 08/03/2014 04:00 PM to 08/03/2014 06:00 PM

PROPERTY ITEMS

Property Code STOLEN	Article Type GUN	Description 9MM HAND GUN
Brand STAR MODELOS SUPER	Model	Serial Number
Firearm Caliber 9MM	Firearm Type SEMI-AUTO HANDGUN	OAN
Quantity 1	Value 300	Recovered Date/Time
Recovered Value	Firearm Finish BLUED	Firearm Barrel Length
PROPERTY OWNER (VICTIM) BOYD ERNEST THOMPSON		

Property Code STOLEN	Article Type CURRENCY/NEGOTIABLE	Description 20 DOLLARS CASH
Brand U.S GOVERNMENT	Model	Serial Number
Quantity 20	Value 20	Recovered Date/Time
Recovered Value	PROPERTY OWNER (VICTIM) BOYD ERNEST THOMPSON	

Property Code STOLEN	Article Type MISCELLANEOUS ITEM	Description HUG LIGHTS
Brand UNK	Model UNK	Serial Number UNK
Quantity 2	Value 20	Recovered Date/Time
Recovered Value 0	PROPERTY OWNER (VICTIM) BOYD ERNEST THOMPSON	

Property Code STOLEN	Article Type OTHER	Description SAMSUNG GALAXY MOBILE PHONE
Brand SAMSUNG	Model GALAXY S3	Serial Number 268435462807780923
Quantity 1	Value 150	Recovered Date/Time
Recovered Value	PROPERTY OWNER (VICTIM) BOYD ERNEST THOMPSON	

WEAPONS

Weapon Firearm	Weapon Feature Semi-Automatic	Description 9MM STAR MODELOS SUPER
Make STAR MODELOS SUPER	Model	Serial Number
Caliber 9MM	Firearm Type SEMI-AUTO HANDGUN	Firearm Finish BLUED
Barrel Length	PROPERTY OWNER (VICTIM) BOYD ERNEST THOMPSON	

INITIAL NARRATIVE: 08/04/2014 02:39 AM

Reporting Officer ID Number 1389	Officer Name KOFLE, CHAZ E	Permanent ID Number PCSO14PER000011	Approving Supervisor Approved <input checked="" type="checkbox"/>	Supervisor Name ROBERTS, K.	Permanent ID Number PCSO11PER000037
--	-------------------------------	--	---	--------------------------------	--

On the above date I made contact with Boyd Thompson via phone in reference to a burglary to his boat which is also his residence.

Thompson advised that he live on a 170 foot vessel which is anchored out in Murphy's Creek. He advised that Murphy's Creek is approximately two creeks just west of the Dunn's Creek bridge. He advised that he and his wife were swimming in the Dunn's Creek and returned to the vessel at around 1800 hours. He stated that as they were approaching the vessel he observed a small metal skiff pulling out from behind his vessel. He advised that there was a white male and white female onboard the skiff. He stated that when he arrived at his vessel he discovered several things missing from inside. He stated that there was no forced entry but his wallet was in the living room area and approximately \$20 was missing from inside. He further stated that his 9mm Star Super ModII hand gun was missing from the kitchen counter. Thompson advised that his wife's Samsung Galaxy Boost mobile phone was missing from the bathroom. Thompson was unable to provide any serial numbers for the phone or firearm. He stated that the phone number for the mobile phone is (386)916-8720. Thompson advised that he did not believe there was GPS on the phone due to it being a prepaid phone. Thompson stated that at around 2000 hours the metal skiff with the two individuals drove back by his vessel and his wife took a picture of them. He was unable to provide any further information.

When asked if I could be taken to the vessel in reference to processing the scene he advised that it was raining and would not be safe to board the vessel. He further advised that he only wanted to provide the information for the report over the phone. He stated that he would provide the photo of the subjects at a later date. He was provided with a case number.

No further actions were taken by this deputy.

Deputy C. Kofler P1389

Agency Case Number PCSO14OFF004609	Report Date / Time 08/04/2014 02:19 AM	Offense Description 21R BURGLARY (RESIDENCE)
CAD Incident Number PCSO14CAD041354	External Case Reference Number	Range of Occurrence Date/Time 08/03/2014 04:00 PM to 08/03/2014 06:00 PM

INVESTIGATIVE NARRATIVE: 08/07/2014 09:31 AM

Reporting Officer		Approving Supervisor	
ID Number D1265	Officer Name OWENS, THREASA L	Permanent ID Number PCSO11PER000071	Supervisor Name LYLE, RICKY
PCSO14OFF004609		Approved <input checked="" type="checkbox"/>	Permanent ID Number PCSO11PER000231

Detective Threasa Owens
 Charge (s) Burglary of dwelling armed, grand theft of a firearm, petit theft
 Murphy's Creek.

On August 5th, 2014 I made contact with Boyd Thompson. Boyd resides on a house boat on Dunns Creek and the only access to the house boat is via boat. The boat has been anchored in the same location for 2 1/2 years and he has physically lived there for two (2) years. There is not a physical address to the boat however there the GPS coordinates are as follows:

N29.577830
 W-81.633966

Boyd has a small skiff he uses for transportation and transported me to his house boat. The house boat is an old ferry boat. He has a few buses and two airstream campers on the deck of the house boat. Boyd and his wife reside in the campers. Boyd stated between 4:00 PM and 6:00 PM he and his wife Tina were returning from swimming and boating when they observed a small aluminum boat coming from behind the ferry. He stated the ferry is anchored near the shore and it is very difficult to maneuver around that side of the boat because of the other two boats that are docked there. He stated the aluminum boat was occupied by a white male with no shirt and a green baseball cap. He stated the male had tattoos on his arm but could not describe them. The boat was also occupied by a white female with dark brown hair in a ponytail, wearing a pink tank top. Boyd stated he turned around to follow them and the boat fled at a high rate of speed. He stated he turned back around and returned to the ferry. Boyd stated he located an empty beer can on the dock. He stated he does not drink this brand of beer and it was not there prior to him leaving. Boyd put the beer can in a plastic bag and brought it to the Putnam County Sheriff's office and gave it to the desk officer to submit it to evidence. Boyd stated once they boarded he observed one of the camper doors left open. He stated he does not lock the doors but does shut them. Tina stated Boyd had left his pants on the bench in the camper with his wallet in the back pocket. She stated she immediately checked for the credit cards and cash. The credit cards were present however the \$20.00 in cash was missing. Tina then went into the bathroom to retrieve her cell phone which was on the counter charging before she left. She stated the phone was missing. Boyd stated when he looked on the kitchen counter he observed his 9mm Star Modelos semi-automatic handgun missing. The gun is normally kept on the kitchen counter near medications that are taken on a daily basis. The kitchen unit is very small. It should be noted there were two rifles standing near the kitchen counter that were still present.

Boyd purchased the gun 8-10 years ago from the Putnam County Surplus store, however this store is no longer in business. He is still in the process of obtaining the serial number. Boyd described the gun as a 1911 Spain manufactured semi-automatic handgun. Boyd stated the hand grip is handmade checkered design walnut handgrip. The barrel and trigger guard has a significant amount of rust. Boyd stated the gun still fires however he has not fired it in several years.

Tina stated she texted her phone stating she knew who the suspects were and she hoped they got caught. Shortly after the text she and Boyd observed the same boat occupied by the same people drive by. She stated they were wearing the same clothes as earlier. Boyd stated he was able to take two (2) pictures of them including the aluminum boat with the Florida registration number. Boyd stated he observed the female throw something in the water, possibly the phone. He stated when Tina called Boost mobile to report the theft they advised her, the phone was inactive and had not had any activity since Saturday August 2, 2014. Per request of Tina, Boost mobile inactivated the phone.

I photographed the ferry and attempted to dust for latent prints but was met with negative results.

Once I returned to my office, I was able to run the Florida registration for the boat. It came back to a 1989 Aluminum Bass tracker registered to Allan Schreiner out of Auburndale, Florida. Allan is deceased but I was able to make contact with his son's girlfriend, Stacey Anderson. Stacey advised her family has a summer home in Putnam County located at 119 Walt Lane, Satsuma. She continued by saying her nephew, Jonathan Lafever was at the house with his girlfriend, now known to me as Taryna Thompson. She could not provide Taryna's last name or vehicle

Offense Report

Page 3 of 5

Agency Case Number PCSO14OFF004609	Report Date / Time 08/04/2014 02:19 AM	Offense Description 21R BURGLARY (RESIDENCE)
CAU Incident Number PCSO14CAD041354	External Case Reference Number	Range of Occurrence Date/Time 08/03/2014 04:00 PM to 08/03/2014 06:00 PM

Information. Stacey advised Jonathan has been in trouble before and has been incarcerated in prison in the past.

I was able to locate Jonathan's information and after running him through NCIC I located a warrant out of Polk County for Violation of Probation for habitual traffic offender 1st conviction no bond in state pick up. I relocated to 119 Walt Lane with Sgt. R Nelson and D/S S. Reinert. Jonathan was present at the home. I observed an aluminum Bass Tracker docked behind the house bearing the Florida registration number as FL 4342FY. Jonathan confirmed this was his family's boat.

Dispatch confirmed the warrant and Jonathan was placed under arrest and transported to the detective division located at 120 Orle Griffin Blvd, Palatka where he agreed to speak with me and signed a rights waiver form. This is a synopsis of the conversation and not an actual transcription.

Jonathan stated he and Taryna were on the boat both Saturday and Sunday riding through Dunn's Creek. He denies going near the ferry and denies going on the ferry. When asked who Taryna was Jonathan stated he did not know where she lived or her last name. He stated he met her on a dating website two weeks ago and refused to advise further. When shown the pictures of Jonathan and Taryna on the boat, Jonathan acknowledged this was them. When I asked Jonathan about the missing gun he stated "I'm done" and ended the conversation.

I monitored Jonathan's phone calls from the Putnam County Sheriff's Office. On 08/06/2014 at 10:52 AM, he conducted a call to his grandmother, who then made a three way call to Taryna. In the phone call, Jonathan stated to Taryna "Don't tell them anything you know what I'm talking about, they don't have any proof. Taryna then stated "Was I not with you at all"? Jonathan answered "No just leave everything out about what we did, just say we went swimming".

I was able to locate Jonathan's girlfriend, Taryna Thompson through Facebook. I made contact with Taryna who agreed to speak with me at the Putnam County Detective Division. Taryna conducted an audio video recorded interview with me. Prior to doing so Taryna signed a Rights Waiver form agreeing to speak with me. This is a synopsis of the interview and not an actual transcription.

Taryna stated she and Jonathan have been dating for approximately one month and confirmed she met him through an internet dating site. She stated she only spends weekends with him because she has her children through the week and only has a sitter on the weekends. I asked Taryna if she had spoken to Jonathan today and she initially stated she had not and then changed her story to "yes she had". Taryna stated she and Jonathan were on the boat on Sunday, August 3, 2014 on Dunn's Creek. Taryna stated Jonathan was driving at first and then she switched to the driver seat. Taryna initially stated neither her nor Jonathan boarded the houseboat. Taryna recanted that statement and stated Jonathan had driven to the dock of the houseboat and boarded. She boarded for a "minute" to tie the boat up and then got back into their boat. Taryna stated Jonathan climbed up the stairs of the boat and yelled "hello anyone home" several times. She stated he did not get a response so he went onto the deck when he hurriedly came down the steps and stated "let's go". She stated he boarded the boat and he drove the boat back to his house located at 119 Walt Lane, Satsuma. Taryna stated she saw a couple on the skiff headed towards the houseboat but did not stop to talk to them. Taryna stated Jonathan had been drinking Busch beer and left a crushed can on the dock. She stated she and Jonathan came home and she made herself something to eat. Later she and Jonathan went back on their boat and returned to the Dunn's Creek. She stated she was driving at this point and went past the houseboat and turned around and went past it again. She denied having knowledge of any stolen items and denied boarding the houseboat. She stated she knew Jonathan did not have permission to be aboard the houseboat but thought as long as she did not go aboard she would be okay. When shown the pictures, Boyd had taken of them driving by in the Bass Tracker, Taryna acknowledged this was them and she was driving at the time the pictures were taken.

Shortly after the interview Taryna made contact with me via telephone. Taryna was crying and stated she was sorry for lying to me and stated she was scared. She stated after her and Jonathan got back to the house Jonathan walked out of his bedroom holding a small black handgun. She stated he was having trouble with the magazine and finally walked back to his bedroom where he put it. She stated she did not know where he put the gun and she did not ask him about the gun. She stated she did not know Jonathan was a convicted felon and did not know he was incarcerated in prison in the past. She stated she was aware of him being on probation in Polk County. Taryna

Agency Case Number PCSO14OFF004609	Report Date / Time 08/04/2014 02:19 AM	Offense Description 21R BURGLARY (RESIDENCE)
CAD Incident Number PCSO14CAD041354	External Case Reference Number	Range of Occurrence Date/Time 08/03/2014 04:00 PM to 08/03/2014 06:00 PM

agreed to come back to the detective division the next morning to conduct another interview. On August 7, 2014 I made contact with Taryna who stated she would be obtaining a lawyer and would not speak with me until she has done so.

Taryna provided a DNA sample and signed consent to collect biological specimen form. I swabbed the left side of the inside of her mouth with one buccal swab provided to me by the Putnam County Sheriff's Office and then swabbed the right side of the inside of her mouth with another cotton swab provided to me by the Putnam County Sheriff's office. Both swabs were placed in specimen box, labeled, and submitted to evidence for analysis.

Taryna does not have a criminal history.

SUPPLEMENTAL NARRATIVE: 08/08/2014 09:30 AM

Reporting Officer		Approving Supervisor	
ID Number D1265	Officer Name OWENS, THREASA L	Permanent ID Number PCSO11PER000071	Approved <input type="checkbox"/>
		Supervisor Name	Permanent ID Number

On August 7, 2014 a search warrant for 119 Walt Lane, Satsuma Florida 32189 was obtained and signed by Judge Patti Christenson of the Putnam County Circuit Court. The search warrant was executed at 6:30 PM by me, Detective L Nicely, and Detective D Jordan. Sgt R Frank was evidence tech and photographed the exterior and interior of the home before and after the search. No one was at the residence at this time. A copy of the search warrant along with a signed inventory and return receipt was left on the coffee table in the living room. No items were located.

It should be noted on 08/07/2014 on 12:28 PM Jonathan made a phone call from the Putnam County Jail to his grandmother, Glenda (813-719-7454) and asked her to do a three way call to his girlfriend, Taryna, and then asked Glenda to call his mother, Barbara. Once on the line with Barbara, Jonathan asked Barbara to go to the house and clean out his top dresser drawer in his bedroom and throw everything away. Barbara asked if "they" meaning the Sheriff's office, was going to get a search warrant. Jonathan answered by saying he did not know but she better hurry. Upon arrival there were two dressers in his room, the top drawer of one was completely empty while the other drawer had a few movies, tools, and miscellaneous odds and ends.

A copy of the phone calls will be uploaded to the sheriff's office website and submitted to evidence.

REPORTING OFFICER / SUPERVISOR APPROVAL

Reporting Officer			Approving Supervisor		
ID Number D1265	Rank DETECTIVE	Name OWENS, T	ID Number	Rank	Name
Signature <i>Theresa Owens</i>			Signature		

Exhibit H

IN THE CIRCUIT COURT, SEVENTH
 JUDICIAL CIRCUIT, IN AND FOR
 PUTNAM COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO(S): 14-1107CF-52

vs.

Jonathan LaFever

DEFENDANT

WAIVER OF RIGHTS AND PLEA AGREEMENT

I, Jonathan LaFever, am the Defendant in the criminal action(s) (case numbers listed above).

If I have any questions before or during the plea, I understand that I can talk privately with my attorney and if my attorney cannot answer my questions, I can talk with the judge.

I am aware of and fully understand that charge(s) listed below have been filed against me in the above-styled case(s). I understand that the maximum sentence of each charge is as follows:

<u>Charge(s)</u>	<u>Maximum Imprisonment</u>	<u>Mandatory Fine (if any)</u>
Armed Burglary of Dwelling	Life	NA
Grand Theft Firearm	5 yrs.	NA
Grand Theft from Dwelling	5 yrs.	NA
Possession of Firearm by Convicted Felon	- 3 yr. min. mandatory - 15 yrs. DOC max	NA

14HA July 15
15A

I also understand that a plea of guilty admits the truth of a charge, a plea of not guilty denies a charge and a plea of nolo contendere (no contest) neither admits nor denies a charge but is made in my own best interest and enables the judge to sentence me the same as if I pled guilty.

Pursuant to plea negotiations entered into between the State Attorney's Office, my attorney and/or myself, I wish to enter a plea or pleas of No Contest Guilty to:

Ch I Attempted Burglary of Dwelling - 5 yrs. DOC or PRR
 Ch. II, III, IV - As charged
 Ch. II - 5 yrs. DOC
 Ch. III 5 yrs. DOC
 Ch. IV - 15 yrs. DOC with 3 yr. min. ~~mandatory~~ mandatory
 All counts to run concurrent to each other
 No PRR on Ch. II, III, IV

The Sentencing Scoresheet prepared in my case has been fully explained to me. If I still have any questions, I can ask the judge about them at the time I enter this plea. I understand that, if I am being sentenced as a Habitual Felony Offender or Prison Releasee Reoffender, the Sentencing Scoresheet does not apply to my case(s).

I understand and agree that I will be sentenced only upon the following terms and conditions. By placing my initials beside the appropriate following paragraphs, I am indicating that I understand the content of each item, either by having read each item or by having each item read and/or explained to me; and that each item so initialed is true and correct as it applies to me.

JL Age/Education: I am 28 years of age and I have completed 12 years of formal education.

JL English Comprehension: I can read, write, and understand the English language and I have no difficulty reading and understanding this document.

JL Current Mental Status: I am not currently under the influence of drugs or alcohol.

JL Mental Health: I have never been found to be insane or incompetent, nor have I ever been a patient at any hospital for mental illness.

JL Facts of Case/Defenses: I have discussed with my attorney the facts of this case(s) and the defense(s) that might be available.

JL Representation: I am satisfied that my attorney has represented me to the best of his/her ability and has done all that can be expected of him/her.

JL Discovery: I have discussed and reviewed with my attorney the discovery disclosed by the state, including the listing or description of all items of physical evidence. My attorney has reviewed and explained the nature of the evidence against me disclosed by the state's discovery exhibit and all addendums to the state's discovery exhibit.

JL DNA: I am not aware of any physical evidence disclosed by the state for which DNA testing may exonerate me.

JL Voluntariness of Plea: I have not been promised any reward nor has it been suggested that I will be rewarded in any manner, or that I will be given any leniency, other than the terms set forth in this document, in return for my entering this plea. No person has used any threats, force, pressure or intimidation to induce me to make this plea. No promises concerning gain time or potential release dates have been made to me. My attorney has not promised me that I will receive a specific sentence.

Waiver of jury trial: I understand that by entering this plea, I am waiving any right to a trial by a jury or by the judge, I am waiving my right to confront and cross-examine my accusers, I am waiving my right to remain silent or to testify in my own behalf, I am waiving my right to subpoena witnesses and have them testify for me, and I am waiving my right to require the state to prove the truth of the charge(s), including each element thereof, beyond and to the exclusion of every reasonable doubt before I can be found guilty.

Involuntary Civil Commitment: I understand that by entering this plea, I may subject myself to an evaluation for involuntary civil commitment as a sexually violent predator, if this offense is found to be a sexually-motivated offense or if I have been previously convicted of a qualifying sexually-motivated offense, regardless of the nature of this offense. There is no assurance whether or not such an evaluation would result in a Petition for Civil Commitment being filed. I further understand that the possibility of civil commitment as a sexually violent predator will remain if I have a qualifying offense and become incarcerated in the future (such as a violation of supervision).

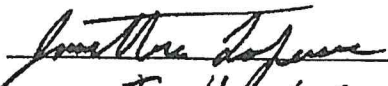
U.S. Citizenship: I understand that if I am not a United States citizen, this plea and the resulting sentence may lead to my deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service and in some cases depending on the nature of the offense will lead to my deportation.

VFOSC: I understand that by entering this plea, I may subject myself to being classified as a Violent Felony Offender of Special Concern, which, if I violate probation (if imposed), may prevent release on bond at that time. Further, if I am arrested for a new charge and have previously been classified as a Violent Felony Offender of Special Concern, I may not be entitled to bond on the new charge(s).

Costs/Fines/Liens: I understand that the judge will impose mandatory court costs, surcharges, and fees and may impose fines and other discretionary charges. If I am sentenced to probation and/or community control, I will be required to pay costs of supervision. If I have been represented by the Office of Public Defender or Office of Criminal Conflict Regional Counsel, I will be required to pay a reasonable fee for those legal services. I understand that, if the mandatory court costs, surcharges, and fees are not paid while I am on probation or community control, or if I am sentenced to prison, the judge may impose a civil lien against me for the amounts owed.

Waiver of Direct Appeal: I understand that by entering this plea, I waive my right to direct appeal of any matters relating to judgment, including the issue of guilt or innocence. I understand that an appeal based solely on the length of a legal sentence will not be successful. I understand I retain my right to challenge an illegal sentence.

Acceptance of Plea Agreement: I understand that this plea agreement is void if the offer is withdrawn by the state prior to being accepted by the judge.

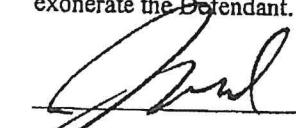

Print: Jonathan Lafener
DEFENDANT

7-14-2015
DATE

CERTIFICATE OF DEFENSE COUNSEL

I am the attorney for the Defendant in this case(s). I have read and fully explained this document to the Defendant. I have also read and fully explained the Information as well as the Sentencing Scoresheet to the Defendant. The Defendant has acknowledged to me that s/he fully understands the content of both documents. I have explained the maximum penalty as to each count pled to by the Defendant and I consider him/her competent to understand the charge(s) against him/her and the effect of this waiver of rights and plea agreement. I have explained to the Defendant his/her right to an appeal and the difference between direct appeal and collateral attack.

I am not aware of any physical evidence disclosed by the state for which DNA testing may exonerate the Defendant.



Print: Gary Wood
ATTORNEY FOR THE DEFENDANT
FLA. BAR NUMBER: 616796


7-14-15

DATE

CERTIFICATE OF ASSISTANT STATE ATTORNEY

On behalf of the State of Florida, I agree to the terms and conditions of this document and ask the court to accept and enforce same.

I am not aware of any physical evidence in this case for which DNA testing may exonerate the Defendant.



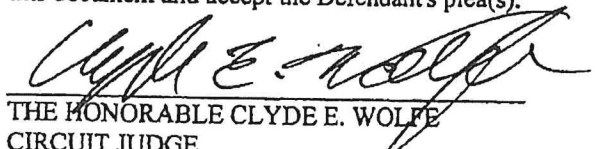
Print: Kenneth J. Janada
ASSISTANT STATE ATTORNEY
FLA. BAR NUMBER: 85993

14 July 2015

DATE

ORDER ACCEPTING PLEA AGREEMENT

I have determined that the Defendant entered into this waiver of rights and plea agreement freely and voluntarily and that there is sufficient factual basis for the entry of the plea(s). Therefore, I approve this document and accept the Defendant's plea(s).



THE HONORABLE CLYDE E. WOLFE
CIRCUIT JUDGE
PUTNAM COUNTY, FLORIDA

7/14/15

DATE

WRITING SAMPLE 2

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
PUTNAM COUNTY, FLORIDA

STATE OF FLORIDA

vs.

CASE NO.: 2012-1462-CF

JOHN CHARLES ODOM JR./
Defendant

FILED & RECORDED
OFFICIAL PUBLIC RECORDS
2013 DEC 11 PM 3:48
CLERK OF DISTRICT COURT
PUTNAM COUNTY, FLORIDA

**STATE'S MOTION IN LIMINAE TO PROHIBIT THE DEPOSITION OF
LORRIE WARD AS SUBSTANTIVE EVIDENCE AT TRIAL**

The State of Florida, by and through the undersigned Assistant State Attorney, moves this Honorable Court to Prohibit the Deposition of Lorrie Ward as substantive evidence at trial. To further the State's argument, the State would show the following.

Pursuant to Rule 3.220¹ the defense listed Lorrie Ward as a potential defense witness. A discovery deposition was conducted on 1 April 2013 with appearances by ASA Kenneth Janesk and APD Derrick Smith. Lorrie Smith subsequently died before defense counsel could perpetuate her testimony under Rule 3.190(i).²

Pursuant to Rule 3.190(b)³, defense counsel motioned the Court to dismiss the case under the "Stand your Ground" standard, with a subsequent hearing conducted on 13 September 2013. With the defense bearing the day's burden, Defendant Odom first took the stand, which was followed by ASA Smith submitting into evidence the aforementioned deposition of Lorrie Ward. The deposition, in its entirety, was admitted over the State's objection.

The State brings this motion in anticipation that defense counsel will attempt to submit the deposition of Lorrie Ward at trial.

Controlling case law is clear, and in contradiction with Federal Law, that a discovery deposition is inadmissible at trial as substantive evidence unless opposing counsel is alerted by compliance with Fla. R. Crim. P. 3.190(i).⁴⁵ In Rodriguez, a defense witnesses failed to appear for trial and defense attempted to introduce the deposition.⁶ The Court held that while Florida Statute allowed

¹ Fla. R. Crim. P. 3.220

² Fla. R. Crim. P. 3.190(i)

³ Fla. R. Crim. P. 3.190(b)

⁴ Rodriguez v. State, 609 So. 2d 493 (Fla. 1992).

⁵ See also Hernandez v. State 608 So. 2d 916 (3rd DCA 1992) (Holding the trial court did not err in excluding the discovery deposition when it failed to comply with Florida's rule for Perpetuating testimony).

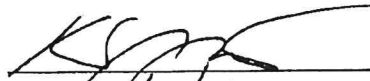
⁶ Rodriguez v. State, 609 So. 2d 493 (Fla. 1992).

JH

deposition hearsay as an exception when the witness is unavailable, the Fla. R. Crim. P. 3.190(i) still applied, thus excluding the deposition.^{7 8}


The 4th DCA in Leighty helps explain the reasoning behind excluding a discovery deposition into a trial under Fla. R. Crim. P. 3.190(i), in spite of Fla. Statute 90.804. "The appellate court held that without notice that the defense was intending to use this deposition testimony as substantive evidence, the State did not have a motive to develop and test the reliability of the testimony by rigorous cross examination."⁹

As the deposition of Lorrie Ward was conducted pursuant to the Florida Statute governing discovery¹⁰ and not pursuant to the required Florida Rules of Criminal procedure¹¹ the State respectfully requests this Honorable Court prohibit the defense from admitting the deposition of Lorrie Ward as substantive evidence.


Kenneth J. Janesk II
Assistant State Attorney
Bar no. 85993
410 St. Johns Ave.
Palatka, Fl. 32177

CERTIFICATE OF SERVICE

The undersigned Assistant State Attorney certifies that a true and accurate copy has been delivered via mail and electronic mail to Assistant Public Defender Derrick Smith on the 10th day of December 2013.


Kenneth J. Janesk II
Assistant State Attorney
Bar no. 85993
410 St. Johns Ave.
Palatka, Fl. 32177

⁷ Id.

⁸ See also, Leighty v. State, 981 So. 2d 484 (4th DCA 2008) (Holding deposition of defendant's ex-girlfriend which would have served as exculpatory evidence for the defendant was not admitted into the trial)

⁹ Id.

¹⁰ Fla. R. Crim. P. 3.220

¹¹ Fla. R. Crim. P. 3.190(i)

WRITING SAMPLE 3

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT,
IN AND FOR PUTNAM COUNTY, FLORIDA

STATE

v.

CASE NO. 2012-0841-CF

JESUS MARES,

Defendant/

STATE'S RESPONSE TO DEFENDANT'S MOTION FOR
POST-CONVICTION RELIEF

COMES NOW the State, by and through the undersigned Assistant State Attorney and requests this Honorable Court deny the defendant's Motion for Post-Conviction relief as a matter of law. In support of such request, the State would show the following:

PROCEDURAL HISTORY

Jesus Mares (hereinafter, "Defendant") was charged in a one count information, dated 26 June 2012, with Sexual Battery on a person less than 12 years of age.¹ While Defendant was initially represented by Rosemarie Peoples of the Office of the Public Defender, Michael Major was hired and officially represented Defendant on 2 November 2012.² Mr. Major withdrew his representation after Defendant filed a bar complaint, thus reappointing the Office of the Public Defender.³ Mr. Derrick Smith (hereinafter, "APD Smith") represented Defendant to the conclusion of this case. On 8 November 2013 Defendant entered a negotiated plea to Lewd and Lascivious Molestation of a victim under 12 years of age, receiving the minimum twenty-five (25) years in the Department of Corrections.⁴ While this is the only post-conviction appeal filed by Defendant, Defendant filed a Florida Bar Grievance against APD Smith in 2016, which required response by APD Smith.⁵

DISCUSSION

Ground 1

Defendant alleges APD Smith was ineffective in a single ground revolving around DNA results. Defendant claims that he was misadvised about the strength of

¹ Exhibit A.

² Exhibit B.

³ Exhibit C.

⁴ Exhibit D.

⁵ Exhibit E.

the DNA results. Defendant claims that the results are skin fragments which could have been “explained away” as they all slept in the same bed and the only results were on the child’s leg.

While Defendant has attached some of the notes from Florida Department of Law Enforcement’s investigation into the DNA in this case, Defendant has omitted the actual summary of findings.⁶ That summary pages best explain what the analyst would have testified to had this case gone to trial. First there were swabbings, (wiping with a sterile gauze pad or cotton tipped swab) taken during the sexual assault exam. These are listed as E01, E03, E04, and R05.⁷ These were then tested against E06, which was the standard taken from the victim and R07, which is the standard taken from Defendant.⁸ The analyst would have first explained that there were no DNA profiles obtained for comparison the E01, the swabbing was taken from the victim’s penis and E03, the swabbings taken from the victim’s scrotum.⁹ While E01 did not have a complete profile, it did have a mixture of two individuals, Defendant being the major contributor. The frequency, or strength of such a finding is then explained as 1 in 1 quadrillion, 4.5 quadrillion or 620 trillion based on race.¹⁰ Defendant claims this is just skin and it is suspected this assertion is made because the report explains “epithelial fraction (EF).”¹¹ Research shows that EF is the separation of skin cells from other cells (saliva, semen, vaginal fluids, etc). It only makes sense that there would be skin cells as part of the mixture based on the swabbings being taken off the skin of the victim. Essentially this first part of the report is saying there was a mixture of DNA on the penis of the victim. The major contributor of this DNA was Defendant and the chance of finding someone else in the world with this same DNA is larger than the amount of people on Earth. The same type of testing was done for E03, E04 and E05. The strength of these finding were even higher than the previous explained sample.¹²

Defendant argues the results of these tests based on an unvetted article. The State has researched this article and found it comes from a private company, Forensic Bioinformatics, out of Ohio, attempting to get hired in the field of DNA testing.

Defendant also makes the claim that he never wanted a negotiated deal. This claim can be refuted by the response to the Florida Bar by APD Smith¹³, provided by Defendant. APD Smith is clear that he spoke with Defendant and Defendant wanted a

⁶ Exhibit F.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Exhibit E

plea, stating also that he filed a bar grievance against his previous attorney for failing to get a new offer from the State.¹⁴ This statement also makes sense based on the granting of Mr. Major's motion to withdraw his plea.¹⁵

CONCLUSION

Strickland v. Washington¹⁶ sets out the two prong test when determining ineffective assistance of counsel. The first prong is whether the defense counsel's actions deviated below that of a competent attorney. The second prong determines if without such deviation the outcome would have been different.

In this case there was no deviation. It is clear that the DNA evidence in this case would have been exceptionally strong evidence against Defendant. While Defendant now believes he could have "explained away" the results, it is still very clear that this evidence would have been admissible and powerful. Defendant also claims that this is newly discovered evidence, however Defendant is misadvised of the DNA results, thus this is not new evidence at all. Finally, the record is also clear with the addition of APD's Smith response¹⁷ that Defendant wanted a deal, grieved against another attorney for not getting his such a deal and then APD Smith was able to achieve such a deal. As the record clearly refute this claim, the Court should deny this ground with a hearing as a matter of law.¹⁸

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the forgoing response has been furnished by U.S mail to Jesus Mares Sr., Pro Se litigant, V44660 Liberty Correctional Institution 11064 N. W. Dempsey Barron Road Bristol, Fl. 32321-2622 this 24th day of May 2017.

s/KENNETH JAMES JANESK II

Assistant State Attorney

Fla. Bar No. 85993

410 St. Johns Ave. Ste 109

Palatka, Fl. 32177

¹⁴ Id.

¹⁵ Exhibit B.

¹⁶ 104 S Ct. 2052 (1984).

¹⁷ Exhibit E

¹⁸ Rule 3.850(d), Fla. R. Crim. Pro; see *also Anderson v. State*, 627 So. 2d 1170 (Fla. 1993).

EXHIBIT A

CLASSIFICATION: FELONY

STATE OF FLORIDA

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT, IN AND FOR PUTNAM COUNTY, FLORIDA, IN THE YEAR TWO THOUSAND TWELVE

VS.

JESUS MARES
H/M; DOB: 01/10/1982 SS#

CASE NO: 2012-0841-CF
AGENCY: PCSO/123252

FILED IN THE SEVENTH JUDICIAL CIRCUIT
OFFICE OF THE CLERK
PUTNAM COUNTY, FLORIDA
2012 JUN 22 11:21 AM

INFORMATION


CHARGE(S):

1) SEXUAL BATTERY ON PERSON LESS THAN 12 YEARS OF AGE

R.J. LARIZZA, State Attorney for the Seventh Judicial Circuit of the State of Florida and as such prosecuting attorney for this Court, in the name of and by the authority of the State of Florida charges that:

COUNT I: JESUS MARES, a person eighteen years of age or older, on or about May 4, 2012, in the County of PUTNAM and State of Florida, did unlawfully commit sexual battery upon J.L.M., a person less than twelve years of age, by JESUS MARES committing an act upon J.L.M. in which the sexual organ of J.L.M. penetrated or had union with the mouth of JESUS MARES, contrary to Florida Statute 794.011(2)(a). (CAPITAL FELONY)

FOR THE STATE ATTORNEY


KENNETH J. JANESK II
ASSISTANT STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA
BAR NUMBER: 85993

COUNTY OF PUTNAM

STATE OF FLORIDA

Personally appeared before me KENNETH J. JANESK II, Assistant State Attorney, for the Seventh Judicial Circuit of the State of Florida, known to me to be the foregoing prosecuting officer, who being duly sworn, says that the allegations set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged. Subscribed in good faith. Said facts based on testimony of material witnesses.

SWORN to and subscribed before me this 26th day of June, 2012.

Submitted to the Clerk of the CIRCUIT Court, Seventh Judicial Circuit, in and for PUTNAM County, Florida, on the 26th day of June, 2012.


NOTARY PUBLIC AT LARGE
STATE OF FLORIDA



TSA
6

EXHIBIT B

IN THE CIRCUIT COURT OF THE SEVENTH
JUDICIAL CIRCUIT IN AND FOR PUTNAM COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

JESUS MARES,
Defendant.

CASE NO. 2012-CF-000844
JUDGE: CARLOS MENDOZA

FILED & RECORDED
OFFICIAL PUBLIC RECORDS
CLERK OF THE CIRCUIT COURT
PUTNAM COUNTY FLORIDA

2012 NOV - 2 PM 4: 53

FILED & RECORDED
OFFICIAL PUBLIC RECORDS

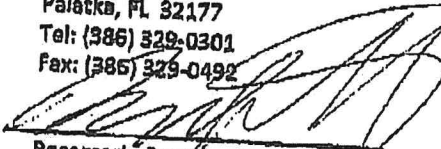
STIPULATED MOTION FOR SUBSTITUTION
OF COUNSEL

COMES NOW MICHAEL J. MAJOR, Esq., and moves this court to substitute him as counsel of record in the above-styled matter. As reason therefore, MICHAEL J. MAJOR, Esq., would show that he has been retained by the Defendant's Next Friend, Juan Mares, to represent the Defendant as counsel in the above-styled case.

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice was furnished by U.S. Mail/facsimile to Assistant State Attorney, 410 St. Johns Ave., Room 109, Palatka, Florida 32178 and to Rosemarie Peoples, Office of Public Defender, Putnam County Courthouse, 514 St. Johns Ave., Palatka, FL 32177 on this 2 day of November, 2011.

OFFICE OF THE PUBLIC DEFENDER
Putnam County Courthouse
514 St. Johns Ave.
Palatka, FL 32177
Tel: (386) 329-0301
Fax: (386) 329-0492

THE MAJOR LAW FIRM
600 Rinehart Rd. Suite 090
Lake Mary, FL 32746
Tel: (407) 951-0241
Fax: (352) 257-7279 407 884-6644
Email: m.jmajor@lawyer.com

BY: 
Rosemarie Peoples, Esq.
Florida Bar No.

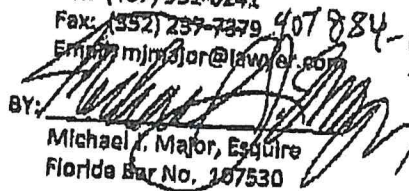
BY: 
Michael J. Major, Esquire
Florida Bar No. 107530

EXHIBIT C

MOTION HEARING MINUTES

STATE OF FLORIDA

DATE: August 16, 2013

VS

CASE NUMBER: 12-0841CFMAS2

Jesus Mares

JUDGE: Mendoza

PRESENT

NOT PRESENT

INFORMATION: Sexual Battery on person less than 12 years of age

STATE ATTORNEY: Ken Janesk

DEFENSE ATTORNEY: Tyler Williams

CLERK: Trinisha Staustin

COURT REPORTER: Courtsmart

BAILIFF: Nicole Thomas

ST	DF	PC	HEARING HELD ON MOTION AS SHOWN BELOW	GRANTED	DENIED
()	(<input checked="" type="checkbox"/>)	()	<u>Motion to withdraw</u>	<input checked="" type="checkbox"/>	()
()	()	()	_____	()	()
()	()	()	_____	()	()
()	()	()	_____	()	()
()	()	()	_____	()	()

STATE WITNESSES:

DEFENSE WITNESSES:

STATE EXHIBITS:

DEFENSE EXHIBITS:

OTHER REMARKS: Set for Docket call 10.7.13 @ 9AM
PD reappointed

PREPARED BY: Trinisha Staustin
DEPUTY CLERK

TS

EXHIBIT D

TRIAL MINUTES

STATE OF FLORIDA VS

Jesus Mares

DATE: 11-8-13

CASE NO: 12-841 CFMA

STATE ATTORNEY: Ken Janesk

JUDGE: Mendoza

DEFENSE ATTORNEY: Derrick Smith

COURT REPORTER: Curt Smart

INFORMATION: Sexual Battery on Person less than 18 years of age

PRESENT NOT PRESENT

UPON MOTION OF _____ COURT ORDERED CASE CONTINUED TO PRE TRIAL: _____ AND TRIAL: _____

STATE ANNOUNCED READY FOR TRIAL. DEFENSE ANNOUNCED READY FOR TRIAL. TRIAL SET _____

ON MOTION OF THE STATE TO AMEND INFORMATION TO: _____

_____ COURT GRANTED MOTION _____ COURT DENIED MOTION

DEFENDANT WAS SWORN, WITHDREW FORMER PLEA AND ENTERED A PLEA OF:

NOLO CONTENDERE GUILTY AS FOLLOWS:

AS CHARGED TO: _____

TO THE LESSER OFFENSE OF: lewd and lascivious

Molestation Child under 12 years of age 800.04(B)

DEFENDANT ADVISED OF MAXIMUM PENALTY OF life YEARS DOC AND/OR A FINE OF \$ 15,000, AS TO CT I

COURT ACCEPTED PLEA AND ORDERED A PSI.

COURT DID NOT ACCEPT PLEA. CASE SET FOR TRIAL _____ waived

CASE SET FOR SENTENCING ON: 11-8-13

PURSUANT TO STIPULATION AND AGREEMENT, COURT ORDERED CASE REMANDED TO COUNTY COURT.

ON MOTION OF THE STATE, COURT ORDERED A NOLLE PROSEQUI AS TO: _____

CAPIAS

DEFENDANT NOT PRESENT, COURT ORDERED A CAPIAS ISSUED:

WITHOUT BOND _____ BOND SET IN THE AMOUNT OF: \$ _____

SECURED BOND ESTREATED. _____ UNSECURED BOND ESTREATED.

REMARKS:

Jessica D. Roden

PREPARED BY: _____
DEPUTY CLERK

AT

EXHIBIT E

Maura Canter, Bar Counsel
The Florida Bar
651 East Jefferson St
Tallahassee, FL 32399-2300

Re Florida Bar File No. 2017-00,091 (4B)

Dear Maura Canter:

The Defendant, Mr. Jesus Mares, was charged with Sexual Battery on a child less than 12 years of age and the public Defender's office was appointed on 5-12-2012 to represent him. Initially, he was represented by Rose Marie Peoples. On November 2, 2012 the Defendant retained Mr. Michael Major, Esquire. On August 15, 2013 Mr. Major filed a motion to withdraw from representing the Defendant, because the Defendant had filed a Bar grievance against Mr. Major. The Court granted the motion to withdraw and reappointed the Public Defender's Office. I was then assigned to handle the case.

After reviewing Mrs. Peoples's file I found that the defendant had told Mrs. Peoples that he wanted a trial and had rejected the State's offer. On September 18, 2013, I spoke to the Defendant, with an interpreter, at the Putnam County Jail. The Defendant stated he did not want a trial and wanted to plea. The Defendant also stated that he filed a grievance against his last attorney for failing to get the state to give him a new offer. I spoke to the prosecutor, Kenny Janesk II, assigned to the case on several occasions and the State finally agreed to consider a 25 year offer.

On November 4, 2013 I spoke to the Defendant, with an interpreter. The defendant stated he would plea to 25 years. On November 8, 2013, I reviewed the plea offer with the Defendant. This was done through an interpreter. The offer was to plea to the lesser charge of Lewd and Lascivious and be sentenced to 25 years in the Department of corrections, followed by sex offender probation. The Defendant was sentenced after a plea colloquy by Judge Carlos Mendoza.

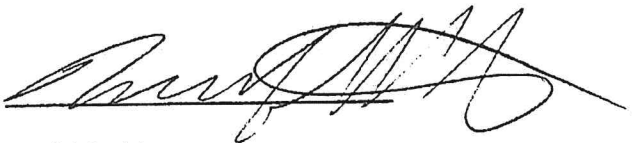
On November 8, 2013 I was prepared to go to trial if the Defendant had wanted to proceed to trial. During the entire time of the Defendant's representation, he stated that he wanted to plea to the charges.

Sincerely,



Derrick H Smith, Esq.

I HEREBY CERTIFY that on this 12 day of September, 2016, a true copy of this response to Jesus Mares #V44660, Liberty Correctional Institution, 11064 N.W. Dempsey Barron Road, Bristol, FL 32321.



Derrick Smith

EXHIBIT F



10430 Furnace Road, Suite 107
Lorton, VA 22079
Phone: 703-646-9740

**Supplemental Forensic Case Report
November 19, 2012**

To:
FDLE – Jacksonville
921 North Davis Street
Building E
Jacksonville, FL 32209

BODE Case #: FLJ1201-1099
FDLE Lab #: 20120402906
Agency Case #: 1203252

Putnam County Sheriff's Office
Attn: Det. Virgil White
141 Orié Griffin Boulevard
Palatka, FL 32177

Victim: Mares, Jesus Jr
Suspect: Mares, Jesus Sr

Partial List of Evidence Received from FedEx (TRK# 7936 7947 5407) on June 15, 2012 for possible DNA analysis:

<u>BODE Sample #</u>	<u>Agency ID #</u>	<u>Agency Description</u>
FLJ1201-1099-E01	pc053598	SWE; sexual assault kit – sexual assault kit [Penile]
FLJ1201-1099-E03	pc053598	SWE; sexual assault kit – sexual assault kit [scrotal]
FLJ1201-1099-E04	pc053598	SWE; sexual assault kit – sexual assault kit [skin R thigh]
FLJ1201-1099-E05	pc053598	SWE; sexual assault kit – sexual assault kit [skin L thigh]
FLJ1201-1099-R06	pc053598	SWE; sexual assault kit – sexual assault kit [Buccal/Cheek Standard]

List of Evidence Received from FedEx (TRK# 7939 7073 3075) on November 1, 2012 for possible DNA analysis:

<u>BODE Sample #</u>	<u>Agency ID #</u>	<u>Agency Description</u>
FLJ1201-1099-R07	pc055607	SME; buccal swab – two buccal swabs from jesus mares sr

STR PROCESSING, RESULTS, CONCLUSIONS, AND STATISTICS:

The evidence was processed for DNA typing by analysis of the 13 CODIS Short Tandem Repeat loci, the D2S1338 locus, the D19S433 locus, and the Amelogenin locus using the Applied Biosystems AmpFISTR Identifier Plus® kit. Appropriate positive and negative controls were used concurrently throughout the analysis. The DNA profiles reported in this case were determined by procedures that have been validated according to recommendations established by the Scientific Working Group on DNA Analysis Methods (SWGDM) that were adopted as Federal Standards.

- A DNA profile was previously obtained from sample FLJ1201-1099-R06 (Jesus Mares Jr).
- A DNA profile was obtained from sample FLJ1201-1099-R07 (Jesus Mares Sr).

STR PROCESSING, RESULTS, CONCLUSIONS, AND STATISTICS (continued):

3. \ No DNA profiles were previously obtained from the sperm fractions (SF) of samples FLJ1201-1099-E01 and FLJ1201-1099-E03.
4. \ The DNA profile previously obtained from the epithelial fraction (EF) of sample FLJ1201-1099-E01 is consistent with a mixture of two individuals including a major foreign male contributor (Male 1).

The major component DNA profile previously deduced from the epithelial fraction (EF) of sample FLJ1201-1099-E01 matches the DNA profile obtained from sample FLJ1201-1099-R07 (Jesus Mares Sr).

The probability of randomly selecting an unrelated individual with this DNA profile at 14 of 15 loci tested is:

1 in 1.0 Quadrillion in the US Caucasian population
1 in 4.5 Quadrillion in the US African American population
1 in 620.0 Trillion in the US Hispanic population

Therefore, within a reasonable degree of scientific certainty, Jesus Mares Sr (FLJ1201-1099-R07) is the source of the major component DNA profile previously deduced from the epithelial fraction (EF) of the sample noted above.

The following locus was not used in the statistical calculation due to the inability to resolve a major component: CSF1PO.

Due to the possibility of allelic drop out, the individual associated with sample FLJ1201-1099-R06 (Jesus Mares Jr) cannot be included or excluded as a possible minor contributor to the mixture DNA profile previously obtained from the epithelial fraction (EF) of sample FLJ1201-1099-E01.

5. \ The DNA profile previously obtained from the epithelial fraction (EF) of sample FLJ1201-1099-E03 is consistent with a mixture of two individuals including a major foreign male contributor (Male 1) and alleles consistent with the victim (Male 2).
6. \ The DNA profile previously obtained from sample FLJ1201-1099-E04 is consistent with a mixture of two individuals including a major foreign male contributor (Male 1) and alleles consistent with the victim (Male 2).
7. \ The DNA profile previously obtained from sample FLJ1201-1099-E05 is consistent with a mixture of at least two individuals including a major foreign male contributor (Male 1) and alleles consistent with the victim (Male 2).

The major component DNA profile previously deduced from the epithelial fraction (EF) of sample FLJ1201-1099-E03 and from samples FLJ1201-1099-E04 and FLJ1201-1099-E05 matches the DNA profile obtained from sample FLJ1201-1099-R07 (Jesus Mares Sr).

The probability of randomly selecting an unrelated individual with this DNA profile at 15 of 15 loci tested is:

1 in 710.0 Quadrillion in the US Caucasian population
1 in 4.7 Quintillion in the US African American population
1 in 220.0 Quadrillion in the US Hispanic population

BODE Case #: FLJ1201-1099
FDLE Lab #: 20120402906
Agency Case #: 1203252

Date: November 19, 2012

STR PROCESSING, RESULTS, CONCLUSIONS, AND STATISTICS (continued):

Therefore, within a reasonable degree of scientific certainty, Jesus Mares Sr (FLJ1201-1099-R07) is the source of the major component DNA profile previously deduced from the epithelial fraction (EF) of sample FLJ1201-1099-E03 and from samples FLJ1201-1099-E04 and FLJ1201-1099-E05.

Notes:

1. The DNA extracts and submitted evidence will be returned to the Florida Department of Law Enforcement.
2. Any references to body fluids in evidence descriptions are based on the written descriptions of the samples by the submitting agency.
3. Allele frequencies taken from "Allele Frequencies for 15 Autosomal STR Loci on U.S. Caucasian, African American and Hispanic Populations". Journal of Forensic Sciences 2003:48(4): 908 – 911.
4. A supplemental report was issued due to an additional submission of evidence. Please see original report dated August 17, 2012. \

Report submitted by,



Marcy L. Plaza, MS
DNA Analyst III

