

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Bradley, Chair
Senator Joyner, Vice Chair

MEETING DATE: Wednesday, November 6, 2013
TIME: 10:00 a.m.—12:00 noon
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Bradley, Chair; Senator Joyner, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Diaz de la Portilla, Flores, Garcia, Grimsley, Hays, Smith, and Soto

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---------------------------------|-------------------------|---|------------------|
| 1 | | Discussion of inmate release policies and procedures by the Department of Corrections, Clerk of Courts, State Courts, Orange County Sheriff's Office/County Corrections, and Florida Department of Law Enforcement. | Discussed |
| 2 | | State Courts - Discussion of problem-solving courts (e.g., Veterans' Courts) by the Florida Supreme Court's Task Force on Substance Abuse and Mental Health | Discussed |
| Other Related Meeting Documents | | | |



FLORIDA
**COURT CLERKS &
COMPTROLLERS**

Appropriations Subcommittee on Criminal and Civil Justice

Hon. Karen Rushing (Sarasota)

Legislative Committee Chair



FLORIDA
**COURT CLERKS &
COMPTROLLERS**

FRAUDULENT DOCUMENTS:

Document Processing and Fraud Prevention Standards

Document Processing

Fraud Prevention Standards

1. Establish a secure process for delivery of documents between the Judge and the Clerk.
2. Establish a secure location in a non-public work area to process documents.
3. Establish a secure process for delivery/receiving documents from the State Attorney and local detention/jail facilities.

Clerk Reviews Orders for Unusual Circumstances

1. Unusual signature
2. Incorrect spellings
3. Incorrect court type/document style

Verify and Report Orders

1. Clerk reports all Orders received outside the secure delivery method to the Court.
2. Clerk reports any unusual Orders to the Court.
3. Clerk verifies with the Court **ALL** Orders that:
 - Modify/reduce/change sentence
 - Release Defendant

Verification & Reporting:

Sending notification form to Court

1. Adoption of a statewide form for notifying the Court.
2. Adoption of a uniform procedure for filing such notification forms.
3. Adoption of uniform procedure for notification to DOC of order verification.

**CLERK of COURT
VERIFICATION OF ORDER TRANSMITTAL FORM**

Case Number: _____

Defendant name: _____
Last First Middle

Type of Order:

Modify Sentence

Reduce Sentence

Change Sentence

Release

_____/_____/_____
Date Order Issued

Name of Deputy Clerk completing form

Provide completed form to the judicial assistant, with copy to the assigned Judge.

FOR COURT USE ONLY

COURT VERIFICATION OF ORDER

VERIFIED AS LEGITIMATE Date: ____/____/____
By: _____
Title: _____

NOT LEGITIMATE* Date: ____/____/____
By: _____
Title: _____

*Upon a receipt of a "not legitimate" verification of order form, the Clerk of Court is directed to immediately notify the Chief Judge. Copy provided to DOC/jail facility.



Notification
form



E-filing Security Standards

1. In 2010, The Florida Courts E-Filing Authority was established by interlocal agreement between the Clerks and the Courts, in accordance with Chapter 163, F.S.
2. The Supreme Court mandated e-filing for criminal cases to begin no later than February 3, 2014.

E-filing Security Standards

3. Florida Bar members are authorized to use the statewide e-filing system. They are authenticated through use of their bar number.
4. The statewide e-filing system has the ability to accommodate authentication of the Judge, allowing for orders to be filed through the statewide e-filing system.
5. Statewide secured electronic transmission of Orders from the Court to the Clerk could be accomplished with the Court's full implementation of the Judicial Viewers.



FLORIDA
**COURT CLERKS &
COMPTROLLERS**

QUESTIONS

Department of Corrections

Fraudulent Court Orders

**Senate Appropriations Subcommittee
on Criminal and Civil Justice**

November 6, 2013

Michael D. Crews
Secretary

Lee Adams
Chief, Bureau of Admission and Release



Fundamental Duty of DOC: Execute the Order of the Court



- Courts impose prison sentences as punishment for criminal acts
- Fundamental duty of DOC is to execute sentencing orders
 - Calculate release dates - establishes the duration of the state's lawful control over the inmate
 - When the lawful sentence ends, DOC no longer has the authority to hold the inmate and the inmate has a constitutional right to be at liberty
- These principles have been emphasized by numerous court opinions and provide the legal and practical basis for the DOC's court order process

Case Law



- DOC has a duty to implement sentencing orders as written.
 - Sanders v. Florida Dept. of Corrections, 2013 WL 5509112, Fla. App. I Dist., 2013
 - Whirl v. Kern, 407 F.2d 781, 791 (5th Cir.1969)
 - Santana v Henry, 12 So.3d 843, (Fla. I DCA, 2009)
- This does not include Parole Offenders generally not subject to court orders.

777611

July 6, 2011



Sarah Chapel, Correctional Sentence Specialist
Bureau of Admission and Release
Florida Department of Corrections
2601 Blairstone Road
Tallahassee, Florida 32399

Re: State of Florida vs. Dwayne Luke
Case #'s: 08-23586CF10A and 08-22429CF10A

Dear Ms. Chapel:

Please be advised that there is no confusion with respect to Mr. Luke's sentencing. There is no minimum mandatory under 10/20/Life because Mr. Luke was not in actual possession of a firearm.

Being that the Department of Corrections is part of the Executive Branch of Government, your job is to follow the sentencing orders imposed, not to question them. Please do not send inquiries of this nature to this court.

Sincerely,

Paul L. Backman
Circuit Court Judge

Copies furnished:

Tom Coleman, Esq., State Attorney's Office
Heather Hennickson, Esq., State Attorney's Office
Marcus Griggs, Esq., Defense Counsel
Department of Corrections-Central Office Records

STATE OF FLORIDA
CORRECTIONAL SENTENCING
JUL 15 11:10:55

From Defendant to Inmate



- After an individual is provided due process, defendant is adjudicated guilty of a specific crime and committed to a period of incarceration in the custody of DOC
- DOC calculates the term imposed by the court into a release date
 - Courts do not calculate release dates or advise DOC when an inmate is to be released
 - Release date is adjusted depending on the award or forfeiture of gain time
 - DOC maintains a continuous calculation of the release date
- Inmate is released when the calculated release date occurs

DOC relies on the Clerk of Court Record



- DOC's proof of lawful detention is based solely on the court's written order
 - DOC is not a party to sentencing proceedings
- Clerk of Court is the custodian of the judicial record
 - DOC has always relied on the Clerk of Court to attest to the authenticity of court orders
- When a signed order is recorded in the official court record, it is valid on its face and demands execution

Date October 31, 2013

Judge Keith Meyer
Pinellas County
415 - 17th Ave, N E
Saint Petersburg, Florida 337040000



Re: Rijos, Kilbert
Inmate Name DC# T53804
Case Number: CRC10-21142CFANO and CRC11-21899CFANO

Honorable Judge Meyer,

In the interest of public safety and to safeguard the integrity of the judicial process, the Department requires independent verification by the court of the authenticity of the attached court order. Please review the document to confirm it accurately reflects the order of the court and has been properly recorded in the official record of the Clerk of Court. If the order is accurate and properly recorded, please sign below and return to the Department. We will be unable to execute the order and alter the agency record until this has been received.

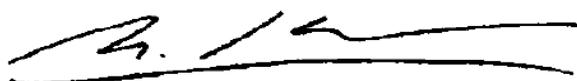
Thank you for your cooperation in this effort to enhance public safety.

I, the undersigned, do hereby acknowledge that the attached court action as to case #(s) CRC10-21142CFANO and CRC11-21899CFANO accurately reflects the order of the court and has been properly recorded in the official record of the Clerk of Court.

Circuit Judge Signature

To: D. O. C.

From: Keith Meyer


Keith Meyer
Circuit Judge

The referenced order attached to your letter is authentic. I signed the original order regarding the ~~credit~~ additional credit. Please contact the Clerk of Court should you require additional information.

Standard Release Process



- Process begins 180 days prior to release
- Needs Assessment
- Comprehensive record review
 - Outstanding charges
 - Sentence Structure
- Transition Program
 - Social Service Providers
- Final release phase
 - Final FCIC/NCIC check
 - Database check (OBIS)
 - Confirm identity of inmate being released (fingerprint)

Immediate Release Process

- Immediate release process:
 - Receive and verify sentencing order with Clerk of Court
 - Conduct thorough review of the order and all sentencing history to determine if the order will cause the sentence to expire
 - Once release duties are completed (civil commitment review, wanted notice review, coordinate start of supervision, etc.), the inmate is released



Court Orders

Unusual Does NOT Equal Invalid



- Since January 2010, 61 life sentences for murder, attempted murder or manslaughter were reduced or vacated
- During FY 2012-13, DOC processed over 4,100 court orders
- While DOC staff do not evaluate the legality of orders, we do recognize and seek clarification of discrepancies involving the factual record and internal inconsistencies within orders

535748



| | |
|---|----------------------------------|
| <input type="checkbox"/> IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA | |
| <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA | |
| DIVISION: CRIMINAL | CASE NUMBER: 11CF14792 |
| PLAINTIFF: STATE OF FLORIDA | VS. DEFENDANT: Stephen Mizner |
| SUPERCEDES ORDER ON BONDS | |

This cause coming before the Court on the motion of the defendant for modification of bail, it is therefore:
ORDERED AND ADJUDGED that the bail of the defendant

| | | | | | |
|--------|------------------------------|---------------|----------------|----|--------------------|
| change | <u>Viscane Commun</u> | modified from | <u>current</u> | to | <u>27,500</u> |
| change | <u>Travel to meet</u> | modified from | | to | <u>27,500</u> |
| change | <u>Sex Assault (Attempt)</u> | modified from | | to | <u>27,500</u> |
| change | <u>Unlawful Use 2 way</u> | modified from | | to | <u>27,500</u> |
| change | <u>Communication</u> | modified from | | to | |
| change | | modified from | | to | |
| change | <u>Def may have phone</u> | modified from | | to | <u>+ SPR</u> |
| change | <u>Contact w/ his</u> | modified from | | to | <u>3x per week</u> |
| change | <u>Children</u> | modified from | | to | <u>Call ins.</u> |
| change | <u>Alison Mizner</u> | modified from | | to | |
| | <u>Brittany Mizner</u> | modified from | | to | |

DONE AND ORDERED this 30 day of 5 15, at Sarasota County, Florida

SPECIAL CONDITIONS:

Report to Probation - Immediately Daily Weekly

Not to leave Sarasota/Monroe Counties

Reside with or at Uncle Dennis Keenan 3910 Meadow Creek in Sarasota FL

To obtain gainful employment

No alcohol consumption

No contact with victim(s) or victim's family directly or indirectly

If defendant has been previously placed on Supervised Pretrial Release in this case, all previously ordered conditions of Pretrial Release shall remain in effect, unless specifically ordered otherwise in this order.

Defendant to report to Court Intervention Program Health Care Court to begin participation.

Other Do not apply for passport. Do not own gun device that has access to internet.

FILED FOR RECORD STAMP

Reduced PM Release

Def must surrender self upon any affor

Must comply w/ all laws + requirements of order designating sexual predator

Criminal/Bonding Dept
Revised 5/10



BCS757

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CRIMINAL DIVISION 01
CASE NO: F07-25263

FILED
MAR 04 2010
CLERK

STATE OF FLORIDA,

Plaintiff,

vs.

Marcus Johnson

Defendant(s).

ORDER
GRANTING/DENYING
STATE'S/DEFENDANT'S

Petition for Emergency
Mandamus to be credit
Jail Time Credit to
Commensurate with the orally
pronounced sentence

THIS CAUSE having come on to be heard on March 4, 2010
on State's/Defendant's ~~Motion~~
Petition for Emergency Mandamus to be credit Jail time Credit to
Commensurate with the orally pronounced sentence
and the Court having heard argument of counsel, and being otherwise advised in the
premises, it is hereby

ORDERED AND ADJUDICATED that said Motion be, and the same is hereby
Granted. The defendant is entitled to cell credit for time
owed to run house arrest, per interview, with
case # F02-156.

DONE AND ORDERED in Chambers of Miami-Dade County, Florida this 4th
day of March, 2010

VERIFIED BY: CCIS
CLERK'S OFFICE Miami-Dade County
Jesse 5/13/10
NAME DATE

[Signature]
Nashly G. Sayle
CIRCUIT COURT JUDGE



623263
90AR16
BUREAU OF
SENTENCE STRUCTURE

11 JAN -4 AM 10: 50

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN
AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA,

vs.

KEVIN J. ISSAC ,

Defendant.

CASE NO.: 1991CF3675

SPN: 59264

FIRST DCA CASE NO.: 1D10-4925

ORDER GRANTING MOTION FOR CLARIFICATION OF SENTENCE
AND AMENDED PETITION FOR CLARIFICATION OF SENTENCE

THIS CAUSE came before the Court upon Defendant's Motion for Clarification of Sentence filed Feb. 26, 2010, and Amended Petition for Clarification of Sentence filed July 14, 2010. Because the motions challenge the correctness of the sentence, the Court will treat the motions as motions to correct sentence filed under Florida Rule of Criminal Procedure 3.800(a). The State filed a Response to Defendant's 3.800 Motion on Nov. 30, 2010. The Court, having considered the motions and response, reviewed the court record, and being otherwise fully advised, hereby finds as follows:

On May 19, 1992, Defendant was found guilty by a jury of attempted murder of a law enforcement officer (Count II), among other things. On June 19, 1992, he was sentenced to 27 years Department of Corrections incarceration for the attempted murder conviction with 25 years mandatory minimum before release. The First District Court of Appeal affirmed Defendant's conviction and sentence. *Issac v. State*, 26 So. 2d 1082 (1st DCA 1993).

Defendant alleges that his sentencing document erroneously indicates he was ordered to "serve a minimum of 25 years before release in accordance with Florida Statute 775.0823," and asserts he was actually sentenced to the 25-year mandatory minimum pursuant to sec. 775.0825,



which expressly applies to attempted murder of a law enforcement officer. Defendant is correct that sec. 775.0825 states "[a]ny person convicted of attempted murder of a law enforcement officer as provided in s. 784.07(3) shall be required to serve no less than 25 years before becoming eligible for parole." § 775.0825, Fla. Stat. (1991).

Defendant was charged by amended information with attempted murder of a law enforcement officer while engaged in the perpetration of a robbery in violation of sections 777.04 (attempt), 782.04(1) (murder in the first degree), and 784.07(3) (attempted murder of a law enforcement officer), and was found guilty as charged. Sec. 784.07(3) provides that "any person who is convicted of attempted murder of a law enforcement officer . . . shall be guilty of a life felony, punishable as provided in s. 775.0825." § 784.07(3), Fla. Stat. (1991). The sentencing transcript indicates that Defendant was sentenced in accordance with sections 784.07(3) and 775.0825.

Defendant requests that the Court correct the discrepancy between the Court's oral pronouncement and the written sentence. The State concedes this scrivener's error. Accordingly, Defendant's motion is granted and a corrected judgment and sentence document will be issued.

It is therefore

ORDERED AND ADJUDGED that Defendant's Motion for Clarification of Sentence filed Feb. 26, 2010, and Amended Petition for Clarification of Sentence filed July 14, 2010, are hereby **GRANTED**. The Clerk of Court is directed to enter a corrected sentencing document reflecting that Defendant is required to serve no less than 25 years before becoming eligible for parole pursuant to sec. 775.0825, Florida Statutes (1991), and that



Defendant is no longer ordered to serve a minimum of 25 years before release in accordance with sec. 775.0823, Florida Statutes (1991). All other provisions of the sentence are to remain unchanged.

DONE AND ORDERED this 3rd day of January, 2011.


JAMES C. HANKINSON
CIRCUIT JUDGE

Copies to:

Kevin J. Issue - 623263
Moore Haven Correctional Institution
P.O. Box 718501
Moore Haven, FL 33471-5501

-Department of Corrections - Sentence Structure
ATTN: Court Orders
2601 Blair Stone Rd.
Tallahassee, FL 32399

State Attorney's Office

Lee Todd
Office of the Attorney General
PL01 - The Capitol
Tallahassee, Florida 32399-1050

First District Court of Appeal
2000 Drayton Dr.
Tallahassee, FL 32399-0950



STATE OF FLORIDA

576133

UNIFORM COMMITMENT TO CUSTODY
OF DEPARTMENT OF CORRECTIONS

The Circuit Court of Pasco
in the Fall Term, 1987, in the case of

State of Florida

vs

Louis Butler

Defendant

9503288CFWS
iss 79090

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE SHERIFF OF SAID COUNTY AND THE DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

The above named defendant having been duly charged with the offense specified herein in the above styled Court, and he having been duly convicted and adjudged guilty of said offense for said offense by said Court, as appears from the attached certified copies of ~~Arrest~~ Information, Judgment and Sentence, ~~and~~ Release ~~and~~ Disposition ~~and~~ Sentence ~~and~~ Release which are hereby made parts hereof:

Now therefore, this is to command you, the said Sheriff, to take and keep and, within a reasonable time after receiving this commitment, safely deliver the said defendant, together with any pertinent Investigation Report prepared in this case, into the custody of the Department of Corrections of the State of Florida; and this is to command you, the said Department of Corrections, by and through your Secretary, Regional Director, Superintendents, and other officials, to keep and safely imprison the said defendant for the term of said sentence in the institution in the state correctional system to which you, the said Department of Corrections, may cause the said defendant to be conveyed or theretofore transferred. And these presents shall be your authority for the same. Hence fail not.

WITNESS the Honorable Lawrence E. Kough

Judge of said Court, as also _____

Clerk, and the Seal thereof, this the 21st day of

December, 1987
(Month)

CLERK

By [Signature]
Deputy Clerk

Page _____ of _____ Pages



PROBATION VIOLATION
(Check if Applicable)

IN THE CIRCUIT COURT, SIXTH
JUDICIAL CIRCUIT IN AND FOR

Alachua COUNTY, FLORIDA

DIVISION Salon

CASE NUMBER 2012-00003
40 78750

STATE OF FLORIDA

-vs-

Javier Baccay
Defendant

John M. Brown, Esq.
Attorney for Defendant
John M. Brown

JUDGMENT

The Defendant, Javier Baccay, being personally before this Court represented by John M. Brown, his attorney of record, post having:

- (Check Applicable Provision)
- Been tried and found guilty of the following crime(s)
 - Entered a plea of guilty to the following crime(s)
 - Entered a plea of not contendere to the following crime(s)

| COUNT | CRIME | OFFENSE STATUTE NUMBER(S) | DEGREE OF CRIME | CASE NUMBER |
|-----------|-----------------------|---------------------------|-----------------|-------------|
| <u>1</u> | <u>Armed Burglary</u> | <u>810.02</u> | <u>1F</u> | |
| <u>11</u> | <u>Armed Robbery</u> | <u>812.13 (21) (b)</u> | <u>1F</u> | |
| | | | | |
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and no cause having been shown why the Defendant should not be adjudged guilty, IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

The Defendant is hereby ordered to pay the sum of 20.00 dollars ~~200.00~~ pursuant to F.S. 894.20 (Crime Compensation Trust Fund). The Defendant is further ordered to pay the sum of 3.00 dollars ~~200.00~~ as a court cost pursuant to F.S. 943.20(4).
Fines 3.00

The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 904.25(5).
(This provision is optional; not applicable unless checked.)

(Check if Applicable) The Defendant is further ordered to pay a fine in the sum of \$ _____ pursuant to F.S. 775.0835.
(This provision refers to the optional fine for the Crime Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of a sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s).)

The Court hereby imposes additional court costs in the sum of \$ 200.00 pursuant to FS27.3425
DEFENDANT FOUND INDIGENT FOR PURPOSES OF COURT COSTS



W11889

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
CRIMINAL DIVISION

CASE NO.: 03 9160 CF A02
DIVISION: "T"

STATE OF FLORIDA

vs.

LEON M. GAINES,

Defendant.

FILED
JAN FEB 11 AM 10:57
SHARON R. JOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

**AGREED ORDER ON DEFENDANT'S MOTION
TO CORRECT SENTENCE**

THIS CAUSE having come before the Court on agreement between the parties, and the Court being otherwise duly informed in the premises, this Court

FINDS:

1. The Defendant plead guilty in this cause and was sentenced to 30 years. Said sentence was to run concurrent with a federal sentence in: Florida, Northern District, Case No. 04-80051CR Hurley.
2. The Defendant is currently serving his State sentence and receiving no credit for his federal sentence as contemplated by the plea agreement.

It is therefore,

ORDERED AND ADJUDGED:

1. The sentence entered by this Court on May 10, 2005 is hereby vacated.
2. Sentencing is suspended until such time as the Defendant completes his sentence in Case No. 04-80051 CR Hurley.
3. Upon completion of his federal sentence, the Defendant will be re-sentenced as contemplated by the plea agreement.

DONE AND ORDERED, in Chambers in Palm Beach County, Florida, 11 day of

VF FEB 12 Court
469



February, 2008.

Krista Marx
Judge Krista Marx

Copies furnished to:
Aleahra McRoberts, Esquire, Assistant State Attorney, 401 North Dixie Highway, West Palm Beach, FL 33401
Ann H. Perry, Esquire, 400 Executive Center Drive, Suite 207, West Palm Beach, FL 33401
Department of Corrections, Everglades C.I. 1601 SW 187 Avenue, Miami, FL 33185-3701

FAX TO JAIL

2/11/08



Division CR-D

Book 10060 Page 1557

Case Number 2000- 6301-CF-A

- _____ Probation/Visitor
- _____ Community Control Visitor
- _____ Bailiff
- _____ Resistant

State of Florida
v. ANTONIO TAMARUS BRIGHT

Defendant
Book 10053 Page 2225
RECORDED

RECORDED
 Doc 2001167090
 Book 10060
 Page 1557
 Filed & Recorded
 07/10/2001 4:02:05 PM
 JIM FULLER
 CLERK - CIRCUIT COURT
 DUVAL COUNTY

FILED
 JUL - 5 2001
Jim Fuller
 CLERK CIRCUIT COURT

Doc 2001167090
 Book 10060
 Pages 1557 - 156
 Filed & Recorded
 07/10/2001 4:02:05 PM
 JIM FULLER
 CLERK - CIRCUIT COURT
 DUVAL COUNTY

Sentence of 7-5-01
 Set Aside, New Sentence
 Imposed 4-1-2012
 by Judge WIKES

11-30-01. 05-RECORD TO VERIFY DELIVERY OF MATERIAL. VICTIM/PLAINEE CONSIDER SENTENCE ON PAGE 6 PER COVER OF 11-30-01

The defendant, ANTONIO TAMARUS BRIGHT, being personally before this court
 represented by *Francis...*, the attorney of record, and the state
 represented by *Frank...*, and having
 been tried and found guilty by jury/verdict of the following crime(s) CTI
 _____ entered a plea of guilty to the following crime(s)
 _____ entered a plea of not guilty to the following crime(s)

| Court | Crime | Offense Statute Number(s) | Degree of Crime | Case Number | CBTS Number |
|-------|--|---------------------------|-----------------|-------------|-------------|
| 1 | Armed Robbery | 812.13(2)(A) | 1st | Felony | |
| | | 775.087(2)(A)1 | | | |
| | Inst # 2012071833 BK: 15000 PAGES: 1007-0910 RECORDED 04/03/2012 10:50 Clerk of Courts Duval County Florida ERecord -anthea | | | | |
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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 not guilty or guilty,
 regardless of adjudication, to attempts or offenses relating to sexual battery (ch 794), lewd and
 lascivious conduct (ch. 800), or sodomy (s. 782.04), aggravated battery (s. 784.045), 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 blood specimens.

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

DE-RECORD
Page 2224
Book 10253

State of Florida

ANTONIO TAVARUS BRIGHT

Case Number 2000- 6301-CF-A

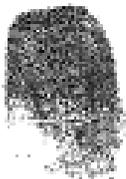
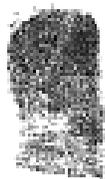
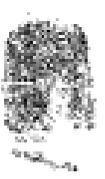
Book 10060 Page 1558

Defendant

Imposition of Sentence _____
Stayed and Withheld _____
(Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation/community control for a period of _____ under the supervision of the Department of Corrections (conditions of probation/community control set forth in separate order.)

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 |
|  |  |  |  |  |

Fingerprints taken by: Charles C. Lovant Barcliff
Name Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, ANTONIO TAVARUS BRIGHT, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Jacksonville, Duval County, Florida, this 8 day of March, 2001

Lee M. Day
Judge

24A
Page 2 of 9

Form CC-988A





_____ Probation Violator _____ In the Circuit Court, Fourth Judicial Circuit,
 _____ Community Control Violator _____ in and for Doral County, Florida
 _____ Misdemeanor _____ Division Cr-D
 _____ Resistor _____ Case Number 2000-6301-CF-A RE-RECORD

State of Florida
 v

FILED
 JUL - 5 2001
Jim Fuller
 CLERK OF COURT

Book 10253 Page 2227

ANTONIO TAVARUS BRIGIT
 Defendant

Book 10060 Page 1509

RECEIVED

The defendant, ANTONIO TAVARUS BRIGIT, being personally before this court represented by JAMES BERENDEZ, the attorney of record, and the state represented by BOB O'KEEFE, and having

been tried and found guilty by jury/~~judge~~ of the following crime(s): Court #3
 _____ entered a plea of guilty to the following crime(s)
 _____ entered a plea of not contumacious to the following crime(s)

| Count | Crime | Offense Statute Number(s) | Degree of Crime | Case Number | ORIS Number |
|-------|---------------|---------------------------|-----------------|-------------|-------------|
| 3 | ARMED ROBBERY | 812.13(2)(a) | 1st | Felony | |
| | | 774.087 | | | |
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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 pursuant to section 941.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch. 794) or lewd and lascivious conduct (ch. 800) 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

In the Circuit Court, Fourth Judicial Circuit,
in and for Duval County, Florida
Division CR-D
Case Number 2000- 6301-CF-A

ANTONIO TAVARUS BRIGHT

Defendant

Book 10053 Page 2229 EL-RECORD

Book 10050 Page 1561

~~See Aside on 4-2-12 - converted to Civil Judgment.~~
CHARGES/COSTS/TIPS

The defendant is hereby ordered to pay the following items if checked:

- \$50.00 pursuant to section 938.03, Florida Statutes (Crime Compensation Trust Fund).
- \$1.00 as a court cost pursuant to section 938.01(1), Florida Statutes (Additional Court Cost Clearing Trust Fund).
- \$2.00 as a court cost pursuant to section 938.15, Florida Statutes (Criminal Justice Education by Municipalities and Counties).
- A fine in the sum of \$ _____ pursuant to section 775.0835, Florida Statutes. (This provision refers to the optional fine for the Crime Compensation Trust Fund and is not applicable unless checked and completed. Fines imposed as a part of a sentence to section 775.083, Florida Statutes are to be recorded on the sentence page(s).)
- \$20.00 pursuant to section 938.09, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- A 10% surcharge in the sum of \$ _____ pursuant to section 938.11, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- A sum of \$ _____ pursuant to section 938.17, Florida Statutes (Prosecution/Investigative Costs).
- A sum of \$ _____ pursuant to section 938.19, Florida Statutes (Public Defender Fees).
- \$15.00 pursuant to 938.13, Florida Statutes. Misd. convictions involving drugs or alcohol.
- \$250.00 pursuant to section 938.03, Florida Statutes (Local Government Criminal Justice Trust Fund).
- A sum of \$ _____ pursuant to 938.04, Florida Statutes (additional cost - 5% of fine).
- \$125.00 pursuant to section 938.07, Florida Statutes (BMS - DUI cases).
- \$100.00 pursuant to section 938.25, Florida Statutes, (FDLR Operating Trust Fund).
- A sum of \$ _____ pursuant to 938.23, Florida Statutes, (Grants For Alcohol & Other Drug Abuse Program - Drug Abuse Trust Fund).
- A sum of \$ _____ pursuant to 938.18, Florida Statutes, (Assessment of Additional Court Costs for Court Facilities - not to exceed \$150.00).
- Restitution in accordance with attached order.
- A sum of \$20 pursuant to 938.06, Florida Statutes, (Assessment of Additional Court Costs for Crime Stoppers Trust Fund - not to exceed \$500.00).
- Other ATTY LEIN IMPOSED.

MD
4-2-12

DONE AND ORDERED in open court in Jacksonville, Duval County, Florida, this 5

day of July 01.

[Signature]
Judge

000026

Page 5 of 9

236



Defendant ANTONIO TAVARUS BRIGHT Case Number 2000- 6301-CF-A DB15 Number 0012680433

SENTENCE

(As to Count 1)

RE-RECORD

Page 1562
Book 10050

The defendant, being personally before this court, accompanied by his attorney 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 3% surcharge required by 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 Duval County, Florida.
- The defendant is sentenced as a youthful offender in accordance with section 938.04, Florida Statutes.

To be Imprisoned (Check one; unmarked sections are inapplicable)

- For a term of natural life.
- For a term of 25 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 _____ 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 _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control 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.

OTHER PROVISIONS

- Retention of Jurisdiction The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes.
- Jail Credit It is further ordered that the defendant shall be allowed a total of 15 days as credit for time incarcerated before imposition of this sentence. *by stip.*
- Prison Credit It is further ordered that the defendant be allowed credit for all time previously served on this court in the Department of Corrections prior to resentencing. *(includes all prior 303 & 304 credit) MW 4-2-12*
- Consecutive/ Concurrent As To Other Counts It is further ordered that the sentence imposed for this count shall run concurrent with the sentence set forth in count _____ of this case.

000027

~~300~~



Defendant ANTONIO TAVARUS BRIGHT Case Number 2900- 5101-CF-A OBIS Number 0012680435

SENTENCE

As to Court 3 Book 10253 Page 2R31 ~~RE-RECORDED~~

Book 10050 Page 1563

The defendant, being personally before this court, accompanied by the defendant's attorney of record James Hernandez, 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 _____ (date) deferred imposition of sentence until this date.
- and the court having previously entered a judgment in this case on _____ (date) now re-sentences 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 3% surcharge required by 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 Duval 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 life 25 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 _____ 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 _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control 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.

OTHER PROVISIONS

- Retention of Jurisdiction The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statute.
- Jail Credit It is further ordered that the defendant shall be allowed a total of 15 years by SHP days as credit for time incarcerated before imposition of this sentence. (includes all prior bc) + RSP credit)
- Prison Credit It is further ordered that the defendant be allowed credit for all time previously served on this court in the Department of Corrections prior to resentencing.
- Consecutive/ Concurrent As To Other Counts It is further ordered that the sentence imposed for this count shall run CONCURRENT with the sentence set forth in court _____ of this case. MD 4-2-12



Defendant Antonia Tavarus Dight Case Number 2000-6301-CF

SPECIAL PROVISIONS

Book 10253 Page 2238 RE-RECORD

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

Mandatory/Minimum Provisions:

- Firearm — It is further ordered that the _____ minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this court.
- Drug Trafficking — It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this court.
- Controlled Substance Within 1,000 Feet of School — It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this court.
- 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.
- Violent Career Criminal — The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(c), 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.
- ~~Prison Release Re-Offender~~ — ~~The Defendant is adjudicated a prison release re-offender in accordance with the provisions of section 775.082(8), and must serve 100 percent of the court imposed sentence. *AS TO CR 5 1-3, TO BE RE-ADJUDICATED*~~
Strike this provision by stipulation. mms 4-2-12
- 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.
- 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.
- Short-Barreled Rifle, Shotgun, Machine Gun — It is further ordered that the 3-year minimum provisions of section 790.32(2), Florida Statutes, are hereby imposed for the sentence specified in this court.
- Continuing Criminal Enterprise — It is further ordered that the 15-year minimum sentence provisions of section 891.20, Florida Statutes, are hereby imposed for the sentence specified in this court.



Defendant ANTONIO TAVARUS BRIGHT Case Number 2000- 6301-CF-A

OTHER PROVISIONS

Book 10253 Page 2233 **RE-RECORD**

Book 10060 Page 1565

Consecutive/
Concurrent
As To Other
Convictions

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run

(check one) consecutive to 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 Duval 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 Jacksonville, Duval County, Florida, this _____ day of _____ 01.

[Signature]
Judge



IN THE CIRCUIT OF THE 4TH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

Vs.

Charles D Frasier
Defendant.

Case No.: 08-08-CF-2882-AOX / 08-11-CF-6719-AOX

PORTION TO CLARIFY SENTENCE

Come now, Defendant, Charles D Frasier, Pro SE, pursuant to 3.700 (a) Fla. R. Crim. P. Rule and moves this Honorable Court to clarify Defendant's sentence as imposed herein:

PORTION OF SENTENCE TO BE CLARIFIED

I, Charles D Frasier during July 2011 obtained a lawyer named Leslie Sweet, who represented me on a Violation of Probation charge. I was sentenced to (11 1/2) 5 years probation. I made an open Plea Agreement to you for (150) 150 days with all my day-for-day, all gained-time received in prison plus jail time served. For some reason Classification and Tallahassee will not honor the Plea Agreement records that were written in your court. My Classification Office here at Franklin Correction Institute, informed me since the total amount of days and months were omitted on my Plea Agreement/Judgment Commitment Order, they, (Tallahassee or my classification office), will honor Judge Gall Adams' Plea Agreement.

WHEREFORE, Defendant respectfully moves this Honorable Court to enter an order that will clarify the present sentence.

FURTHER, Defendant asks this Court to direct the Clerk to send a copy of the order to the Florida Department of Correction, Bureau of Sentence Structure, 301 South Calhoun Street, Tallahassee, Florida 32309-2400, and a copy to the Classification Department Office, at 1760 Highway 67 North, Carrabelle, Florida 32522, and a copy to the Defendant.

Respectfully Submitted:

Charles D Frasier
Defendant, pro se.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I placed this document in the hand of the Mailroom personnel, at Franklin Correction Institution for mailing to: Orange County Clerk of Court, 425 North Orange Avenue, Orlando, Florida 32801, on this 15TH Day of November 2011.

Charles D Frasier
Defendant, pro se.





IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA
CASE NO. 2000-CF-2082-A-C

STATE OF FLORIDA
Plaintiff,

VS.
CHARLES D. FRAZIER
Defendant.

VOP DIVISION 23

ORDER CORRECTING THE CREDIT FOR TIME SERVED

THIS CAUSE to be heard on the Court's own motion and the Court finds the following:

1. That on or about December 2010 the Court received a memorandum from the Department of Corrections (DOC) that led the Court to believe the Department of Corrections would not be requiring Defendants, who were sentenced on a violation of probation to additional prison time, to repay good or gain time. The Court may have relayed this mis-information to the Defendant at the time of sentencing.
2. That on June 20, 2011, the defendant was sentenced to 150 months with credit for his/her previous DOC time plus an additional 34 days for time in the county jail since the arrest on the violation of probation.
3. In order to remove any mis-statement or misunderstanding as to the defendant's prior credit for time served the Court is amending the Sentencing Order.
4. As originally ordered, this case is concurrent with 2011-CF-6739.

CONSIDERED, ORDERED AND ADJUDGED, to reflect the appropriate credit for time previously served, the Court hereby orders DOC to give credit for time served for the defendant to be 11.48 years plus 34 days as of June 20, 2011 (date of sentence) with no credit for the previous prison sentence.

DONE AND ORDERED in Chambers, this 5th day of December, 2011.


GAIL A. ADAMS
CIRCUIT COURT JUDGE

COPIES FURNISHED TO:

Assistant State Attorney, VOP Division 23; Assistant Public Defender, VOP Division 23
Defendant, Charles Frazier, DC# 0548526, Franklin Correctional Institution, 1760
Highway 67 North, Carrabelle, FL 32322
Department of Corrections

Current Fraudulent Orders



- Jeffrey Forbes – sentenced in Orange County
 - 7-17-06 Sentenced to Life for Attempted First Degree Murder, with a 25 year firearm mandatory (multiple sentences)
 - 11-19-12 DOC received a phone call advising that Forbes had been resentenced to 88 months
 - In accordance with policy, staff investigated claim by contacting the Clerk's office
 - 11-19-12 Order Granting Motion to Correct Illegal Sentence received via email from Clerk's office (all sentences altered to achieve the release date reduction)
 - 11-20-12 Order processed and release date changed from Life to 10-11-16
 - DOC was alerted to a possible problem with the order by a member of the public reviewing the website
 - Investigation confirmed the order was not authentic and Forbes' life sentence was re-entered into the DOC system
 - Forbes was never released as a result of the fraudulent order.



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

STATE OF FLORIDA,
Plaintiff

v

JEFFERY FORBES,
Defendant,

Case No. 48-2005-CF-16893-0
48-2005-CF-9077-0
48-2005-CF-8736-0
48-2002-CF-4949-0
48-2001-CF-4752-0

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Lawson Lamar, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 3.800(a) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised as the premises, reviewed record, and applicable law this Court finds the following:

05-CF-16893, the Defendant was convicted of Attempted First Degree Murder (Count One) and Resisting an Officer with Violence (Count Two)

05-CF-9077, the Defendant was convicted of Burglary of a Dwelling (Count One), Battery (Count Two), and Interference with Custody (Count Three)

05-CF-8736, the Defendant was convicted of Possession of Cocaine

01-CF-4752 and 02-CF-4949, the Defendant was convicted of Violation of Probation

In 05-CF-16893 the Defendant was sentenced to life imprisonment in Count One and Count Two thirty (30) years Florida Department of Corrections with ten (10) years minimum mandatory as a Habitual Violent Felony Offender with zero (0) days jail credit and run concurrent with Count One but consecutive to any active sentence. 05-CF-9077, 05-CF-8736, 01-CF-4752, and 02-CF-4949



In 05-CF-9077 the Defendant was sentenced on the same day to thirty (30) years Florida Department of Corrections with ten (10) years minimum mandatory as a Habitual Violent Felony Offender with 274 days jail credit in Court One, 274 days credit in Orange County jail with 274 days jail credit time served in Court Two, and Court Three, ten (10) years Florida Department of Corrections with five (5) years minimum mandatory as a Habitual Violent Felony Offender with 274 days jail credit and run concurrent with Court One, but consecutive to any active sentence 05-CF-16893, 05-CF-8736, 01-CF-4752, and 02-CF-4949.

In 05-CF-8736 the Defendant was sentenced to thirteen (13) months Florida Department of Corrections with 274 days jail credit and run concurrent with case nos. 01-CF-4752 and 02-CF-4949, but consecutive to any active sentence 05-CF-16893 and 05-CF-9077.

In 01-CF-4752 and 02-CF-4949 the Defendant was sentenced to fifteen (15) years Florida Department of Corrections with 946 days post jail credit and 274 days current jail credit and run concurrent with case no. 05-CF-8736, but consecutive to any active sentence 05-CF-16893 and 05-CF-9077.

In this instance on 05-CF-16893, Count One the Court imposed life imprisonment with twenty-five (25) years minimum mandatory on the charge of Attempted First Degree Murder, but the original information and indictment charged the Defendant with Attempted Second Degree Murder, Fla. Stat. 782.04(2), a second degree felony. The maximum statutory sentence fifteen (15) years, thirty (30) years as a (HVFO). An accused cannot be indicted for one offense and convicted and sentenced for another, even though the offenses are closely related and of the same general nature or character and punishable by the same grade of punishment. See *Crimin v. Sims*, 922 So 2d 276 (Fla. 4th DCA, 2006).



The Defendant had been classified as a Habitual Violent Felony Offender (HVFO) and qualified for enhanced penalty under Fla. Statute 775.084(4)(c). The Court files showed, the Defendant qualified as a (HVFO) based on two (2) prior convictions of Robbery with a Firearm while Wearing Mask. The Orange County Sheriff's Office affidavit and report had substantiated the offenses arisen from one criminal episode. Supreme Court holding that court may not impose habitual offender sentences for offenses committed during single criminal episode applies to both Habitual Felony and Habitual Violent Felony sentencing. See *Hafe v State*, 630 So 2d 521 (Fla. 4th DCA, 1993).

The Defendant's probationary files showed the Defendant violated his probation on three (3) separate occasions. In one particular instance the probation officer had submitted a sworn affidavit alleging a violation before the Court, but no Notice of hearing was served on Defendant or a hearing held into probation officer's claims, thus the Court found no violation yet proceeded to enhance the terms of Defendant's probation.

Absent proof of violation, Court cannot change order of probation or community control by enhancing term thereof even if Defendant has agreed in writing with probation officer to allow modification and has waived notice of hearing. See *Chen v State*, 379 So 2d 109 (Fla. 1st DCA, 1991).

Therefore it is ORDERED AND ADJUDGED that State motion is GRANTED.

1. In 2005-CF-14893, Court One the Defendant is sentenced to 84 (80) months Florida Department of Corrections with 274 days jail credit and Court Two sixty (60) months Florida Department of Corrections with 274 days jail credit and both counts run concurrent with all cases.



- 2 In 2005-CF-9077, Counts One and Three the Defendant is sentenced to sixty (60) months Florida Department of Corrections with 274 days jail credit and run concurrent with all cases
- 3 In 2001-CF-4752 and 2002-CF-4949 the Defendant is sentenced to sixty (60) months Florida Department of Corrections with 946 days past jail credit and 274 days current jail credit run concurrent with all cases,
- 4 In 2005-CF-8736 the Defendant's previously imposed sentence shall remain the same in all other respects but run concurrent with all cases and
- 5 With respect to Habitual Violator Felony Offender (HVFO) and minimum mandatory sentences in the Defendant's cases is hereby vacated and set aside

Additional it is ORDERED that the Clerk of the Circuit Court is directed to provide a certified copy of this Order to the Florida Department of Corrections, Bureau of Sentence Structure 2601 Blue Stone Road, Tallahassee Florida 32399-2500

DONE AND ORDERED in chambers at Orlando Orange County, Florida this 6 day
of January 2011

José B. Rodríguez
Circuit Court Judge

Current Fraudulent Orders



- Charles B. Walker – sentenced in Orange County
 - 4-17-99 Offense date (pre-dates 10-20-life)
 - 6-4-99 Indicted for first degree murder
 - 2-22-01 Adjudicated guilty of second degree murder following jury trial
 - 4-6-01 Sentenced to life with 3 year firearm mandatory
 - 10-7-13 Motion to correct sentence recorded in Orange County Clerk of Court website
 - 10-7-13 Order granting motion to correct sentence granted, recorded on Clerk of Court website. Order grants reduction to a fifteen year sentence.
 - 10-8-13 Order received by DOC
 - DOC staff verified the order with a deputy clerk via phone
 - 10-8-13 Inmate released

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

STATE OF FLORIDA,

v

Case No.: CR-O-99-5467/A

CHARLES BERNARD WALKER,
Defendant.

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Jeffery L. Ashton, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 1.800(s) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised in the premises, reviewed record, and applicable Law this court finds the following:

1. CR-O-99-5467/A The Defendant was convicted of Second Degree Murder 782.04 (2)

In CR-O-99-5467/A The Defendant was sentenced to life imprisonment in the Florida Department of Corrections with credit for 1 year, 354 days jail credit and 3 years minimum/mandatory.

In this instance, on CR-O-99-5467/A The courts imposed life imprisonment on charges of second degree murder. The jury's verdict found the defendant guilty of lesser included offense, Third degree murder. When the courts written sentence which conflicts with an oral pronouncement of a sentence or jury verdict is an illegal sentence, and a motion alleging such a





discrepancy is cognizable in a rule 3.800. See *Wilkins v. State*, 543 So. 2d 800 (Fla. 5th DCA 2003).

It is therefore, **ORDERED AND ADJUDGED** that the Defendant's Motion to Correct Illegal Sentence is **GRANTED** and the Defendant is sentenced to 15 years in Department of Corrections and awarded all past jail and prison credit.

It is further **ORDERED** that the Clerk of the Circuit Court is directed to provide a certified copy of this order to the Florida Department of Corrections Bureau of Sentence Structure, 2601 Blairstone Road, Tallahassee, Florida 32399-2500

DONE AND ORDERED in chambers at Orlando, Orange County, Florida, this 25 day of Sept 2013, *non pro tunc*, April 2001.


CIRCUIT COURT JUDGE



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have placed a true and correct copy of the foregoing has been furnished by U.S. Mail to Nicole L. Benjamin, Benjamin Law Group, 1516 E. Colonial Dr., Suite 110, Orlando, FL 32803 on this 25 day of September 2013.


JUDICIAL ASSISTANT

Current Fraudulent Orders



- Joseph Jenkins – sentenced in Orange County
 - 9-7-98 Offenses date (pre-dates 10-20-life)
 - 2-18-00 Indicted for felony murder, robbery, attempted armed robbery, and armed burglary
 - 4-26-00 Adjudicated guilty of felony murder, petit theft, attempted armed robbery and armed burglary
 - 5-10-00 Sentenced to life with 3 years firearm mandatory, 15 years with 3 year firearm mandatory concurrent, and 30 years with a 3 year firearm mandatory concurrent
 - 8-30-13 CCIS records Motion to Correct Sentence
 - 8-30-13 CCIS records Order Granting Motion to Correct Sentence
 - 9-27-13 Order to Correct Sentence is received by DOC
 - 9-27-13 Order is processed and inmate is released

113

DCT# X05662
Life

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

STATE OF FLORIDA,

v.

Case No.: CR-O-2000-CF-02295-A
CR-O-1997-CF-12901-A

JOSEPH IVAN JENKINS,
Defendant.

13 SEP 21 PM 1:29
BUREAU OF
SENTENCE STRUCTURE

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Jeffery L. Ashton, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 3.800(a) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised in the premises, reviewed record, and applicable Law this court finds the following:

1.CR00-02295 The Defendant was convicted of First Degree Murder (Count 1); Count 2, Petit Theft; Count 3, Attempted Armed Robbery; and Count 4, Armed Burglary.

1.CR97-12901 The Defendant was convicted of Violation of Probation.

In CR00-2295 Count 1: The Defendant was sentenced to life imprisonment with credit for 1 year, 246 days jail credit run concurrent with each count and 3 years minimum/mandatory. Count 2: 60 days in the Orange County jail with credit for 60 days time served. Count 3: 15 years Florida Department of Corrections with credit for 1 year, 246 days jail credit run





concurrent with each count and 3 years minimum/mandatory. Count 4: 30 years Florida Department of Corrections with credit for 1 year, 246 days jail credit run concurrent with each count and 3 years minimum/mandatory.

In CR97-12901, the Defendant was sentenced to 123.5 months Florida Department of Corrections with 523 days jail credit and run consecutive to CR00-2295.

In this instance, on CR00-2295 Count 1, the Court imposed life imprisonment on charges of First Degree Murder. The jury verdict found the Defendant guilty of a lesser included offense Third Degree Murder. When the court's written sentence which conflicts with an oral pronouncement of a sentence or jury verdict is an illegal sentence and a motion alleging such a discrepancy is cognizable in a Rule 3.800. *Wittke v. State*, 543 So. 2d 800 (Fla. 5th DCA 2003).

In Count 4: The Defendant was wrongly convicted and sentenced for Armed Burglary 810.02(2)(B) Fla. Stat. When the charge indictment was for Burglary of an Occupied Dwelling 810.02(3) Fla. Stat. which the State properly concedes error. Where an offense may be committed in various ways, the evidence must establish it to have been committed in the manner charged in the indictment. The indictment or information may have alleged them in the conjunctive and proof of one would have sufficed. But if one of the statement of facts is alleged it cannot be established by proof of another. *Gaines v. State*, 652 So. 2d 458 (Fla. 4th DCA 1995).

In CR97-12901 the record indicates that the Defendant was convicted of Grand Theft of a motor vehicle, Fla. Stat. 812.014(2)(c)(6), a third degree felony. The Defendant was put on



A guidelines sentence which the incarcerative portion of the sentence and the probationary or community control period may not exceed the statutory maximum for the offense. *Garcia v. State*, 666 So. 2d 231 (Fla. 2d DCA 1995). Furthermore, a defendant cannot agree to a sentence that exceeds the statutory maximum.

It is therefore, **ORDERED AND ADJUDGED** that the Defendant's Motion to Correct Illegal Sentence is **GRANTED** and the Defendant is sentenced to 15 years in Department of Corrections on Count 1 and Count 4 Case Number CR-O-2000-CF-02295 and awarded past jail and prison credit run concurrent with each count.

In Count 2 and Count 3, the Defendant's previously imposed sentences shall remain the same, except awarded past jail and past prison credit run concurrent with each count.

An additional the Defendant is sentenced to 5 years in the Florida Department of Corrections in Case Number CR-O-1997-CF-12901 and awarded past jail and past prison credit run concurrent with Case Number CR00-3295.

It is further **ORDERED** that the Clerk of the Circuit Court is directed to provide a certified copy of this order to the Florida Department of Corrections Bureau of Sentence Structure, 2601 Blairstone Road, Tallahassee, Florida 32399-2500.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida, this 10th day of August 2013, *non pro hoc*, May 10, 2010.


CIRCUIT COURT JUDGE

Actions Taken by DOC



- Immediate
 - Additional verifications through Clerks of Court - July 5, 2013
 - Audit (Orange County / Franklin CI) - October 16, 2013
 - Judicial verification process - October 18, 2013
 - Meeting with Clerks of Court Association - October 21 and 28, 2013
- Ongoing
 - Audit (Statewide)- October 24, 2013

Department of Corrections



Questions

Senate Appropriations Subcommittee on Criminal and Civil Justice



FLORIDA STATE COURTS

Task Force on Substance Abuse and Mental Health Issues in the Courts

Judge Steve Leifman

November 6, 2013

Mental Illness and the Criminal Justice System

In 1955, 560,000 people with mental illnesses were confined to state psychiatric hospitals across the U.S.



Today, about 40,000 people with mental illnesses remain in state psychiatric hospitals

Mental Illness and the Criminal Justice System

- Roughly 2.2 million of the more than 13 million annual bookings into local jails in the U.S. involve people with serious mental illnesses
- Overall, there are nearly 500,000 people with mental illnesses incarcerated in local jails and state and federal prisons across the U.S., and more than 750,000 people with mental illnesses on probation or parole, for a total of 1.25 million people with mental illnesses under correctional control

Mental Illness and the Criminal Justice System

- More than 170,000 people with serious mental illnesses are arrested and booked into Florida jails annually
- On any given day in Florida, there are roughly 18,000 state prison inmates, 10,000 local jail detainees, and 25,000 to 40,000 individuals under correctional supervision in the community who experience serious mental illness
- This year, roughly 7,000 inmates with serious mental illnesses will be released from Florida prisons

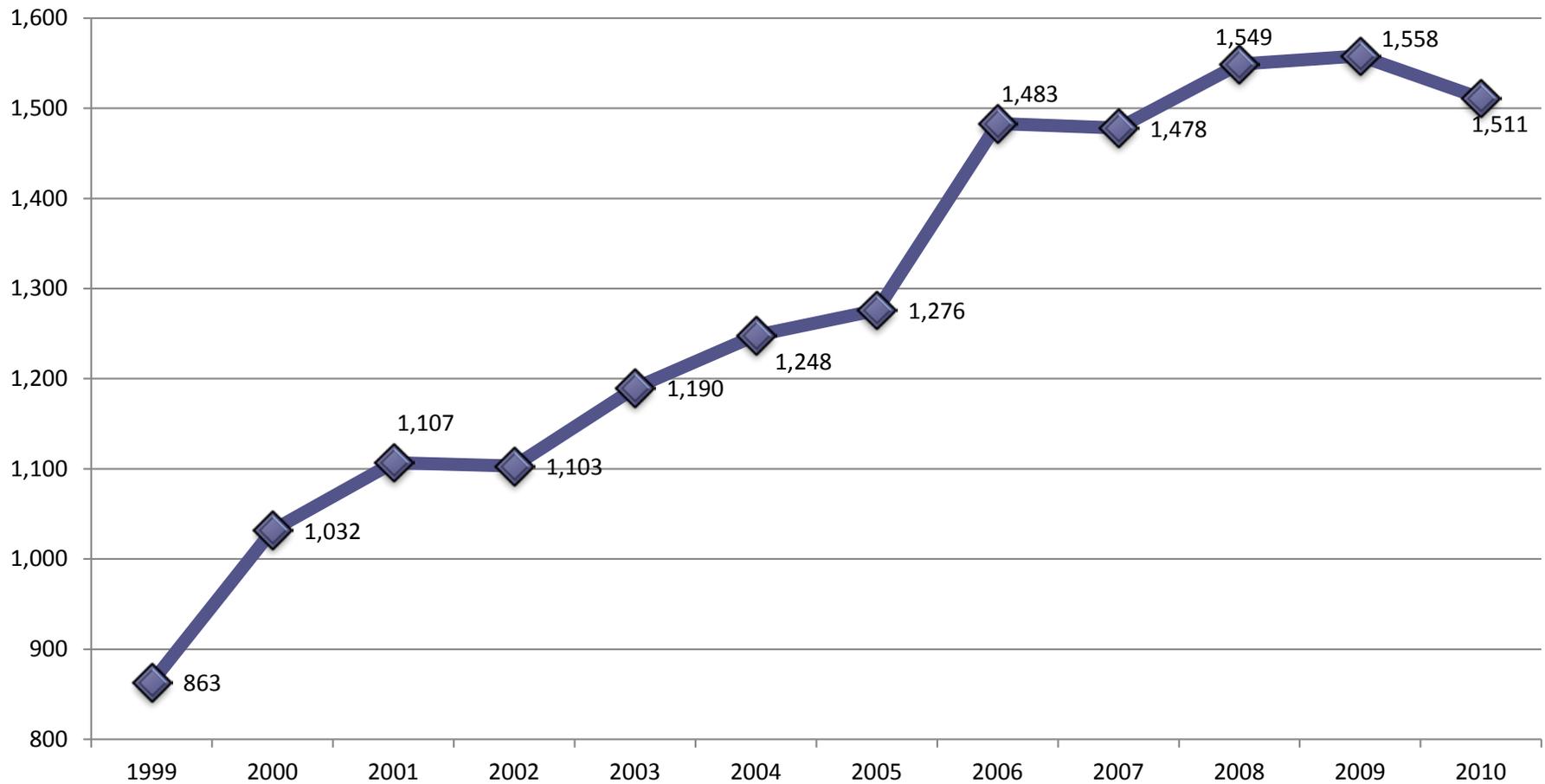
Mental Illness and the Criminal Justice System

- According to DCF, there are 1,500 civil state hospital beds with 500 of these beds for “forensic step-down”
- For every 1 person in Florida in a civil state hospital bed, there are 30 criminal justice (jail/prison/forensic hospital) mental health beds
- If you have a mental illness in Florida, you are 30 times more likely to find a bed in the criminal justice system than the civil state hospital system

Forensic Commitment

- Florida currently spends nearly \$200 million annually – one third of all adult mental health dollars and two thirds of all state mental health hospital dollars – on 1,500 beds serving roughly 2,500 individuals under forensic commitment
- Roughly 70% of people restored to competency will either have their charges dropped or will accept a plea of credit for time served or probation, and will be released to the community, in many cases with no provision for follow-up services or access to basic necessities such as food, clothing, housing, or medication

Forensic Commitments



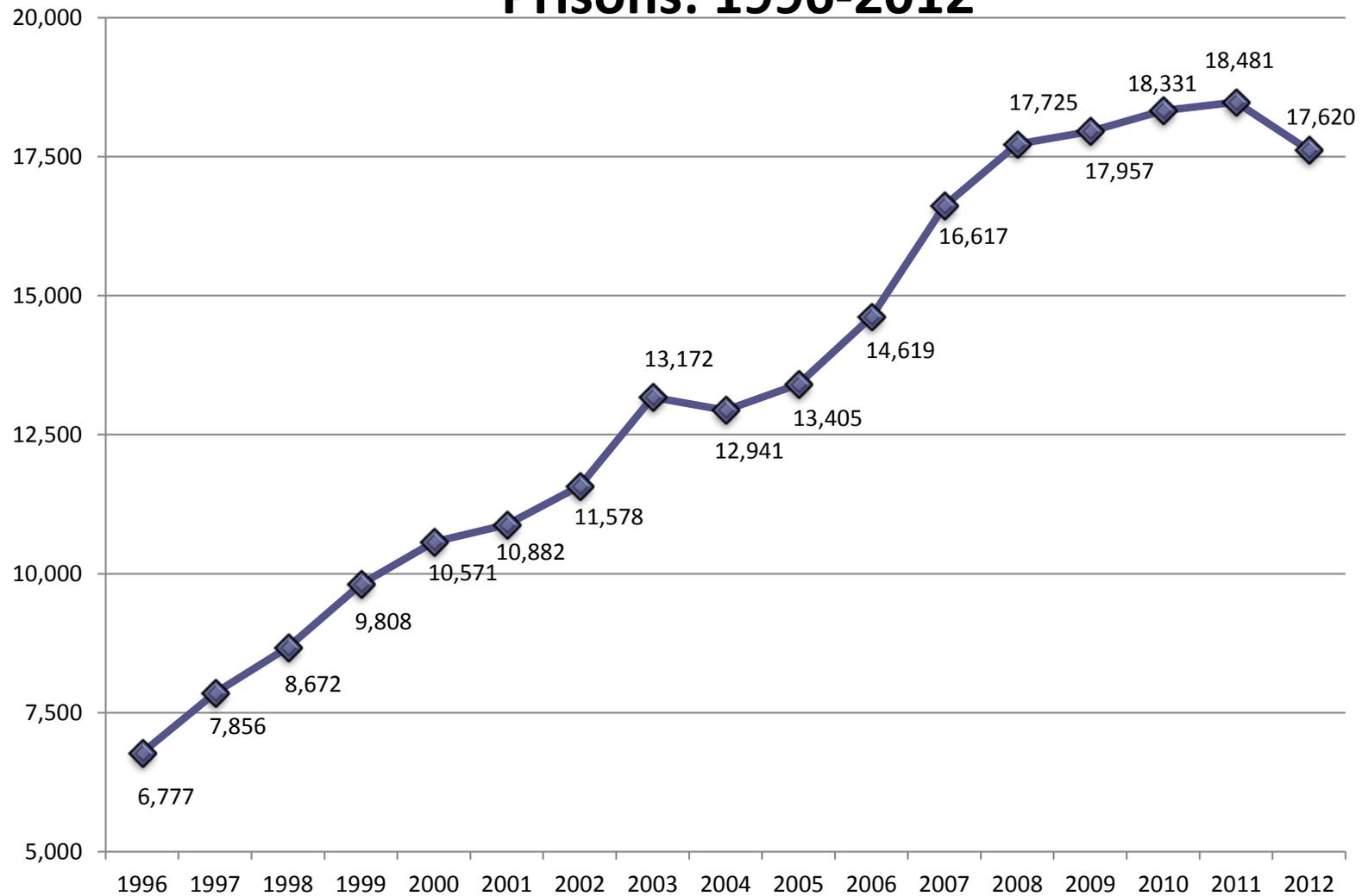
Mental Health Costs

Cost to house people with mental illnesses in Florida's jails, prisons, and forensic treatment facilities:

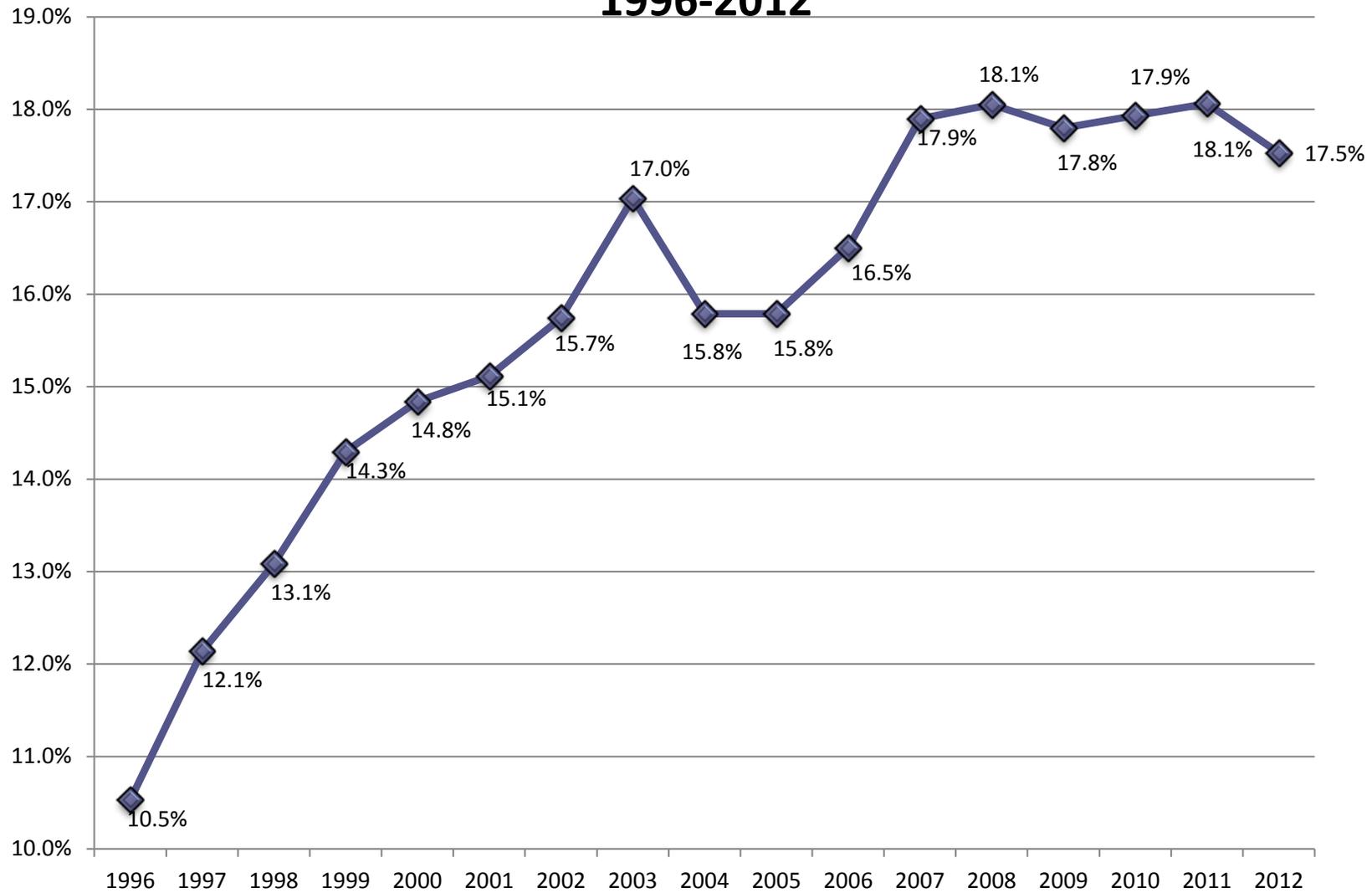
- Jails = \$409 million annually, or \$1.1 million per day
- Prisons = \$416 million annually, or \$1.1 million per day
- Forensic treatment facilities = \$200 million annually, or \$544 thousand per day

Total Cost = \$1 billion annually, or \$2.7 million per day

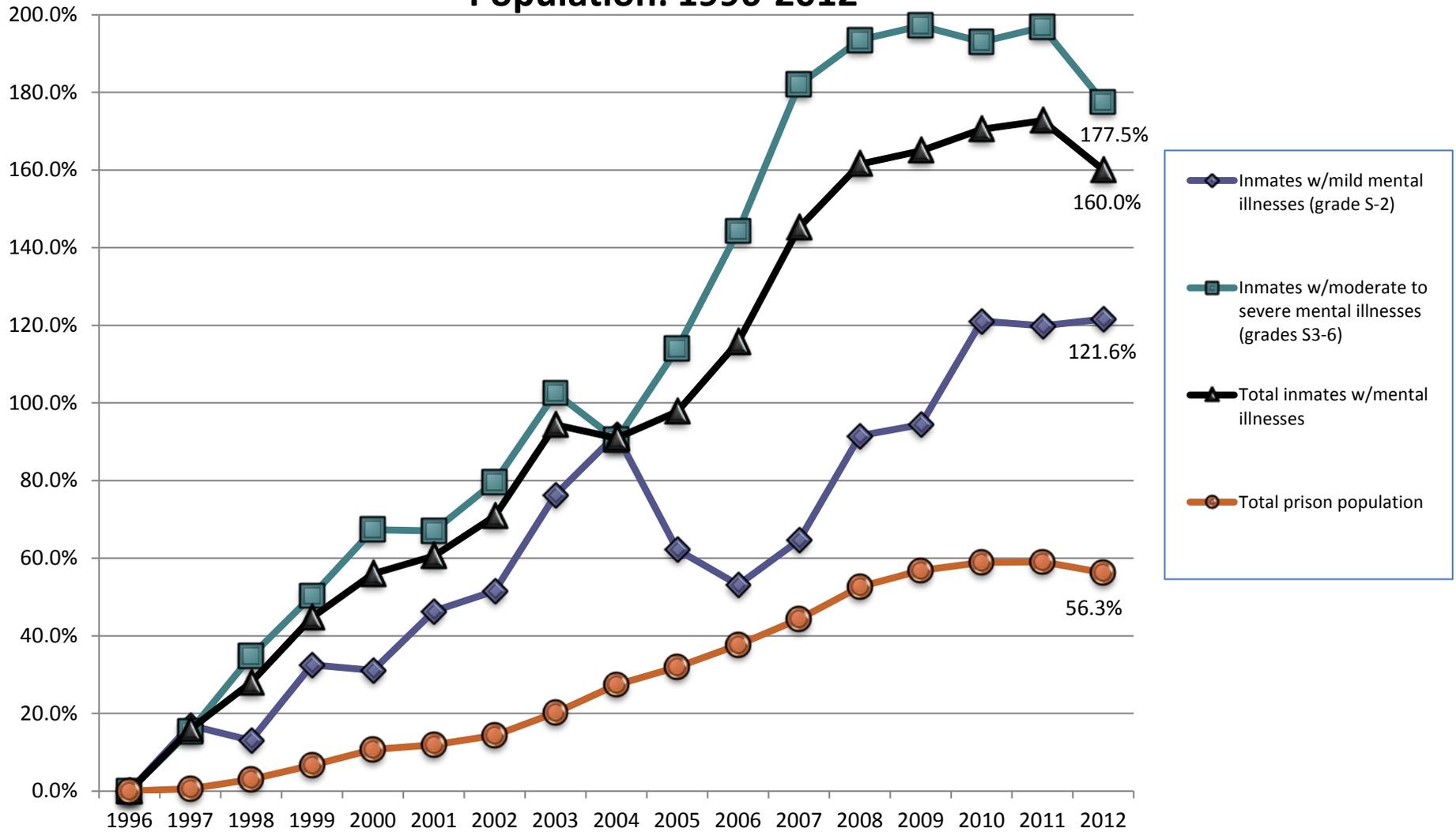
Growth of Inmates with Mental Illnesses in Florida Prisons: 1996-2012



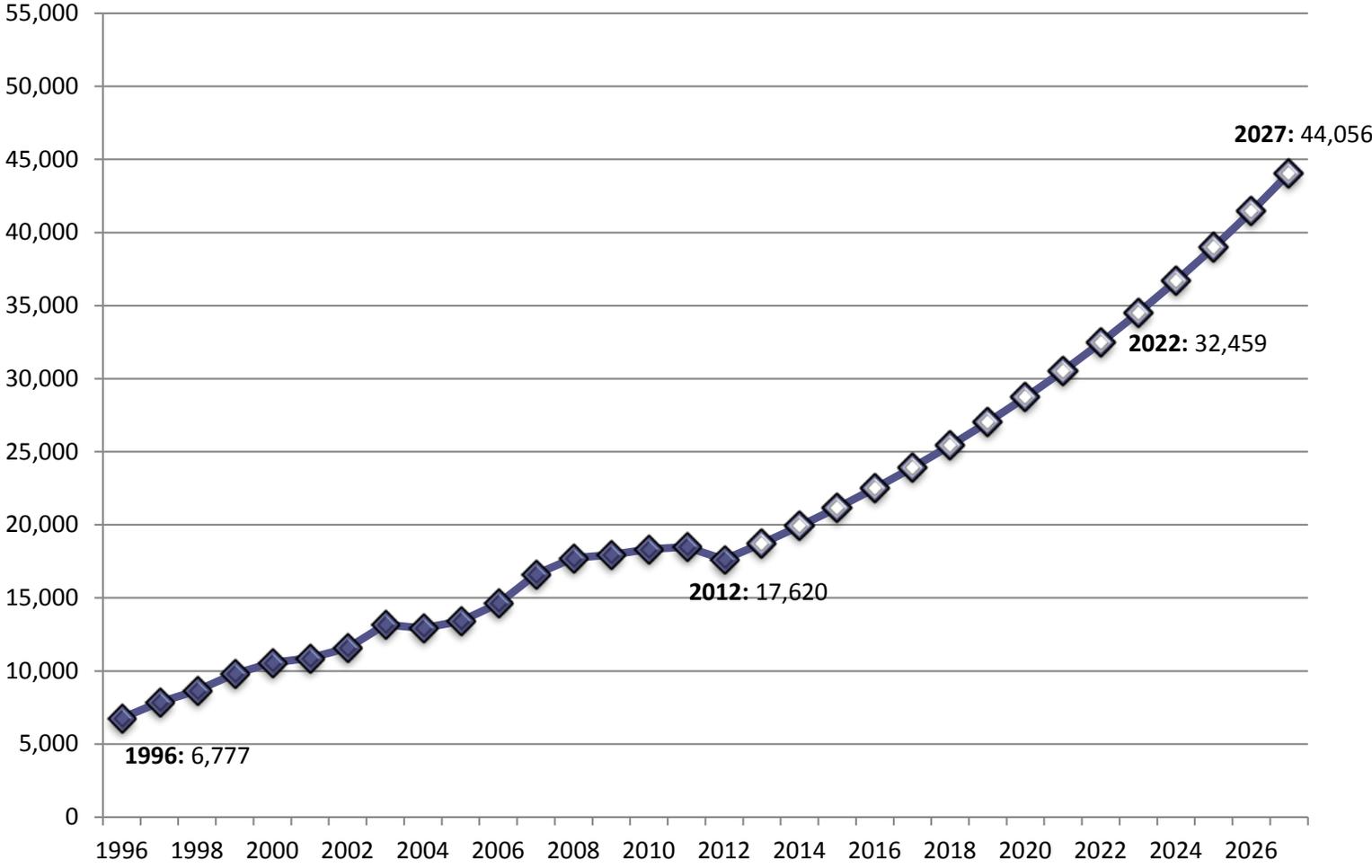
Percent of Total Inmate Population with Mental Illnesses: 1996-2012



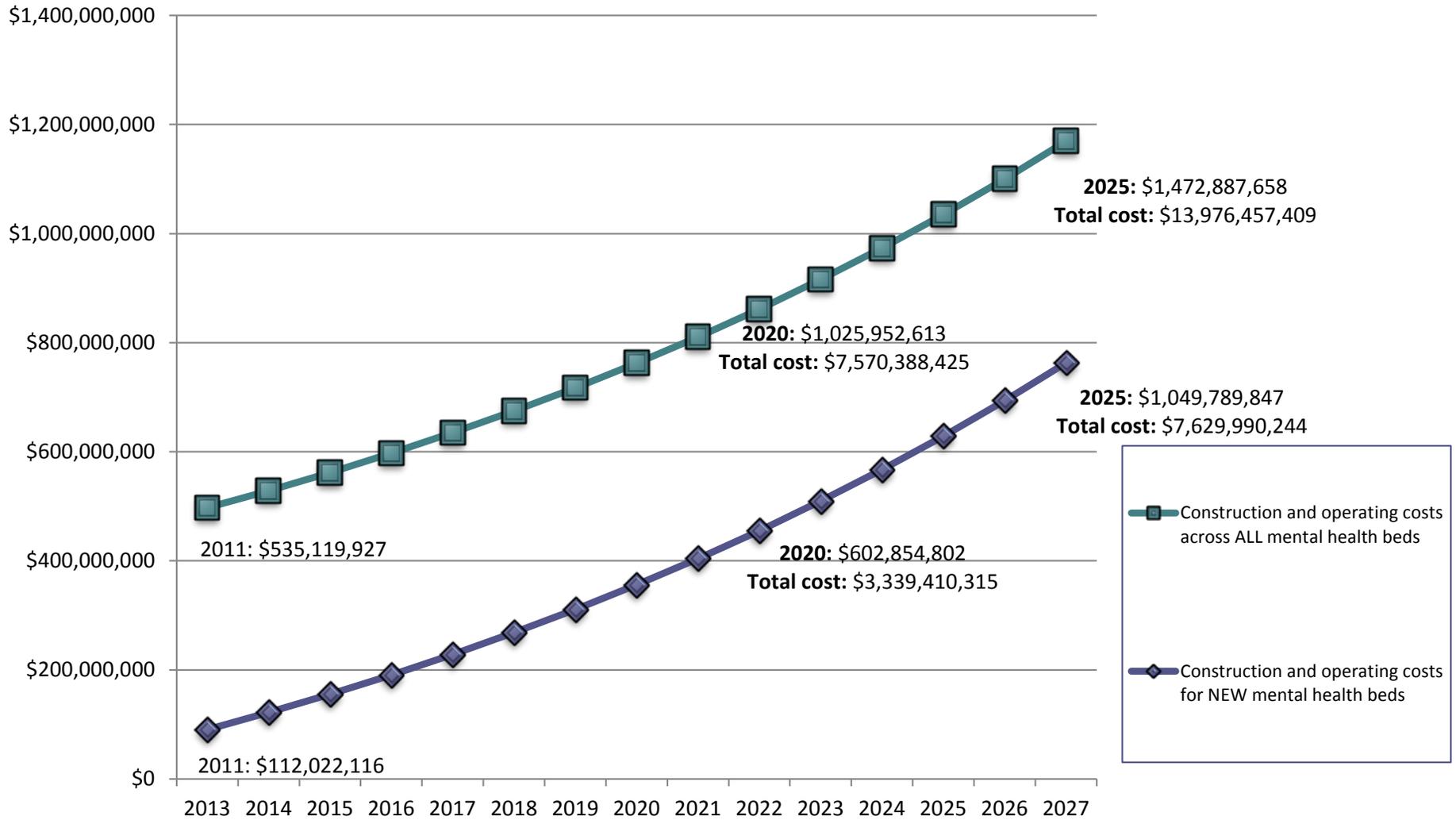
Growth Percentages among Mental Health and Total Prison Population: 1996-2012



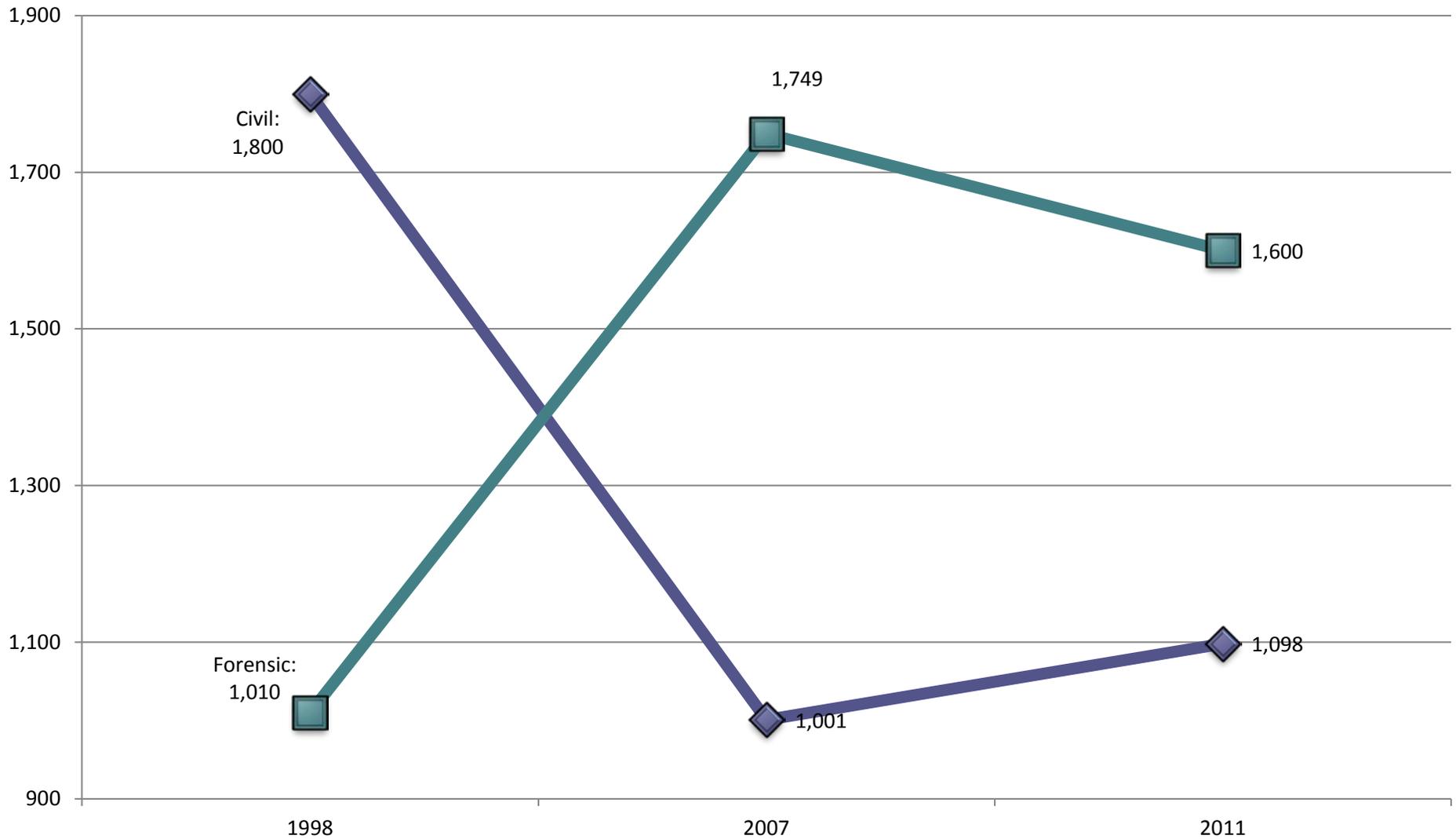
Growth and Projected Growth of Inmates with Mental Illnesses in Florida Prisons: 1996-2026



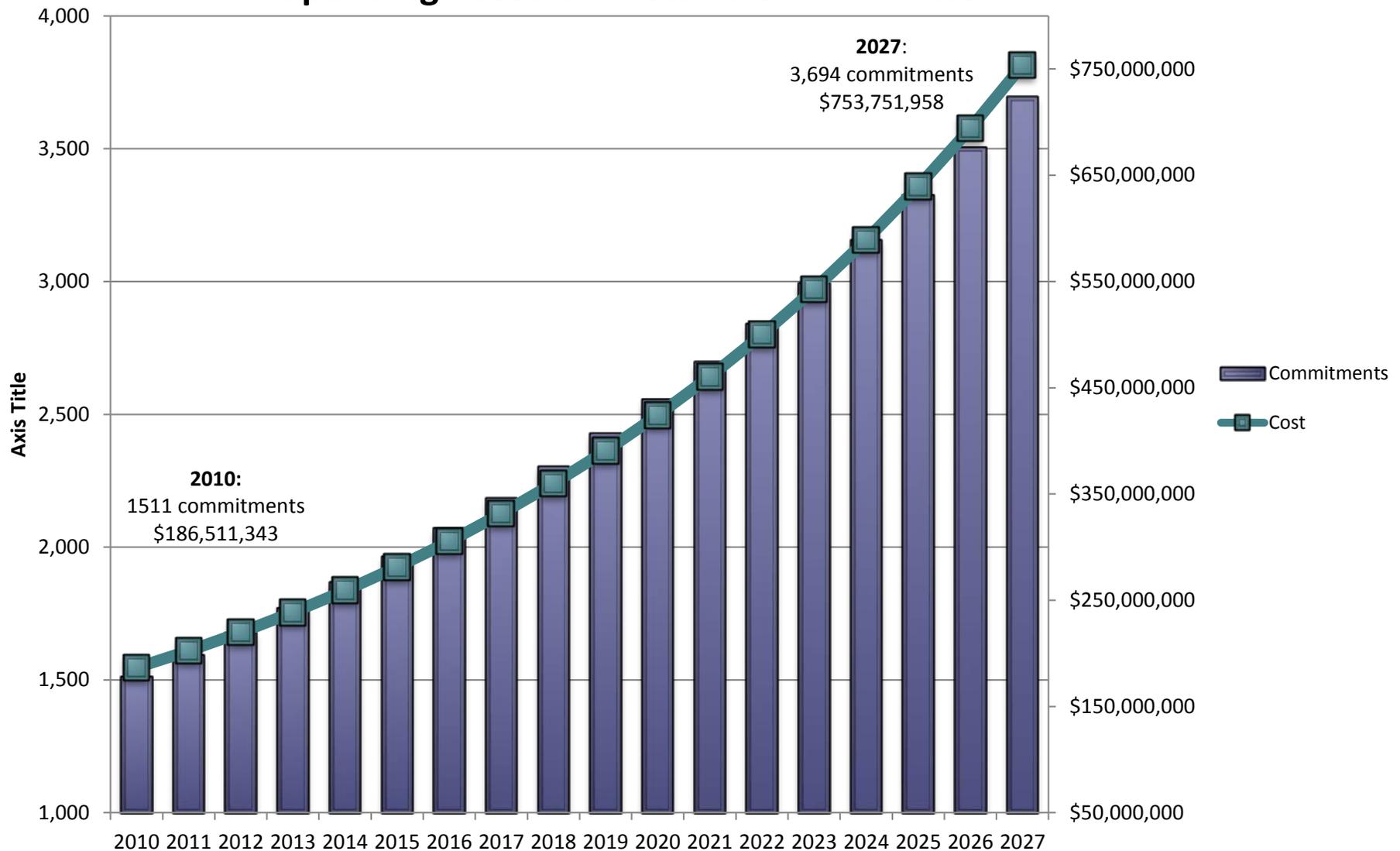
Projected Construction and Operating Costs for New and Existing Mental Health Prison Beds: 2011-2025



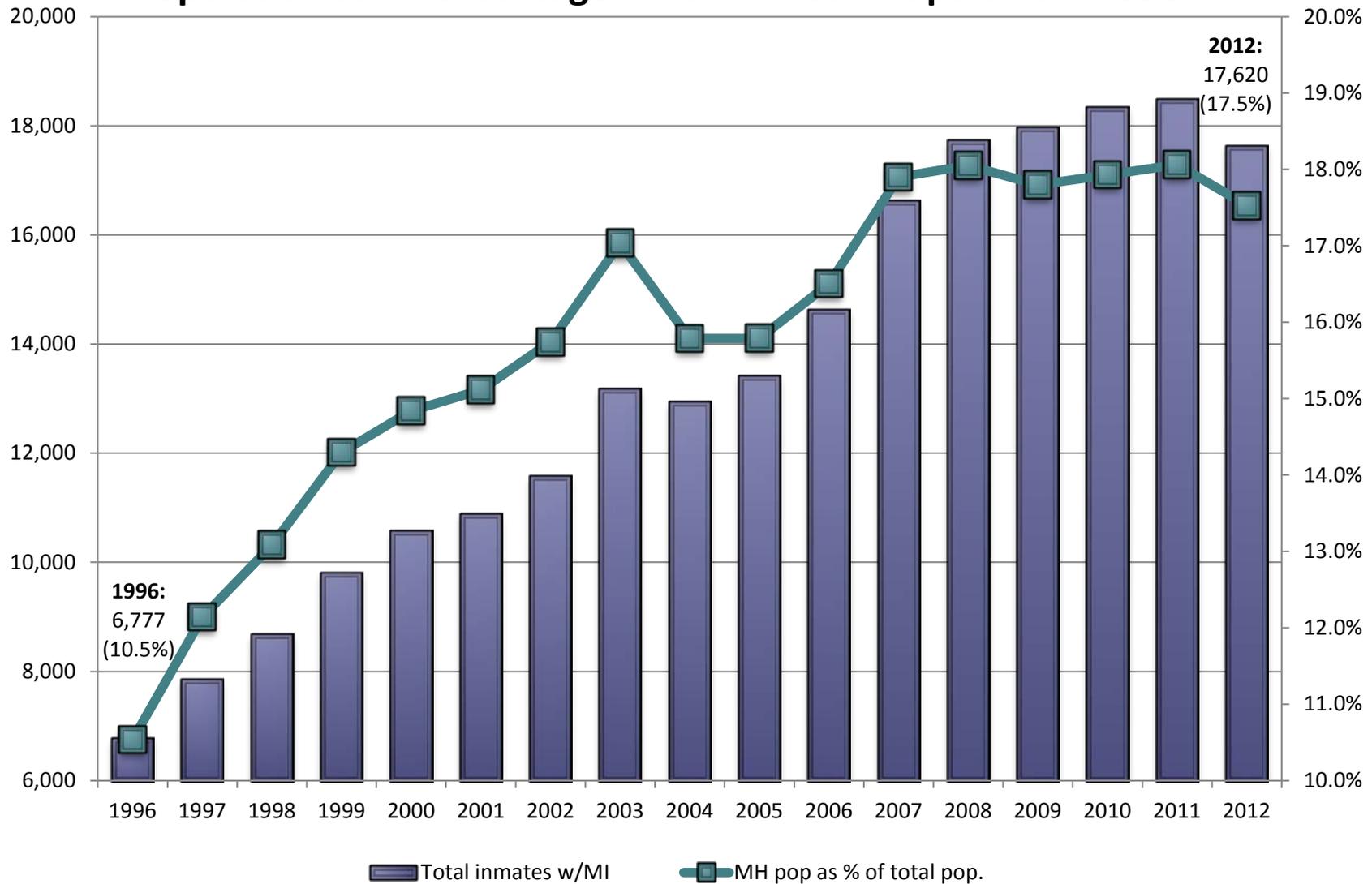
Comparison of Civil vs. Forensic State Treatment Facility Beds, 1998-2011



Projected Growth in Forensic Commitments and Spending Based on Historic Growth Rates



Growth in Inmates with Mental Illnesses and Mental Health Population as a Percentage of Total Prison Population: 1996-2012



Substance Use and the Criminal Justice System

- National statistics show an estimated 53% of state prison inmates have a substance use disorder
- An estimated 68% of jail inmates have a substance use disorder
- 72% of inmates with serious mental illness have a co-occurring substance use disorder

Substance Use and the Criminal Justice System

- Approximately 65% (66,341) of the inmate population (102,232) was identified as being in need of substance abuse treatment services on June 30, 2010
- In FY 2009-2010, 35,810 inmates were assessed for substance abuse treatment. Of those, 27,717 inmates (77%) were identified as having a substance abuse problem, with 86% of them released without receiving substance abuse treatment.

Substance Use Costs

In 2001, according to the White House Office of National Drug Control Policy, the total societal costs of illegal drug use were \$143 billion

- Nearly two thirds of these costs were related to enforcement of drug laws and the effects of illegal drug use on criminal behavior, including:
 - \$31 billion in public criminal justice costs
 - \$30.1 billion in lost productivity due to incarceration
 - \$24.6 billion in lost productivity due to crime careers
 - \$2.9 billion in other costs including property damage and victimization

Problem-Solving Courts

Problem-Solving Courts are dockets within the court system designed to provide treatment for individuals with substance abuse and/or mental health disorders and provide the additional tools needed to change lives. They utilize a team-based approach with the court/judge as the leader, intensive judicial monitoring, frequent and random drug testing, and immediate responses to behavior through the use of sanctions and incentives.

Problem-Solving Courts

- Most common types:
 - Drug Courts (Adult, Juvenile, Family, DUI)
 - Mental Health Courts
 - Veterans Courts
- First drug court was developed in Miami-Dade County in 1989

Problem-Solving Courts

- Over 2,700 drug courts in the U.S.
 - 101 drug courts in Florida (52 adult felony/misdemeanor drug courts, 24 juvenile, 21 family dependency, 4 DUI)
- Over 1,200 other problem-solving courts in U.S.
 - 19 mental health courts in Florida
 - 14 veterans courts in Florida

Adult Drug Courts

- In 2012, there were approximately 8,000 total admissions into Florida's drug courts with approximately 6,300 (or 79%) of these admissions from adult drug courts
- In 2012, there were over 5,700 participants who successfully completed drug court, including more than 4,700 (or 82%) adult drug court completions

Adult Drug Courts

- Extensive and rigorous national research for the past two decades demonstrates that adult drug courts reduce crime and save money
- Seven independent meta-analyses have all concluded that adult drug courts significantly reduce crime. Recidivism rates were, on average, 8-26 percentage points lower than other justice system responses. Well-administered drug courts reduced crime rates by as much as 45% over other dispositions.

Adult Drug Courts

- A 2008 cost-related meta analysis conducted by the Urban Institute found that drug courts produced an average of \$2.21 in direct benefits to the criminal justice system for every \$1 invested – a 221% return on investment
- A March 2009 report from OPPAGA showed that offenders who complete adult post-adjudicatory drug courts in Florida are 80% less likely to go to prison than the matched comparison group

Adult Drug Courts

- Adult Post-Adjudicatory Drug Court Expansion Program
 - Implemented in October 2009
 - Eight participating counties
 - Over 2,400 admissions to date
 - Federal funding October 2009-June 2013
 - Non-recurring state funding for FY 2013-2014
 - Costs \$20 per person/day compared to \$49 for prison
 - OPPAGA study due January 2014

Adult Drug Courts

- Target Population  High Risk/High Need Offenders
- Importance of fidelity of the drug court model and 10 key components
- Implementation of best and promising practices

Veterans Courts

- Veterans Courts growing at a rapid pace in the U.S. and Florida
- T. Patt Maney Veterans' Treatment Intervention Act (2012)
- FY 2013-2014 state veterans court appropriation to five counties (Alachua, Clay, Okaloosa, Pasco, Pinellas)
- In May 2013, there were 336 total admissions in eight veterans courts (excludes Palm Beach County)

Veterans Courts

Opportunities for Enhancement:

Consider expanding eligibility criteria in existing statute to allow for the following:

- 1) Persons discharged from the military under a less than honorable discharge
- 2) Civilian contractors that were in war zones
- 3) United States allied veterans

Other Diversion Programs

Miami-Dade County Criminal Mental Health Project (CMHP)

- Established in 2000 to divert individuals with serious mental illnesses or co-occurring serious mental illness and substance abuse disorders away from the criminal justice system into comprehensive community-based treatment and support services
- Includes Pre-Booking Jail Diversion Program, Post-Booking Jail Diversion Program, and Forensic Hospital Diversion Program

Miami-Dade County Criminal Mental Health Project (CMHP)

- More than 3,800 law enforcement officers trained in Crisis Intervention Team (CIT)
- Officers respond to 16,000 mental health calls annually
 - City of Miami and Miami-Dade police departments responded to 10,000 of these calls with only 26 arrests
- Reductions in recidivism among post-booking diversion participants range from 75 to over 90%

CMHP Heavy Users Data Analysis

| | Individuals (% of all indiv): | Referrals (% of all refs): | Average referrals |
|-----------------|----------------------------------|-------------------------------|----------------------|
| All individuals | 1,808 | 3,239 | 1.8 |
| Heavy users* | 97 (5%) | 697 (22%) | 7.1 |
| Non-heavy users | 1,711 (95%) | 2,542 (78%) | 1.5 |

* Defined as people who have been referred to the CMHP for diversion on four or more occasions as the result of four or more separate arrests

Source: CMHP refers to the Eleventh Judicial Circuit Criminal Mental Health Project, a court based jail diversion initiative operating in Miami-Dade County, Florida.

Forensic Hospital Diversion Program

- Implemented as a pilot program in Miami-Dade County in August 2009
- 106 individuals diverted from state forensic treatment facilities
- 33% less expensive than forensic treatment facilities
- 14,000 bed/days of service provided for a total savings of more than \$1.5 million

Task Force on Substance Abuse and Mental Health Issues in the Courts

- 1) Address statutory and rule changes relating to the confidentiality of treatment records and behavioral health evaluations
- 2) Continue to promote the recommendations outlined in the *Transforming Florida's Mental Health System* report

Task Force on Substance Abuse and Mental Health Issues in the Courts

- 3) Provide guidance to the Office of the State Courts Administrator relating to the continuation of the post-adjudication drug court expansion project
- 4) Develop a resource guide for judges and court staff in assisting veterans with mental health and substance abuse disorders who become involved in the criminal justice system

Task Force on Substance Abuse and Mental Health Issues in the Courts

- 5) Examine how to best target resources and programs that serve individuals with mental health and substance abuse disorders
- 6) In consultation with the Florida Court Education Council, develop recommendations to ensure that judges handling cases involving individuals with substance abuse and mental health disorders receive appropriate and timely education and training

Task Force on Substance Abuse and Mental Health Issues in the Courts

- 7) Review prior Baker Act study, evaluate those recommendations and the need for new recommendations, review Marchman Act cases to improve administration, and develop implementation plan

Baker Act

- Florida's law (pursuant to Chapter 394, Part I, Florida Statutes) governing mental health treatment, including involuntary treatment
- Involuntary Exam Initiations:
 - 2% by judges
 - 48% by law enforcement
 - 48% by mental health professionals

Baker Act

- In FY 2012-2013, a total of 163,765 involuntary examinations were initiated
 - 18,000 people (20% of all individuals) had 2 or more exams, and accounted for over 40% of all initiations
 - Number of exams ranged from 2 to 26
- Between 2001 & 2010, more than 1.1 million involuntary examinations were initiated
 - 165,000 people (28% of all individuals) had 2 or more exams, and accounted for 60% of all initiations
 - Number of examinations ranged from 2 to 223
- Since 2001, the number of involuntary examinations initiated under the Baker Act has increased by 92%

Risk-Need-Responsivity Model

- Research suggests this is the best model for identifying and prioritizing individuals to receive appropriate interventions (Florida Department of Corrections already utilizing for state prison population)
- Use of Risk and Needs Assessments for diversion programs
- Need to prioritize programming for individuals at moderate to high risk of reoffending

Risk-Need-Responsivity Model

- Supreme Court task force currently examining this model for Florida (model being implemented in other states)
- Need to prioritize limited and scarce resources for offenders that have the greatest risk and need to have biggest impact on recidivism and cost

Questions?

CourtSmart Tag Report

Room: LL 37
Caption: Senate Criminal & Civil Justice Appropriations

Type:
Judge:

Started: 11/6/2013 10:03:45 AM
Ends: 11/6/2013 12:00:19 PM **Length:** 01:56:35

10:03:46 AM Meeting called to order
10:03:58 AM Quorum present
10:04:38 AM Sen. Bradley-Oversight of all committees per the President. Today we will talk about why and how two inmates escaped.
10:05:32 AM How can the Legislature make sure this never happens again?
10:06:17 AM Gerald Bailey will speak from the Florida Dept. of Law Enforcement, Chief Judge Belvin Perry, Jr., Lisa Goodner, Karen
10:06:58 AM Rushing and Michael Crews.
10:08:53 AM Commissioner Bailey, FDLE - This is an ongoing investigation and he will answer any questions that he can.
10:09:53 AM Oct. 2009 a man was released after a fake motion was filed. He was free for about 16 hours before being apprehended.
10:10:31 AM He was subsequently sentenced to 20 years. He tried again to escape using a fraudulent motion. 2011 Jenkins tried
10:11:13 AM to escape but was unsuccessful. He succeeded this year.
10:12:58 AM Due to lack of good audit trails we are still trying to figure out how the documents got to the Clerks office.
10:13:27 AM Confidential sources from inmates are saying that the documents came from inside the prison.
10:14:27 AM To date they have found nothing that shows that any employees were involved.
10:16:20 AM Confirmation from Clerks and Prison System for this to work.
10:16:35 AM Sen. Bradley-Period of time before court system moves to e-filing and not by hand, however, for now there be communication
10:17:23 AM between the Clerk and the Judge to confirm that the order is not fraudulent.
10:18:28 AM Sen. Flores - How many of these fraudulent orders come across? He will defer to Sec. Crews.
10:19:12 AM Sen. Flores-These prisoners are ahead of the game. How do we deal with it when we have e-filing.
10:19:43 AM Commissioner Bailey-They are considering encryptions, etc. to ensure a secure environment.
10:20:27 AM FDLE deals daily with Homeland Security and it is working at this time.
10:21:24 AM .Senator Soto-Do we have an idea who else is behind this? As of now there was a gang inside the walls that were teaching
10:22:24 AM this fraudulent activity. They also had help from the outside. Still investigating and possible arrests to follow.
10:23:02 AM Chief Judge Perry, Jr. - His signature was the one used to help escape. Administrative order entered to:
10:23:58 AM eliminate public drop off boxes, verification before order is transmitted, log must be kept were any case has been
10:24:52 AM modified, new paper trail. There will also be a second level to have an audit trail and show it to the judge.
10:26:02 AM Also implemented the encryption of documents. National Center for State Courts has been contacted to look at the
10:26:46 AM procedures on the Clerk side and the Judge side to look at documents and what recommendations that they can
10:27:08 AM utilize to become a paperless world. Processes must be changed from time to time to stay a step ahead of inmates.
10:28:00 AM Increase penalties for those that falsify court documents. Currently only a third degree felony.
10:28:57 AM Sen. Soto - any discussion about human verification on top of secured system? There is a human element.
10:30:18 AM Lisa Goodner, Court Administrator - State wide consistencies must be instituted. Working with Clerks of Court for
10:31:17 AM securing paper and electronic. Judicial viewer software-what is will cost to implement throughout the criminal justice area.
10:32:09 AM Need to move to Civil division. Working to secure funding. They are committed to statewide commitment.
10:32:57 AM Sen. Bradley - How do we know how secure it will be? The electronic system will talk directly to the Clerks system.
10:34:52 AM How much will it cost and will it be in your budget request? They are working on the numbers at this time.
10:36:04 AM Sen. Joyner - Is there any communication to all of the circuit chief justice and have they implemented

something?

- 10:37:01 AM** There has been a conference call on the subject and we have come up with a standard form that will be implemented
- 10:39:10 AM** by all judges. Currently there is no statewide standards. Sen. Dean-trying to prevent the future actions as long as they
- 10:40:09 AM** have the diversity of circuits it could happen again. You never will stop inmates from doing and thinking a plotting bad things.
- 10:41:04 AM** He feels confident that strategies are being developed and he is confident that it will work.
- 10:42:36 AM** Senator Soto - Looking to other states is there anything we can use for best practices for our State?
- 10:43:58 AM** We are on the cutting edge and a lot of other states are looking to Florida.
- 10:44:30 AM** Is there any other aspect in this process that we are vulnerable?
- 10:45:55 AM** Karen Rushing, Clerk of Courts, Sarasota - Prevention, cannot stop every occurrence from ever happening again.
- 10:46:54 AM** To secure the process of delivery from Judge to Clerk. Must have a secure location for processing the work-nonpublic.
- 10:47:57 AM** Establishing a secure delivery from other departments. Hand delivery component has various ways to drop off forms.
- 10:56:37 AM** Sen. Bradley - Confirmation of valid orders. Have all 67 Clerks agreed to participate? The answer is NO.
- 10:59:12 AM** What is being done before the change to e-filing? Clerk will pursue the verification effort of the form. All orders of release
- 11:00:21 AM** will be in question.
- 11:02:25 AM** Senator Soto - How long will it take to adopt the system? Clerks have case management system is place. Now a matter
- 11:02:51 AM** of the Judicial Viewers getting into place.
- 11:03:59 AM** Secretary Crews-Dept. of Corrections - He feels really good about the partnerships they have to move the process forward
- 11:05:02 AM** to significantly limit was has happened. However, nothing is 100% perfect. When was corrections first notified about
- 11:06:01 AM** the fraudulent documents? Intelligence bulletins were sent out by e-mail. Awareness, mitigate from this from happening
- 11:06:57 AM** in the future. Immediately put into effect verification with Clerks office as it related to any release dates that are changed.
- 11:07:43 AM** Corrections does not take this escape lightly. Right now an order that reduces or changes release date, a copy of that
- 11:08:29 AM** letter will be sent to the judge for verification. No release will happen until a confirmation is given by the judge.
- 11:09:45 AM** 40 employees have been assigned to verify the 7800 orders where release dates have been changed.
- 11:10:42 AM** There is no system where a human element would not be involved. What made this scheme work is under investigation
- 11:11:36 AM** and additional changes may be made once the investigation is complete.
- 11:12:22 AM** Sen. Bradley-compliments Sec. Crews on his leadership.
- 11:15:41 AM** Senator Joyner - Is something is place right now while we are working on a permanent solution?
- 11:17:49 AM** Senator Garcia - What can we do statutorily to ensure that you have the standings to do what you need to do?
- 11:18:48 AM** I would like to spend a little more time to answer that question and let them meet collectively. Increase penalties is one thing.
- 11:19:40 AM** Senator Soto - Was any part of this incident cause by lack of staff? No he does not think it had anything to do with staff.
- 11:21:53 AM** Senator Bradley - We have what we need from the Department today. Thank you.
- 11:22:15 AM** Senator Joyner - How do you deal with a letter from a judge to follow the orders and not question them?
- 11:22:59 AM** Communication is everything and this will be a substantial change. We will work together with parties involved.
- 11:23:52 AM** Senator Bradley - He is encouraged by the Departments clear line that inmates will not be released without verification.
- 11:25:03 AM** Senator Soto - Court viewer needs to get done this year and funded.
- 11:26:10 AM** State Court System - Steve Leifman, Associate Administrative Judge for the Miami-Dade County Court
- 11:35:50 AM** Video was shown on mental health jail in Miami-Dade.
- 11:36:18 AM** While the problem solving courts are doing a good job, they only play a very small part in the mental health area.
- 11:36:53 AM** 86% of people with substance abuse never get the treatment while they are in the jail/mental health area.
- 11:38:33 AM** 2012 there were 8000 admissions in the drug courts. 6700 were in the adult courts.
- 11:39:42 AM** Veterans 130,000 homeless every night. 1/2 of those live in 4 states, Florida is one. 1/2 of them end up in

jail.

11:40:25 AM 460,000 vets have been diagnosed with PTSD.

11:41:10 AM Supreme Court Task Force is working very hard to ensure best practices are being implemented.

11:42:04 AM Vast majority of laws are from the Civil and Criminal war. There is a huge gap between what we know medically and scientifically

11:42:51 AM 7000 inmates with mental illnesses are scheduled to be released this year.

11:47:20 AM Problem solving courts are needed. Fastest growing population in Florida's prisons is those with mental illnesses.

11:50:08 AM The reinvestment grant is helping. 4000 officers have been trained in mental health issues. Review Baker Act.

11:51:08 AM People that go untreated for several years are getting brain damage. Need more done on the civil side.

11:51:51 AM Discusses 10 areas that need to be looked at.

11:52:35 AM Senator Diaz de la Portilla - What else can we do other than funding to help? Start focusing differently on the 20% that

11:53:12 AM are hitting the baker act again and again and again.

11:53:42 AM Can you elaborate as to what you need by tweaking the Baker Act? Personally need to have better wrap around services

11:54:17 AM make it easier for courts to involuntarily hospitalize. Need to consider treatment, not just dangerousness.

11:54:55 AM When they are ready to come out, need to follow through by making sure things are working for them.

11:55:55 AM Senator Bradley - Talks about Baker Act and involuntary commitment. This needs to be addressed.

11:57:12 AM Senator Soto - Talks about central receiving center.

11:59:15 AM Senator Grimsley moves we rise.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/6/13

Meeting Date

Topic Fraudulent Court Orders

Bill Number _____
(if applicable)

Name Lee Adams

Amendment Barcode _____
(if applicable)

Job Title Chief, Admission & Release

Address 501 S. Calhoun St

Phone 850.717-3045

Tallahassee FL 32399
City State Zip

E-mail adams.lee@mail.dc.state.fl.us

Speaking: For Against Information

Representing FL Dept of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

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APPEARANCE RECORD

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11/6/13

Meeting Date

Topic Fraudulent Court Orders

Bill Number _____
(if applicable)

Name Gil Barnes

Amendment Barcode _____
(if applicable)

Job Title Program Manager, Victim Services

Address 501 S. Calhoun St

Phone 850.717-3045

Tallahassee FL 32399
City State Zip

E-mail barnes.gil@mail.dc.state.fl.us

Speaking: For Against Information

Representing Dept of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

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11/6/13

Meeting Date

Topic Fraudulent Court Orders

Bill Number _____ (if applicable)

Name Mike Crews

Amendment Barcode _____ (if applicable)

Job Title Secretary

Address 501 S Calhoun St

Phone 850-717-3045

Street

Tall

City

FL

State

32399

Zip

E-mail crews.mike@mail.dc.state.fl.us

Speaking: For Against Information

Representing Dept of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

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APPEARANCE RECORD

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11-6-13

Meeting Date

Topic Inmate Release Procedures

Bill Number _____ (if applicable)

Name BELVIN PERRY JR.

Amendment Barcode _____ (if applicable)

Job Title CHIEF JUDGE 9th CIRCUIT

Address 425 N. ORANGE AVE Suite 200D

Phone 407-836-2008

Street

Orlando

City

FL

State

32801

Zip

E-mail ctjobp@ocnycc.org

Speaking: For Against Information

Representing 9th Circuit Court

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Inmate release policies

Bill Number _____
(if applicable)

Name Karen Rushing

Amendment Barcode _____
(if applicable)

Job Title Clerk of Court

Address 2000 Main St.

Phone 941-861-7605

Street
Seawalk Fl 34237
City State Zip

E-mail ~~K~~krushing@sgov.net

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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11/6/13
Meeting Date

Topic Inmate Escape

Bill Number _____
(if applicable)

Name LIBA Goodner

Amendment Barcode _____
(if applicable)

Job Title State Courts Administrator

Address 500 S. Duval St

Phone 850-922-5581

Street
Tallahassee FL 32399
City State Zip

E-mail goodnerl@flcourts.us

Speaking: For Against Information

Representing State Courts System

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/6/13

Meeting Date

Topic Problem-solving courts Bill Number N/A
Name Hon. Steve Leifman Amendment Barcode N/A (if applicable)
Job Title Assoc. Admin. Judge, Miami-Dade County Court (if applicable)
Address 1351 NW 12th Street Phone 305-548-5394
Miami, FL 33125 E-mail _____
City State Zip

Speaking: For Against Information Invited Presenter
Representing State Courts System, Task Force on Substance Abuse and
Mental Health Issues in Courts
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)