

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FL

STATE OF FLORIDA

CASE NO.: 2021 303222 CFDB

v.

NICOLE M. JACKSON,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO OBTAIN ACCESS TO  
CONFIDENTIAL RECORDS**

This matter came before the Court upon Defendant's Motion to Obtain Access to Confidential records, filed on June 20, 2024. The Court having reviewed the Motion, the court file, and having been otherwise advised in the matter, hereby finds as follows:

**PROCEDURAL HISTORY**

Defendant by Amended Information was charged on January 27, 2023, with one count of Attempted 1<sup>st</sup> Degree Murder with a Firearm; one count of Burglary of a Dwelling while Armed with a Firearm; and one count of Criminal Mischief (\$1000 or more). See Appendix A, Amended Information. Defendant on January 27, 2023, entered a negotiated plea in case number 2021 303222 CFDB. See Appendix B, Signed Plea Agreement. Prior to the entry of the plea, a Nelson hearing was held. The record and recording of the hearing were sealed pursuant to court order. See Appendix C, Order to Seal Records. Defendant was sentenced as follows: on count one Attempted First Degree Murder (Firearm), 20 years in the Department of Corrections (mandatory minimum was waived), followed by 10 years of supervised probation, with 607 days of presentence jail credit which was to run currently with any other sentence; on count two Burglary of a Dwelling while Armed, Defendant was placed on 30 years of probation to run consecutive to count one; and on count three Criminal Mischief, Defendant was placed on 5 years of probation which was to run

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& CLERK OF THE COUNTY  
VOLUSIA COUNTY  
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consecutive to count one. *See* Appendix D, Judgment and Sentence. In a separate case from Flagler County, Defendant in case number 2021 CF 000722 was sentenced as follows: counts one through five (Burning of-Land Malicious) 5 years' imprisonment in the Department of Corrections with all counts running concurrently to each other and concurrently to any other sentence with 607 days presentence jail credit and on count six, Criminal Mischief (\$1,000 or More), Defendant was sentenced to a concurrent term of 5 years in the Department of Corrections with 607 of presentence jail credit. *See* Appendix B, Signed Plea Agreement and Appendix E, Flagler County Judgment and Sentence. Defendant did not pursue a direct appeal.

Defendant's trial counsel was Larry Avallone (hereinafter "trial counsel") with the Office of the Public Defender.

### **ANALYSIS AND RULING**

Defendant's Motion seeks access to records related to the January 27, 2023, ex-parte Nelson hearing sealed and made confidential by order of the Court, the transcription of the Nelson hearing, and the Plea and Sentencing hearing<sup>1</sup> that also took place on January 27, 2023. *See* Appendix F, Defendant's Motion paragraph 13.

Defendant made her requests pursuant to Florida Rules of General Practice and Judicial Administration 2.420(j). In support and in compliance with the rule, Defendant's Motion contains the following: (1) the specific requested record- transcription of the January 27, 2023 ex-parte Nelson hearing and the Plea and Sentencing Hearing of January 27, 2023; (2) Defendant has specified that the above records are needed to investigate and determine possible claims to be raised in a Rule 3.850 Motion; (3) Defendant has cited to Fla. R. Gen. Prac. & Jud. Admin. 2.420(j) and *Russell v. Times Publishing Co.*, 592 So. 2d 808 (Fla. 5th DCA 1992), as legal support for

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<sup>1</sup> The court's order sealing records was restricted to the Nelson hearing and did not include the plea and sentencing hearing.

obtaining access to confidential sealed records; and (4) Defendant's Motion contains a certification that the Motion is made in good faith and supported by a sound factual and legal basis.

Pursuant to Fla. R. Gen. Prac. & Jud. Admin, Rule 2.420(4) any order granting access to confidential court records must:

**(A) describe the confidential information with as much specificity as possible without revealing the confidential information, including specifying the precise location of the information within the court records;**

Here, the Court specifically allows and limits defense counsel to obtain a transcription(s) of the January 27, 2023, ex-parte Nelson hearing, including any exhibits that were entered as evidence or otherwise attached to the record.

**(B) identify the persons who are permitted to view the confidential court records;**

The confidential report(s) may be viewed by defense counsel of record and the Office of the State Attorney. If defense counsel intends to consult or utilize any expert(s), Court approval must be obtained prior to the expert(s) viewing any of the records included in paragraph (A).

**(C) identify any person who is permitted to obtain copies of the confidential court records; and**

The confidential records may be obtained by defense counsel of record and copies furnished to the Office of the State Attorney. If defense counsel intends on consulting or utilizing expert(s) Court approval must be obtained prior to disseminating any of the record(s) to any expert(s) included in paragraph (A). Neither defense counsel nor the State Attorney's Office may disseminate these records to any third party, in any manner, without prior specific authorization from the Court.

**(D) state the time limits imposed on such access, if any, and any other applicable terms or limitations to such access**

Defense counsel shall have access to the record(s) and is permitted to use the record(s) authorized in paragraph (A) for use in investigating and in preparing any potential Motion for Post Conviction Relief 3.850. The Court informs Defendant that the judgment and sentence became final February

27, 2023. Defendant is informed that Florida Rule of Criminal Procedure 3.850 (b) Time limitations. “A Motion to vacate a sentence that exceeds the limits provided by law may be filed at any time. No other motion shall be filed or considered pursuant to this rule if filed more than 2 years after the judgment and sentence become final...” Accordingly, Defendant may use and shall have access to the records in paragraph (A) through February 27, 2025, in furtherance of Defendant’s investigation of and in preparation of any potential Motion for Post Conviction Relief 3.850 Claim, unless further extension is allowed by the Court.

Additionally, if Defendant intends on introducing into evidence or attaching any document(s) obtained pursuant to this Order, as documentary evidence in support at any hearing or in support of any Motion, said document(s) shall be sealed (and filed as a confidential filing) and cannot be released unless permitted by Court Order. Further, any Motions referencing any document(s) obtained pursuant to this Order must be confidentially filed with redactions of all references to any information obtained via this Court Order. Finally, any Motion for Post Conviction Relief filed by Defendant which utilizes any documents obtained pursuant to this Order shall be reviewed by the Court in Camera to determine confidentiality of the record. Accordingly, it is

**ORDERED AND ADJUDGED** that Defendant’s Motion to Obtain Access to Confidential records is **GRANTED** subject to following limitation(s):

- A. Defense counsel is authorized to obtain a transcription of the January 27, 2023, ex-parte Nelson hearing including any exhibits that were entered as evidence or otherwise attached to the record.
- B. The transcript may be viewed by defense counsel and the Office of the State Attorney. If defense counsel intends to consult or utilize any expert(s), Court approval must be obtained prior to the expert(s) viewing any of the records included in paragraph (A).



C. The confidential records may be obtained by defense counsel of record and copies furnished to the Office of the State Attorney. If defense counsel intends on consulting or utilizing expert(s) Court approval must be obtained prior to disseminating any of the record(s) to any expert(s) included in paragraph (A). Neither defense counsel nor the State Attorney's Office may disseminate these records to any third party, in any manner, without prior specific authorization from the Court.

D. Defense counsel shall have access to the record(s) and is permitted to use the record(s) authorized in paragraph (A) for use in investigating and in preparing any potential Motion for Post Conviction Relief 3.850 claim. Further, Defendant may use and shall have access to the records in paragraph (A) through February 27, 2025, in furtherance of Defendant's investigation of and in preparation of any potential Motion for Post Conviction Relief 3.850 claim, unless further extension is allowed by the Court.

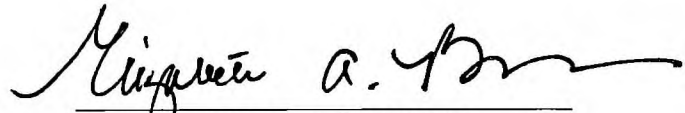
E. If Defendant intends on introducing into evidence or attaching any document(s) obtained pursuant to this Order, as documentary evidence in support at any hearing or in support of any Motion, said document(s) shall be filed as a confidential record and sealed and cannot be released unless permitted by Court Order.

F. Any Motions referencing any document(s) obtained pursuant to this Order must be confidentially filed with redactions of all references to any information obtained via this Court Order.

G. Any Motion for Post Conviction Relief filed by Defendant which utilizes any documents obtained pursuant to this Order shall be reviewed by the Court in Camera.

H. Defendant, through her counsel, may obtain a transcript of the plea and sentencing hearing held on January 27, 2023. The plea and sentencing hearing was not sealed by this Court.

**DONE AND ORDERED** in Daytona Beach, Volusia County, Florida, this 26<sup>TH</sup> day of  
July 2024.

  
ELIZABETH BLACKBURN  
CIRCUIT JUDGE

Copies to:

Dan Ripley, Esq., Ripley Whisenhunt, PLLC, 8130 66<sup>th</sup> St. N. Suite 3, Pinellas Park,  
Florida 33710; [efile@rightingwrongsflorida.com](mailto:efile@rightingwrongsflorida.com)

Office of the State Attorney – Postconviction Division, 251 Ridgewood Ave., Daytona  
Beach, Florida 32114. [eservicevolusia@sao7.org](mailto:eservicevolusia@sao7.org).

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**APPENDIX "A"**

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**HONORABLE ELIZABETH BLACKBURN**  
CIRCUIT JUDGE

CLASSIFICATION: FELONY

STATE OF FLORIDA

VS.

IN THE CIRCUIT COURT OF THE SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR VOLUSIA  
COUNTY, FLORIDA, IN THE YEAR TWO  
THOUSAND TWENTY THREE

CASE NO: 2021 303222 CFDB  
AGENCY: VCSO [REDACTED]

NICOLE MARIE JACKSON-MALDONADO  
W/F; DOB: 02/08/2007 SS#

AMENDED INFORMATION

CHARGE(S):

ATTEMPTED 1ST DEGREE MURDER WITH A FIREARM  
BURGLARY OF A DWELLING WHILE ARMED WITH A FIREARM  
CRIMINAL MISCHIEF (\$1000.00 OR MORE)

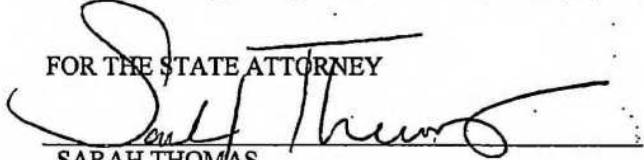
R.J. LARIZZA, State Attorney for the Seventh Judicial Circuit of the State of Florida and as such prosecuting attorney for this Court, in the name of and by the authority of the State of Florida charges that:

COUNT I: IN THAT NICOLE MARIE JACKSON-MALDONADO on or about June 1, 2021, in the County of VOLUSIA and State of Florida, did unlawfully attempt to commit murder in the first degree upon Deputy Anthony Ray and/or Deputy Donald Gray and/or Deputy Michael Sawicki and/or Deputy Nicole Richardson and/or Deputy Anthony Zimmerer and/or Sergeant Omar Bello and/or Sergeant William Maxwell and/or Deputy David Winhoven, by discharging and/or attempting to discharge a firearm towards/at Deputy Anthony Ray and/or Deputy Donald Gray and/or Deputy Michael Sawicki and/or Deputy Nicole Richardson and/or Deputy Anthony Zimmerer and/or Sergeant Omar Bello and/or Sergeant William Maxwell and/or Deputy David Winhoven, and in the course of committing said attempted murder did have in her actual possession a firearm which was discharged, contrary to Florida Statutes 782.04(1)(a)(1), 775.0823(2), 777.04(1), and 775.087 (1 DEG FELONY) (10-20 LIFE)

COUNT II: IN THAT NICOLE MARIE JACKSON-MALDONADO, on or about June 1, 2021, in the County of VOLUSIA and State of Florida, while in possession of a firearm, did knowingly enter or remain in a dwelling, which was property owned by or in the possession of AJ BEDIZEL, and NICOLE MARIE JACKSON-MALDONADO armed, or became armed within such dwelling with a firearm, a dangerous weapon or explosive, with the intent to commit an offense therein, and while such offense was committed did actually possess and discharge the firearm, contrary to Florida Statutes 810.02(2)(b) and 810.02(1) and 775.087(2). (1 DEG FEL, PBL)

COUNT III: IN THAT NICOLE MARIE JACKSON-MALDONADO, on or about June 1, 2021, in the County of VOLUSIA and State of Florida, did unlawfully, willfully and maliciously, injure or damage, or place graffiti thereon or commit an act of vandalism to the home of/ house belonging to of AJ BEDIZEL, the property of AJ BEDIZEL, such damage being more than one thousand (\$1,000.00) dollars, contrary to Florida Statute 806.13(1)(b)3. (3 DEG FEL)

FOR THE STATE ATTORNEY



SARAH THOMAS  
ASSISTANT STATE ATTORNEY  
FL BAR NO. 119419  
SEVENTH JUDICIAL CIRCUIT OF THE  
STATE OF FLORIDA  
251 NORTH RIDGEWOOD AVENUE  
DAYTONA BEACH, FL 32114  
(386) 239-7710  
ESERVICEVOLUSIA@SAO7.ORG

**FILED**  
**IN OPEN COURT**

JAN 27 2023


Clerk Circuit & County  
Court Volusia County, FL

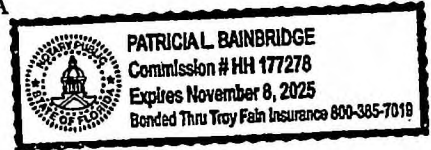
COUNTY OF VOLUSIA

STATE OF FLORIDA

Personally appeared before me SARAH THOMAS 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 27 day of January, 2023.

Submitted to the Clerk of the CIRCUIT Court, Seventh Judicial Circuit, in and For VOLUSIA County, Florida, on the 27 day of January, 2023.

  
NOTARY PUBLIC AT LARGE  
STATE OF FLORIDA





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**APPENDIX "B"**

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**HONORABLE ELIZABETH BLACKBURN**  
CIRCUIT JUDGE

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

STATE OF FLORIDA

vs.

NICOLE MARIE JACKSON-MALDONADO /

CASE NO.: 2021 303222 CFDB

JUDGE: ELIZABETH A BLACKBURN

DEFENDANT

2021-00722-LFA

**PLEA**

1. I, NICOLE MARIE JACKSON-MALDONADO the defendant herein, withdraw my previously entered plea(s) of Not Guilty, and enter a plea(s) as follows:

- I.  Guilty  Nolo Contendere 775.0823 2 ATTEMPTED 1ST DEGREE MURDER OF LAW ENFORCEMENT OFFICER 1 F
- II.  Guilty  Nolo Contendere 810.02 2b BURGLARY OF A DWELLING WHILE ARMED WITH A FIREARM 1 F
- III.  Guilty  Nolo Contendere 806.13 1b3 CRIMINAL MISCHIEF (\$1000.00 OR MORE) 3 F

2. I understand that if the Court accepts my Plea(s) I give up my right to trial, at which I would have the following rights: (1) to have a jury determine whether I am guilty or not guilty, or to have a judge make such a determination in a non-jury hearing; (2) to see and hear witnesses testify and to have my lawyer question them for me; (3) to subpoena and present witnesses and items in evidence in my defense and to present any defense I might have to a jury or judge; (4) to testify or remain silent; (5) to require the prosecutor to prove my guilt by admissible evidence beyond a reasonable doubt before I can be found guilty. I further understand that I give up my right to appeal all matters except court rulings entered after this plea is entered, an illegal sentence, or the court's authority (jurisdiction) to hear my case, and I agree to pay all costs and attorneys fees of any appeal which I attempt to pursue on any other subject. My lawyer has explained to me what an appeal is, and I understand that changing my mind about entering this plea, after it is accepted, will not require the court to let me withdraw it, nor will it make the court's sentence illegal or deprive the court of authority to sentence me.

3. I understand that a plea of "Not Guilty" denies that I committed the crime charged. I also understand that a plea of "Guilty" admits I committed the crime charged, a "Best Interest Guilty" plea and a plea of "Nolo Contendere" mean I do not contest the state's evidence against me. By entering the above plea(s) I am voluntarily submitting myself to the court's sentencing authority. I understand that if the court accepts my plea(s), there will be no trial, and the court will impose sentence based on my plea(s). I agree that a factual basis for the court to accept my plea(s) is contained in documents in the court file, including the complaint affidavit(s). I understand that if I am not a citizen of the United States, I may be deported. I understand that the court may impose a fine, court costs, other fees and a fee and/or lien for the services of the Public Defender.

4. I have read the Information or Indictment in this case, and I understand the charges to which I am pleading. I stipulate that there is a factual basis described in court documents to support the charge(s) against me. My lawyer has explained to me: the maximum and minimum penalty(ies) for the charges against me, including enhanced sentencing laws for which the state has given my lawyer notice; the essential elements of the crime(s) I am charged with, and all defenses I might have. I understand that if I am on parole or probation in any other case, this plea can cause that parole or probation to be revoked and I can receive a separate sentence up to the maximum allowed by law for that (those) case(s).

5. No one has promised me anything to get me to enter this (these) plea(s), except as stated herein. I understand that the judge has made no promises as to what sentence I will receive, other than a lawful sentence. I further understand that, unless the judge accepts this plea as a "conditional plea" and those words appear in the space below, the judge is not required to follow any state or defense recommendation regarding sentence, and, if I receive a sentence of probation, I may be required to serve time in the county jail as a condition of probation. The state recommends the following sentence:

- Count I: Plea to amended charge of Attempted 1st Degree Murder, a first degree felony. Adjudication of Guilt - 20 years Florida Department of Corrections. Followed by 10 years Probation. *Waive Min Mandatory \$10-20-Life LA*
- Count II: Plea as charged. Adjudication of Guilt - 30 years probation to run consecutive to count I. -restitution to be ordered, but reserved as to amount for 60 days.
- Count III: Plea as charged. Adjudication of Guilt - 5 years probation to run consecutive to Count I. -restitution to be ordered, but reserved as to amount for 60 days.

**FILED**

**IN OPEN COURT**

- Special Conditions of Probation to include:
- No drugs or alcohol.
- Random Urinalysis at discretion of probation.

JAN 27 2023

Clerk Circuit & County  
Court Volusia County, FL

*5 Counts Arson 590.28(1) 3F  
1 Count Felony Criminal Mischief 3F  
Filen Case (2021-00722)*

- Do not possess firearms and/or weapons.
- Do not reside at any home or location where firearms and/or weapons are present.
- Undergo Mental Health Evaluation within 60 days upon release from Department of Corrections - must follow any recommended treatment and/or take medication as prescribed.
- Subject to warrantless searches of person or property for term of probation.
- Upon release from DOC - must show proof to probation that Defendant is either seeking gainful employment or enrolled in academic/trade program.
- Standard Court Costs, \$100 Cost of Prosecution, \$100 Cost of Investigation to VOLUSIA COUNTY SHERIFF'S OFFICE\*

\*Pursuant to Florida Statute 938.27, the law enforcement agency has requested investigative costs be rendered against the convicted party. The law enforcement agency has agreed to assess \$100 cost of investigation if the convicted party agrees to stipulate to this amount. If the convicted party does not wish to agree to this amount, the law enforcement agency requests the amount be reserved for a hearing and will provide an affidavit of costs pursuant to Florida Statute 938.27(7) and will request the court hold a hearing determining the total amount of investigative costs.

- Flasler Case 5415 DOC Conviction*
6. No one has pressured or forced me to enter this (these) plea(s). I am entering this (these) plea(s) because I am guilty of the crimes charged or I believe it is in my best interest to do so. I am doing this voluntarily and of my own free will.
  7. I understand that my sentence will be imposed under the Sentencing Guidelines that apply to my case, unless I qualify for enhanced penalties under Fla. Stat. ch. 775, or other statutes. If no enhanced sentence is requested or applies, I understand that the court can impose a sentence exceeding the guideline range only by stating clear and convincing reasons under the guidelines law. If the court does impose a sentence exceeding the guidelines range, I will have the right to withdraw my plea(s) or appeal the sentence, unless enhanced penalties apply and are lawfully imposed. No representations or promises have been made to me regarding "gain time," "good time," "early release," or any credit toward my sentence, which I understand the court and my lawyer cannot affect. I understand that only the Department of Corrections can calculate any release date.
  8. This paragraph applies if this or another case against me involves a sex-related charge (even if a reduced charge). My lawyer has explained the mandatory, statutory conditions of sex-offender probation, and the law of involuntary civil commitment under the Involuntary Civil Commitment for Sexually Violent Predators act, the "Jimmy Ryce Act," or similar statutes.
  9. I understand and agree that if the judge permits me to remain at liberty pending sentencing, I must notify my lawyer, my bondsman, my pre-trial release officer, if any, and the Clerk of the Court of any change of my address. I also understand that if a Pre-Sentence Investigation (PSI) is ordered and I fail to appear for any appointment with the Department of Corrections for the PSI interview, the court can revoke my release and place me in jail until the PSI is completed or until sentencing.
  10. I understand that if I willfully fail to appear for sentencing, any conditions of a "conditional plea" will no longer be binding upon the judge, and that I may be sentenced to any lawful sentence that could be imposed without the conditions.
  11. I can read, write, speak and understand the English language or have had an interpreter in my native language assigned to me who has read this entire document to me with my lawyer present. I have 6 years, or equivalent, of education (example: high school or GED = 12 years). I am not under the influence of any drug, medicine or alcohol at the time I sign this plea form. I am not suffering from any mental problems at this time that affect my understanding of this document, other than as explained to the judge on the record in open court, or as reflected in the court file.
  12. I have read and understand every printed or handwritten word in this plea form and have discussed it with my lawyer. I am fully satisfied with the services of my lawyer and have had a full opportunity to discuss this case and my plea(s) with my lawyer. I have told my lawyer everything I know about my case. No one, including my lawyer, has made any promises or representations to me which modify or contradict this plea document, other than what I have told the judge in open court.

SIGNED in open court DAYTONA BEACH, VOLUSIA County, Florida on Jan. 27, 2023

N. M.  
 DEFENDANT  
 NICOLE MARIE JACKSON-MALDONADO

**CERTIFICATE OF DEFENDANT'S ATTORNEY**

I hereby certify that, as counsel for the Defendant, I have discussed this case with my client and explained the rights, defenses and evidence relating to it with him/her. I have discussed this written plea form and have answered all the defendant's questions regarding it. In my professional opinion, as an officer of the court, the defendant understands everything in this plea form, his/her rights, and the consequences of this(these) plea(s). His/her plea is being made freely, voluntarily and knowingly. I have made no promises or representations to my client which modify or contradict this plea document.

*Lawrence Avallone*

COUNSEL FOR DEFENDANT 25697  
LAWRENCE AVALLONE

**CERTIFICATE OF ASSISTANT STATE ATTORNEY**

I confirm that the recommendations set for in this plea form are the recommendations of the Office of the State Attorney.  
The State has complied with the Victim Rights Statute, if applicable.

*Sarah Thomas*

ASSISTANT STATE ATTORNEY  
SARAH THOMAS

**ORDER ACCEPTING PLEA**

The foregoing plea document was received and accepted in open court. The Defendant signed or acknowledged signing this document while under oath and subject to the penalties of perjury. The court finds the plea to be freely and voluntarily entered and that a factual basis exists in the record for the court to accept it. By accepting this plea(s), the court is not required to follow any state or defense recommendation stated herein, unless a "Conditional Plea" is fully described in paragraph 5, above.

Accepted by the court,

*Elizabeth Blackburn*

ELIZABETH A BLACKBURN

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**APPENDIX "C"**

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**HONORABLE ELIZABETH BLACKBURN**  
CIRCUIT JUDGE



IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
VOLUSIA COUNTY, FLORIDA  
CASE NO. 2021 303222 CFDB  
DIVISION 40

STATE OF FLORIDA,

v.

NICOLE M. JACKSON,

Defendant.

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& CTY COURT VOLUSIA CTY FL  
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**ORDER TO SEAL RECORDS**

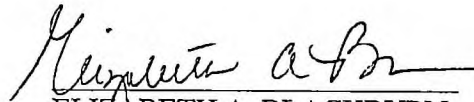
THIS CAUSE having come before the Court at an Ex Parte Nelson hearing held on January 27, 2023, wherein the Defendant was present with her counsel, and the Court being duly advised in the premises, the Court finds:

1. The Court previously entered a Sua Sponte Order sealing a portion of the Defendant's Motion for Reconsideration to Dismiss Defense Counsel and Request a Full Nelson Hearing (Exhibits A, D and E).
2. At the beginning of the Nelson hearing, the Court made findings that the instant proceeding has garnered "extraordinary media interest" and world-wide attention. The Court finds that closure of the Nelson hearing proceeding and the record pertaining thereto, is necessary to protect the due process rights of the Defendant to a fair trial. See Miami Herald Publishing Co. v. Lewis 426 So.2d 1(Fla. 1982)
3. There are no less restrictive means available to protect the Defendant's right to a fair trial.
4. Closure of the record, related to the Nelson hearing, together with closure of the proceedings on the Nelson hearing only, would be effective in protecting the rights of the Defendant without being overly broad.
5. The oral findings announced on the record before the Court closed the Nelson hearing proceedings are incorporated by reference herein.

It is therefore,

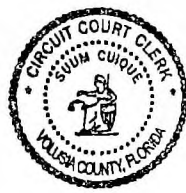
ORDERED and ADJUDGED that the Clerk is hereby directed that the Ex Parte Nelson hearing proceeding, including, but not limited to, the transcript and record of said proceeding, is to be kept under seal and shall not be opened unless authorized by court order.

29<sup>TH</sup> DONE AND ORDERED in Chambers at DeLand, Volusia County, Florida this day of JANUARY, 2023.

  
ELIZABETH A. BLACKBURN  
CIRCUIT JUDGE

Copies to:

Office of the State Attorney  
Office of the Public Defender  
Clerk of Court – Volusia County



STATE OF FLORIDA, VOLUSIA COUNTY  
I HEREBY CERTIFY the foregoing is a true copy  
of the original filed in this office. This  
26<sup>th</sup> day of July, 2021  
Clerk of Circuit and County Court  
By Ryan Cooper  
Deputy Clerk

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**APPENDIX "D"**

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**HONORABLE ELIZABETH BLACKBURN**  
CIRCUIT JUDGE

- Probation Violator
- Community Control Violator
- Retrial
- Resentence

STATE OF FLORIDA

v.

NICOLE M JACKSON

In the Circuit Court, 7th Judicial Circuit

in and for Volusia County, Florida

Division CRIMINAL 40

Case Number 2021 303222 CFDB

**JUDGMENT**

The defendant, NICOLE M JACKSON, being personally before this court represented by LAWRENCE AVALLONE, the attorney of record, and the state represented by SARAH THOMAS, and having

- been tried and found guilty by jury of the following crime(s)
- entered a plea of guilty to the following crime(s)
- entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
1	ATTEMPTED FIRST DEGREE MURDER (FIREARM)	782.04(1)(a)	F/F	2021 303222 CFDB	██████████
2	BURGLARY OF A DWELLING WHILE ARMED WITH A FIREARM	810.02(1)	F/P	2021 303222 CFDB	██████████
3	CRIMINAL MISCHIEF (\$1000.00 OR MORE)	806.13(1)(b)3	F/T	2021 303222 CFDB	██████████

- and no cause being shown why the defendant should not be adjudicated guilty, **IT IS ORDERED THAT** the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s)
- and good cause being shown; **IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.**
- and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to an offense specified in section 943.325, Florida Statutes, the defendant shall be required to submit blood or other biological specimens.











STATE OF FLORIDA

v.

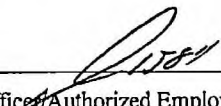
NICOLE M JACKSON

Case Number 2021 303222 CFDB

**FINGERPRINTS OF DEFENDANT**

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, NICOLE M JACKSON and that they were placed thereon by the defendant in my presence this 27 day of January, 2023.

  
\_\_\_\_\_  
Court Officer/Authorized Employee



**SENTENCE**

( As to Count 1 )

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Lawrence Avallone, 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 one if applicable.)**

- and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date
- and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences 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 of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ as the 5% surcharge required by section 938.04, Florida Statutes.
- 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 Volusia County, Florida.
- 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.
- For a term of 20 years.
- Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

**If "split" sentence, complete the appropriate paragraph.**

- Followed by a period of 10 years on probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

<b>SPECIAL PROVISIONS ( As to Count <u>1</u> )</b>
--

**Mandatory/Minimum Provisions:**

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

- |  |                          |  |
|--|--------------------------|--|
| Firearm  | <input type="checkbox"/> | It is further ordered that the 3-year minimum imprisonment provisions of §775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.  |
| Drug Trafficking                                       | <input type="checkbox"/> | It is further ordered that the _____ mandatory minimum imprisonment provisions of §893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.   |
| Controlled Substance<br>Within 1,000 Feet of<br>School | <input type="checkbox"/> | It is further ordered that the 3-year minimum imprisonment provisions of §893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count.   |
| Habitual Felony Offender                               | <input type="checkbox"/> | The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of §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<br>Offender                    | <input type="checkbox"/> | The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of §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.  |
| Three-time Violent<br>Felony Offender                  | <input type="checkbox"/> | The defendant is adjudicated a three-time violent felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(c), Florida Statutes. It is further ordered that the _____ year mandatory minimum imprisonment provisions of s. 775.084(4)(c) is hereby imposed for the sentence specified in this count. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. |
| Violent Career Criminal                                | <input type="checkbox"/> | The defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(d), Florida Statutes. A minimum term of _____ years 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. The defendant is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release pursuant to s. 947.149, Florida Statutes.  |
| Law Enforcement<br>Protection Act                      | <input type="checkbox"/> | It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with §775.0823, Florida Statutes.   |
| Capital Offense  | <input type="checkbox"/> | First Degree Murder <b>Prior to</b> 05/25/94 and Other Capital Felonies <b>Prior to</b> 10/01/95. It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of §775.082(1), Florida Statutes.   |
|  | <input type="checkbox"/> | First Degree Murder <b>After</b> 05/25/94 and Other Capital Felonies <b>After</b> 10/01/95. It is further ordered that the defendant shall be ineligible for parole in accordance with the provisions of §775.082(1), Florida Statutes.  |
| Short-Barreled Rifle<br>Shotgun, Machine Gun           | <input type="checkbox"/> | It is further ordered that the 5-year minimum provisions of §790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.  |
| Continuing Criminal<br>Enterprise                      | <input type="checkbox"/> | It is further ordered that the 25-year minimum sentence provisions of §893.20, Florida Statutes, are hereby imposed for the sentence specified in the count.   |
| Dangerous Sexual Felony<br>Offender                    | <input type="checkbox"/> | The defendant is adjudicated a dangerous sexual felony offender. This finding of the court was stated in open court or set forth in a separate order. A minimum term of _____ years must be served prior to release in accordance with §794.015(2)(e), Florida Statutes. The defendant is not eligible for gain-time or any form of discretionary early release, other than pardon, executive clemency or conditional medical release, before serving the minimum sentence.  |
| Sexual Offender  | <input type="checkbox"/> | It is further ordered that the defendant shall register as a sexual offender pursuant to §943.0435, Florida Statutes.  |

**Mandatory/Minimum Provisions Continued:**

- Sexual Predator  It is further ordered that the defendant is found to be a sexual predator pursuant to §775.21, Florida Statutes. This finding by the court is set forth in a separate order.
- Prison Releasee Reoffender:  The defendant is adjudicated a prison releasee reoffender and has been sentenced to an extended term in accordance with §775.082(9)b, Florida Statutes. The defendant must serve 100 percent of this sentence and shall not be eligible for parole, control release, or any form of early release.
- Firearm 10-20-Life: Possess  It is further ordered that the defendant shall serve a minimum of 10 years before release in accordance with §775.087(2)(a)1, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or 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 §775.087(2)(a)2, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or 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 §775.087(2)(a)3, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence.

**Other Provisions**

- Retention of Jurisdiction  The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).
- Jail Credit  It is further ordered that the defendant shall be allowed a total of 607 days as credit for time incarcerated before imposition of this sentence.

**CREDIT FOR TIME SERVED IN RESENTENCING AFTER VIOLATION OF PROBATION OR COMMUNITY CONTROL**

- It is further ordered that the defendant be allowed \_\_\_\_\_ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison and unforfeited gain time previously awarded on case/count \_\_\_\_\_.  
**(Offenses committed before October 1, 1989)**
- It is further ordered that the defendant be allowed \_\_\_\_\_ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison and unforfeited gain time previously awarded on case/count \_\_\_\_\_.  
**(Offenses committed between October 1, 1989 and December 31, 1993)**
- The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under Section 948.06(7).
- The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under Section 944.28(1).
- It is further ordered that the defendant be allowed \_\_\_\_\_ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison only pursuant to section 921.0017, Florida Statutes, on case/count \_\_\_\_\_.  
**(Offenses committed on or after January 1, 1994)**

**Other Provisions, continued:**

Consecutive/Concurrent  It is further ordered that the sentence imposed for this count \_\_\_\_ shall run  
As to Other Counts (check one) \_\_\_ consecutive to \_\_\_ concurrent  
with the sentence set forth in count \_\_\_\_\_ of this case.

Consecutive/Concurrent  It is further ordered that the composite term of all  
As to Other Convictions sentences imposed for the counts specified in this order shall run  
  
(Check one) \_\_\_ consecutive to X concurrent with the following:  
(check one)

any active sentence being served.

specific sentences:

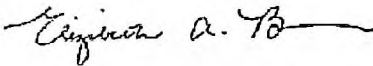
In the event the above sentence is to the Department of Corrections, the Sheriff of Volusia County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the 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 at Volusia County, Florida, this 27 day of January, 2023.

1/30/2023 1:23 PM



e-Signed 1/30/2023 1:23 PM

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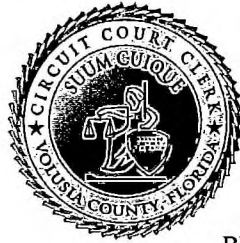
ELIZABETH A BLACKBURN  
Circuit Judge

**COPIES TO:**

Counsel for the state: eService

Counsel for the defendant: eService

I do certify that a copy hereof has been furnished to counsel for the state and the defendant by the method indicated above, done this 30 day of January, 2023.



Laura E. Roth

CLERK OF CIRCUIT COURT

01/30/2023 02:12 PM 2021 303222 CFDB

01/30/2023 02:12 PM 2021 303222 CFDB

01/30/2023 02:12 PM 2021 303222 CFDB

BY: Christopher Kujawski

eSigned: 01/30/2023 02:12 PM 2021 303222 CFDB



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**APPENDIX "E"**

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**HONORABLE ELIZABETH BLACKBURN**  
CIRCUIT JUDGE

IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT FLAGLER COUNTY, FLORIDA		STAMP FOR RECORDING
Division: 50 - PERKINS, Case Number: 2021 CF 000722	<b>AMENDED JUDGMENT</b>	
PLAINTIFF STATE OF FLORIDA	DEFENDANT VS. NICOLE MARIE JACKSON MALDONADO	

Probation Violator   
  Community Control Violator   
  Retrial   
  Resentencé

The defendant, being personally before this court represented by LAWRENCE AVALONE the attorney of record, and the state represented by SARAH THOMAS and having:

(Check applicable provision)
  1. Been tried and found GUILTY by jury/by court of the following crime(s).

2. Enter a plea of GUILTY to the following crime(s).

3. entered a plea of NOLO CONTENDERE to the following crime(s)

Count	Crime	Offense State Number(s)	Degree of Crime	Case Number	OBTS Number
I	BURNING OF-LAND MALICIOUS	590.28(1)	3F	2021 CF 000722	
II	BURNING OF-LAND MALICIOUS	590.28(1)	3F	2021 CF 000722	
III	BURNING OF-LAND MALICIOUS	590.28(1)	3F	2021 CF 000722	
IV	BURNING OF-LAND MALICIOUS	590.28(1)	3F	2021 CF 000722	
V	BURNING OF-LAND MALICIOUS	590.28(1)	3F	2021 CF 000722	
VI	CRIMINAL MISCHIEF (\$1000 OR MORE)	806.13(1b3)	3F	2021 CF 000722	

(Check if Applicable)

and no cause being shown why the Defendant should not be adjudicated guilty, IT IS ORDERED that the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and having been convicted or found guilty of, or having entered a plea of NOLO CONTENDERE or GUILTY, regardless of adjudication, to attempts or offenses relating to sexual battery (Ch. 794) or lewd or lascivious conduct (Ch. 800), or murder (§782.04), aggravated battery (§784.045), car jacking (§812.133), or home invasion robbery (§812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.

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











State of Florida

v.

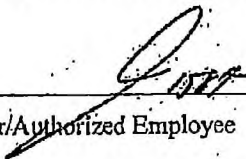
NICOLE M JACKSON

Case Number 21-00722-CFFA

**FINGERPRINTS OF DEFENDANT**

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, NICOLE M JACKSON and that they were placed thereon by the defendant in my presence this 27 day of JANUARY, 2023.

  
\_\_\_\_\_  
Court Officer/Authorized Employee

DEFENDANT: NICOLE MARIE JACKSON  
MALDONADO

CASE NUMBER: 2021 CF 000722

OBTS NUMBER: [REDACTED]

**S E N T E N C E**

**As to Count 1 - BURNING OF-LAND MALICIOUS**

The defendant, being personally before this court; accompanied by the defendant's attorney of record, LAWRENCE AVALLONE, 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.

and the Court having on \_\_\_\_\_ deferred imposition of sentence until \_\_\_\_\_.

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 of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ As the 5% surcharge required by section 960.25 Florida Statutes.

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 Flagler County, Florida.

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

TO BE IMPRISONED (MARK ONE, UNMARKED SECTIONS ARE INAPPLICABLE):

For a term of natural life.

For a term of 5.00 Years \_\_\_\_\_ Months \_\_\_\_\_ Days.

Said SENTENCE SUSPENDED for a period \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days Subject to conditions set forth in this order.

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH

Followed by a period of \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days On probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

DEFENDANT NICOLE JACKSON-MALDONADO OBTS NO [REDACTED]	<b>OTHER PROVISIONS</b>	CASE NO 2021 CF 000722
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AS TO COUNTS (1)

RETENTION OF JURISDICTION

The Court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

ORIGINAL JAIL CREDIT

It is further ordered that the defendant shall be allowed a total of **607 days** as credit for time incarcerated before imposition of this sentence.

Consecutive/ Concurrent AS TO OTHER COUNTS

It is further ordered that the sentence imposed for this count shall run  consecutive to  concurrent with (check one) the sentence set forth in Count \_\_\_\_\_ of this case above.

Consecutive/ Concurrent AS TO OTHER CASES

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run  consecutive  concurrent with  any active sentence being served  specific sentences: 2022 001369 CFDB

CREDIT FOR TIME SERVED (To be used for Resentencing and After VOP and VOCC.)

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and the gain time awarded pursuant to Section 944.275 Florida Statutes (Pre October 1, 1989).

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and unforfeited gain time awarded during prior service of incarceration of the split sentence pursuant to Section 948.06 (6) Florida Statutes. (Post October 1, 1989).

Defendant is allowed credit for days credit county jail 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 actual time served in prison and any earned and unforfeited gain-time awarded during prior service on:

Pursuant to Section 944.276 Florida Statute

DEFENDANT: NICOLE MARIE JACKSON  
MALDONADO

CASE NUMBER: 2021 CF 000722

OBTS NUMBER: [REDACTED]

**SENTENCE**

**As to Count 2 - BURNING OF-LAND MALICIOUS**

The defendant, being personally before this court, accompanied by the defendant's attorney of record, LARRY AVALLONE, 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.

and the Court having on \_\_\_\_\_ deferred imposition of sentence until \_\_\_\_\_.

and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences 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 of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ As the 5% surcharge required by section 960.25 Florida Statutes.

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 Flagler County, Florida.

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

TO BE IMPRISONED (MARK ONE, UNMARKED SECTIONS ARE INAPPLICABLE):

For a term of natural life.

For a term of 5.00 Years \_\_\_\_\_ Months \_\_\_\_\_ Days.

Said SENTENCE SUSPENDED for a period \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days Subject to conditions set forth in this order.

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH

Followed by a period of \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days On probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Under supervision of the Department of Corrections according to the terms and conditions of probabtion/community control set forth in a separate order entered herein.

DEFENDANT NICOLE JACKSON-MALDONADO OBTS NO [REDACTED]	OTHER PROVISIONS	CASE NUMBER 2021 CF 000722
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AS TO COUNTS (2)

RETENTION OF JURISDICTION

The Court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

ORIGINAL JAIL CREDIT

It is further ordered that the defendant shall be allowed a total of 607 days as credit for time incarcerated before imposition of this sentence.

Consecutive/ Concurrent AS TO OTHER COUNTS

It is further ordered that the sentence imposed for this count shall run  consecutive to  concurrent with (check one) the sentence set forth in Count 1 of this case above.

Consecutive/ Concurrent AS TO OTHER CASES

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run  consecutive  concurrent with  any active sentence being served  specific sentences: 2022 001369 CFDB

CREDIT FOR TIME SERVED (To be used for Resentencing and After VOP and VOCC.)

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and the gain time awarded pursuant to Section 944.275 Florida Statutes (Pre October 1, 1989).

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and unforfeited gain time awarded during prior service of incarceration of the split sentence pursuant to Section 948.06 (6) Florida Statutes. (Post October 1, 1989).

Defendant is allowed credit for days credit county jail 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 actual time served in prison and any earned and unforfeited gain-time awarded during prior service on;

Pursuant to Section 944.276 Florida Statute



DEFENDANT: NICOLE MARIE JACKSON  
MALDONADO

CASE NUMBER: 2021 CF 000722

OBTS NUMBER: 1801059773

**S E N T E N C E**

**As to Count 3 - BURNING OF-LAND MALICIOUS**

The defendant, being personally before this court; accompanied by the defendant's attorney of record, LARRY AVALLONE, 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.

and the Court having on \_\_\_\_\_ deferred imposition of sentence until \_\_\_\_\_.

and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences 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 of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_. As the 5% surcharge required by section 960.25 Florida Statutes.

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 Flagler County, Florida.

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

TO BE IMPRISONED (MARK ONE, UNMARKED SECTIONS ARE INAPPLICABLE):

For a term of natural life.

For a term of 5.00 Years \_\_\_\_\_ Months \_\_\_\_\_ Days.

Said SENTENCE SUSPENDED for a period \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days Subject to conditions set forth in this order.

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH

Followed by a period of \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days On probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Under supervision of the Department of Corrections according to the terms and conditions of probabtion/community control set forth in a separate order entered herein.



DEFENDANT  
NICOLE JACKSON-MALDONADO  
OBTS NO [REDACTED]

## OTHER PROVISIONS

CASE NUMBER  
2021 CF 000722

## AS TO COUNTS (3)

RETENTION OF  
JURISDICTION

The Court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

ORIGINAL  
JAIL CREDIT

It is further ordered that the defendant shall be allowed a total of 607 days as credit for time incarcerated before imposition of this sentence.

Consecutive/  
Concurrent  
AS TO OTHER  
COUNTS

It is further ordered that the sentence imposed for this count shall run  consecutive to  concurrent with (check one) the sentence set forth in Count 1 of this case above.

Consecutive/  
Concurrent  
AS TO OTHER  
CASES

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run  consecutive  concurrent with  any active sentence being served  specific sentences: 2022 001369 CFDB

CREDIT FOR  
TIME SERVED  
(To be used for  
Resentencing and  
After VOP and  
VOCC.)

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and the gain time awarded pursuant to Section 944.275 Florida Statutes (Pre October 1, 1989).

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and unforfeited gain time awarded during prior service of incarceration of the split sentence pursuant to Section 948.06 (6) Florida Statutes. (Post October 1, 1989).

Defendant is allowed credit for days credit county jail 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 actual time served in prison and any earned and unforfeited gain-time awarded during prior service on:

Pursuant to Section 944.276 Florida Statute

DEFENDANT: NICOLE MARIE JACKSON  
MALDONADO

CASE NUMBER: 2021 CF 000722

OBTS NUMBER: [REDACTED]

SENTENCE

**As to Count 4 - BURNING OF-LAND MALICIOUS**

The defendant, being personally before this court, accompanied by the defendant's attorney of record, LARRY AVALLONE, 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.

and the Court having on \_\_\_\_\_ deferred imposition of sentence until \_\_\_\_\_

and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences 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 of \$\_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$\_\_\_\_\_ As the 5% surcharge required by section 960.25 Florida Statutes.

X 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 Flagler County, Florida.

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

TO BE IMPRISONED (MARK ONE, UNMARKED SECTIONS ARE INAPPLICABLE):

For a term of natural life.

X For a term of 5.00 Years \_\_\_\_\_ Months \_\_\_\_\_ Days.

Said SENTENCE SUSPENDED for a period \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days Subject to conditions set forth in this order.

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH

Followed by a period of \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days On probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Under supervision of the Department of Corrections according to the terms and conditions of probabtion/community control set forth in a separate order entered herein.

DEFENDANT  
NICOLE JACKSON-MALDONADO  
OBTS:NO [REDACTED]

## OTHER PROVISIONS

CASE NUMBER  
2021 CF 000722

## AS TO COUNTS (4)

RETENTION OF  
JURISDICTION

The Court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

ORIGINAL  
JAIL CREDIT

It is further ordered that the defendant shall be allowed a total of 607 days as credit for time incarcerated before imposition of this sentence.

Consecutive/  
Concurrent  
AS TO OTHER  
COUNTS

It is further ordered that the sentence imposed for this count shall run  consecutive to  concurrent with (check one) the sentence set forth in Count 1 of this case above.

Consecutive/  
Concurrent  
AS TO OTHER  
CASES

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run  consecutive  concurrent with  any active sentence being served  specific sentences: 2022 001369 CFDB

CREDIT FOR  
TIME SERVED  
(To be used for  
Resentencing and  
After VOP and  
VOCC.)

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and the gain time awarded pursuant to Section 944.275 Florida Statutes (Pre October 1, 1989).

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and unforfeited gain time awarded during prior service of incarceration of the split sentence pursuant to Section 948.06 (6) Florida Statutes. (Post October 1, 1989).

Defendant is allowed credit for days credit county jail 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 actual time served in prison and any earned and unforfeited gain-time awarded during prior service on:

Pursuant to Section 944.276 Florida Statute

DEFENDANT: NICOLE MARIE JACKSON  
MALDONADO

CASE NUMBER: 2021 CF 000722

OBTS NUMBER: [REDACTED]

**SENTENCE**

**As to Count 5 - BURNING OF-LAND MALICIOUS**

The defendant, being personally before this court, accompanied by the defendant's attorney of record, LARRY AVALLONE, 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.

and the Court having on \_\_\_\_\_ deferred imposition of sentence until \_\_\_\_\_.

and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences 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 of \$ \_\_\_\_\_; pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ As the 5% surcharge required by section 960.25 Florida Statutes.

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 Flagler County, Florida.

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

TO BE IMPRISONED (MARK ONE, UNMARKED SECTIONS ARE INAPPLICABLE):

For a term of natural life.

For a term of 5.00 Years \_\_\_\_\_ Months \_\_\_\_\_ Days.

Said SENTENCE SUSPENDED for a period \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days Subject to conditions set forth in this order.

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH

Followed by a period of \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days On probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Under supervision of the Department of Corrections according to the terms and conditions of probabtion/community control set forth in a separate order entered herein.

DEFENDANT NICOLE JACKSON-MALDONADO OBTS NO [REDACTED]	OTHER PROVISIONS	CASE NUMBER 2021 CF 000722
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## AS TO COUNTS (5)

RETENTION OF  
JURISDICTION

The Court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

ORIGINAL  
JAIL CREDIT

It is further ordered that the defendant shall be allowed a total of 607 days as credit for time incarcerated before imposition of this sentence.

Consecutive/  
Concurrent  
AS TO OTHER  
COUNTS

It is further ordered that the sentence imposed for this count shall run  consecutive to  concurrent with (check one) the sentence set forth in Count 1 of this case above.

Consecutive/  
Concurrent  
AS TO OTHER  
CASES

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run  consecutive  concurrent with  any active sentence being served  specific sentences; 2022 001369 CFDB

CREDIT FOR  
TIME SERVED  
(To be used for  
Resentencing and  
After VOP and  
VOCC.)

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and the gain time awarded pursuant to Section 944.275 Florida Statutes (Pre October 1, 1989).

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and unforfeited gain time awarded during prior service of incarceration of the split sentence pursuant to Section 948.06 (6) Florida Statutes. (Post October 1, 1989).

Defendant is allowed credit for days credit county jail 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 actual time served in prison and any earned and unforfeited gain-time awarded during prior service on:

Pursuant to Section 944.276 Florida Statute

DEFENDANT: NICOLE MARIE JACKSON  
MALDONADO

CASE NUMBER: 2021 CF 000722

OBTS NUMBER: [REDACTED]

**SENTENCE**

**As to Count 6 - CRIMINAL MISCHIEF (\$1000 OR MORE)**

The defendant, being personally before this court, accompanied by the defendant's attorney of record, LARRY AVALONE, 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.

\_\_\_\_\_ and the Court having on \_\_\_\_\_ deferred imposition of sentence until \_\_\_\_\_.

\_\_\_\_\_ and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences 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 of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ As the 5% surcharge required by section 960.25 Florida Statutes.

X 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 Flagler County, Florida.

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

TO BE IMPRISONED (MARK ONE, UNMARKED SECTIONS ARE INAPPLICABLE):

\_\_\_\_\_ For a term of natural life.

X For a term of 5.00 Years \_\_\_\_\_ Months \_\_\_\_\_ Days.

\_\_\_\_\_ Said SENTENCE SUSPENDED for a period \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days Subject to conditions set forth in this order.

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH

\_\_\_\_\_ Followed by a period of \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days On probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

\_\_\_\_\_ However, after serving a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ Years, \_\_\_\_\_ Months, \_\_\_\_\_ Days Under supervision of the Department of Corrections according to the terms and conditions of probabtion/community control set forth in a separate order entered herein.

DEFENDANT NICOLE JACKSON-MALDONADO OBTS NO [REDACTED]	OTHER PROVISIONS	CASE NUMBER 2021 CF 000722
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AS TO COUNTS (6)

RETENTION OF JURISDICTION

The Court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

ORIGINAL JAIL CREDIT

It is further ordered that the defendant shall be allowed a total of 607 days as credit for time incarcerated before imposition of this sentence:

Consecutive/  
Concurrent  
AS TO OTHER  
COUNTS

It is further ordered that the sentence imposed for this count shall run  consecutive to  concurrent with (check one) the sentence set forth in Count 1 of this case above.

Consecutive/  
Concurrent  
AS TO OTHER  
CASES

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run  consecutive  concurrent with  any active sentence being served  specific sentences: 2022 001369 CFDB

CREDIT FOR TIME SERVED  
(To be used for Resentencing and After VOP and VOCC.)

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and the gain time awarded pursuant to Section 944.275 Florida Statutes (Pre October 1, 1989).

The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and unforfeited gain time awarded during prior service of incarceration of the split sentence pursuant to Section 948.06 (6) Florida Statutes. (Post October 1, 1989).

Defendant is allowed credit for days credit county jail 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 actual time served in prison and any earned and unforfeited gain-time awarded during prior service on:

Pursuant to Section 944.276 Florida Statute



DEFENDANT: NICOLE MARIE JACKSON  
MALDONADO

CASE NUMBER: 2021 CF 000722

OBTS NUMBER: [REDACTED]

**SENTENCE**

In the event the above sentence is to the Department of Corrections, the Sheriff of FLAGLER 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 Statutes.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing the above sentence, the court further recommends:

THE COURT HEREBY ORDERS THE DEFENDANT:

- Remanded to the FLAGLER COUNTY Detention Facility to be committed to the Department of Corrections;
- Released on Probation;
- Released on Community Control;
- Remanded to the FLAGLER COUNTY Detention Facility;
- Discharged/released.

DONE AND ORDERED  
FLAGLER COUNTY, FL

*Elizabeth Blackburn*



ELIZABETH BLACKBRUN

JUDGE

DATE

02/21/2024

NUNC PRO TUNC TO 1/27/2023

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished, provided electronically via a link, or made available on the Clerk's Case Management System and/or Website to SPENCER O'NEAL on 02/22/2024 per Rule 2.516(b)(1).



*[Signature]*

Deputy Clerk

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**APPENDIX "F"**

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**HONORABLE ELIZABETH BLACKBURN**  
CIRCUIT JUDGE

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR VOLUSIA COUNTY  
CRIMINAL DIVISION

STATE OF FLORIDA,

Case No.: 2021-303222-CFDB

vs.

NICOLE MARIE JACKSON-MALDONADO  
Defendant

**MOTION TO OBTAIN ACCESS TO CONFIDENTIAL COURT RECORDS**

**COMES NOW** the Defendant, NICOLE MARIE JACKSON-MALDONADO, by and through undersigned counsel, and pursuant Fla. R. Gen. Prac. & Jud. Admin. 2.420(J) moves this Honorable Court to grant the Defendant access to criminal court records designated confidential by the clerk of court pursuant Fla. R. Gen. Prac. & Jud. Admin. 2.420(c)(9). As grounds for this motion, the Defendant would show as follows:

1. On June 17, 2021, the Office of the State Attorney, for the Seventh Judicial Circuit, filed an Information charging the Defendant with Count I, Attempted First Degree Murder of a Law Enforcement Officer (Firearm), Count II, Burglary of a Dwelling While Armed with a Firearm, and Count III, Criminal Mischief (\$1000.00 or More).
2. While the Defendant was fourteen (14) years old at the time of the offense, she was charged as an adult.
3. On June 21, 2021, Larry Avallone, Esq, of the Office of the Public Defender, for the Seventh Judicial Circuit, entered his Notice of Appearance on behalf of the Defendant.
4. On January 27, 2021, the Defendant entered a negotiated plea to a reduced charge in Count I, Attempted First Degree Murder (Firearm), and a plea as charged in Count II, Burglary of a Dwelling While Armed with a Firearm, and Count III, Criminal Mischief

(\$1000.00 or More). The Defendant was adjudicated guilty and sentenced to twenty (20) years of Imprisonment in the Florida Department of Corrections to be followed by a total of forty-five (45) years of probation.

5. Of specific relevance to this Motion is that on January 20, 2023, the Defendant filed a twenty-three (23) page sworn pro se motion entitled "Motion for Reconsideration to Dismiss Defense Counsel and Request Full Nelson Hearing". The Court set this motion for an evidentiary hearing on January 27, 2023.
6. On January 24, 2023, prior to the hearing, the Court filed a Sua Sponte Order Determining Confidentiality of Court Records in Accordance with Rule of Judicial Administration 2.420(c)(9) finding documents attached to "Defendant's Motion for Reconsideration to Dismiss Defense Counsel and Request Full Nelson Hearing" confidential, specifically identifying Exhibit "A" as "Medical Records" and Exhibits "D" and "E" as "attorney-client privilege".
7. The evidentiary hearing on the pro se "Motion for Reconsideration to Dismiss Defense Counsel and Request Full Nelson Hearing" took place on January 27, 2023. At the beginning of the hearing, the Court closed the hearing to the public making the finding "that the instant proceeding has garnered "extraordinary media interest" and world-wide attention. The Court finds that closure of the Nelson hearing proceeding and the record pertaining thereto, is necessary to protect the due process rights of the Defendant to a fair trial". At some point, representatives of the State Attorney's Office for the Seventh Judicial Circuit left the proceeding converting it to be an ex-parte evidentiary hearing.
8. On the same day, the Court entered an Order to Seal Records finding "Closure of the record, related to the Nelson hearing, together with closure of the proceedings on the

Nelson hearing only, would be effective in protecting the rights of the Defendant without being overly broad”. The Court then ordered that the “Clerk is hereby directed that the Ex Parte Nelson hearing proceeding, including, but not limited to, the transcript and record of said proceeding, is to be kept under seal and shall not be opened unless authorized by court order.”

9. The Volusia County Court Action Form for January 27, 2023 does not reference the ex-parte Nelson hearing or give a ruling as to the Defendant’s pro se “Motion for Reconsideration to Dismiss Defense Counsel and Request Full Nelson Hearing. No subsequent Order was issued ruling on this Motion.
10. Finally, after the ex-parte Nelson hearing concluded, on January 27, 2023, the Defendant entered her plea as described above. This plea had been available to the Defendant since at least June 1, 2022 however she only agreed to accept the disposition after the ex-parte Nelson hearing.
11. The Defendant did not appeal.
12. On June 18, 2024, undersigned counsel entered his Limited Notice of Appearance for the purpose of investigating claims to raise in a timely Rule 3.850 Motion for Postconviction Relief.
13. Undersigned counsel now files this Motion to Obtain Access to Confidential Court Records seeking access to records related to the January 27, 2023 ex-parte Nelson hearing sealed and made confidential by Order of the Court. Specifically, counsel is seeking to transcribe the January 27, 2023 ex-parte Nelson Hearing along with the plea and sentencing hearing of the same date.
14. Under Fla. R. Gen. Prac. & Jud. Admin. 2.420(J) on the Procedure for Obtaining Access

to Confidential Court Records (2) a court order allowing access may be obtained by filing a written motion which must:

(A) identify the particular court record(s) or a portion of the court record(s) to which the movant seeks to obtain access with as much specificity as possible without revealing the confidential information;

(B) specify the basis for obtaining access to such court records;

(C) set forth the specific legal authority for obtaining access to such court records;

and

(D) contain a certification that the motion is made in good faith and is supported by a sound factual and legal basis.

15. In *Russell v. Times Publishing Co.*, 592 So. 2d 808 (Fla. 5th DCA 1992) the Fifth District Court of Appeal found, “The question before us is whether properly sealed court records remain "public records" within the meaning of our statutes and constitution. 2 We hold that they do not. They are former public records, now sealed, subject to being reopened as public records upon "good cause shown." We can envision some "good cause" reasons for unsealing records; for example, if judicial conduct is questioned. In that event the court file, with the individual defendant's name redacted, could be made available. Also, if it is shown that the defendant perjured himself in order to obtain the sealing, the file should be reopened”. Id at 809.

16. Under the requirements of Rule 2.420(J), the Defendant is specifically seeking to transcribe the confidential ex-parte Nelson hearing from January 27, 2023. The Defendant is seeking to review the transcript of the hearing, in conjunction with the plea and sentencing hearing on the same day, as part of the Defendant’s postconviction

investigation to determine claims that could be raised in a Rule 3.850 Motion. Without disclosing confidential attorney-client conversations, undersigned counsel has a good faith belief that this transcript will provide evidence to support such claims. In the event the Court feels they need additional information as to this good faith belief, Counsel can provide further information at the hearing on this motion in an ex-parte and confidential sidebar.

17. Undersigned counsel certifies this motion is made in good faith and is supported by a sound factual and legal basis.
18. Finally, under Fla. R. Gen. Prac. & Jud. Admin. 2.420(J)(3), The movant must serve a copy of the written motion to obtain access to confidential court records on all parties and reasonably ascertainable affected non-parties and the court must hold a hearing on the written motion within a reasonable period of time.

**WHEREFORE**, the Defendant, through undersigned counsel, respectfully requests this Honorable Court grant this Motion and enter an Order Granting Access to Confidential Court Records pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.420(J)(4) for the Defendant to transcribe the ex-parte Nelson hearing, or in the alternative order a hearing, with undersigned counsel present, within a reasonable period of time to consider the good cause and legal basis for the requests as argued within this motion.

Respectfully Submitted,

//S// Dan Ripley  
Dan Ripley, Esq., FBN 0070423  
Ripley Whisenhunt, PLLC  
8130 66th St. N Suite 3  
Pinellas Park, FL 33710  
(813) 812-5294  
efile@rightingwrongsflorida.com



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed with Clerk of Court electronically served via the State of Florida E-filing portal to the Volusia County Office of the State Attorney on this the 20th day of June 2024.

Respectfully Submitted,

//S// Dan Ripley

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