

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed May 30, 2018.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D17-1010  
Lower Tribunal No. 13-26118

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**Antonio Cobb,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jose L. Fernandez, Judge.

Carlos J. Martinez, Public Defender, and Robert Kalter, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Nikole Hiciano, Assistant Attorney General, for appellee.

Before EMAS, SCALES and LUCK, JJ.

PER CURIAM.

Affirmed.

And the court having on 3/29/2017 deferred imposition of sentence until this date.

IT IS THE SENTENCE OF THE COURT that the defendant:

Is hereby committed to the custody of the Florida Department of Corrections.

## TO BE IMPRISONED:

For a term of LIFE.

**NO MINIMUM MANDATORY IMPOSED AS TO COUNTS 2 THROUGH 5 FOR FIREARM**

IN REF: Defendant  
ANTONIO ADOLPHUS COBB

## SPECIAL PROVISIONS

CASE NUMBER: F13026118

AS TO COUNT: 1,2,3,4,5

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

### MANDATORY / MINIMUM PROVISIONS:

CATEGORY	SPECIAL PROVISION DESCRIPTION	SPECIFICATION
Firearm	It is further ordered that the specified mandatory minimum imprisonment provisions of Florida Statute 775.087(2) are hereby imposed for the sentence specified in this count.	
Prison Releasee Reoffender	The defendant is adjudicated a Prison Releasee Reoffender and has been sentenced to a maximum term in accordance with the provision of Florida Statute 775.082(8). It is further ordered that the Defendant shall not be released until the expiration of the sentence.	LIFE MINIMUM MANDATORY
Firearm	Discharged causing great bodily harm.	TWENTY-FIVE (25) YEARS MINIMUM MANDATORY AS TO COUNT 1. ALL MINIMUM MANDATORIES CONCURRENT

IN REF: Defendant  
ANTONIO ADOLPHUS COBB

**OTHER PROVISIONS**

**CASE NUMBER: F13026118**

CATEGORY	OTHER PROVISION DESCRIPTION	SPECIFICATION
Jail Credit	It is further ordered that the Defendant shall be allowed a total of the specified time as credit for time incarcerated prior to imposition of this sentence.	1253 DAYS
Consecutive/concurrent as to Other Counts	It is further ordered that the sentence imposed for counts specified shall run as indicated with the sentence set forth in counts specified of this case.	COUNTS 1 THROUGH 5 CONCURRENT

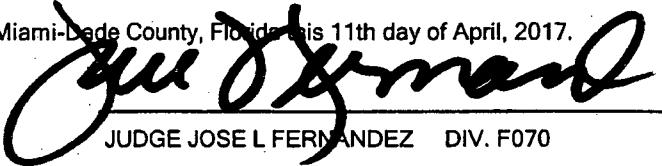
In the event the above sentence is to the Department of Corrections, the Sheriff of Miami-Dade County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the Department together with a copy of this Judgment and Sentence and any other documents specified by Florida Statutes.

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

Orders:

COURT COST IMPOSED PURSUANT TO F.S. 775.083 (2) (PREV.PROG.) --\$50.00, F.S. 938.01 & 938.15--\$5.00, F.S. 938.03 (4)--\$50.00, F.S. 938.05 (1) --\$225.00, ADD'L COURT COST F.S. 939.185 (1)(A) --\$65.00, SURCHARGE F.S. 939.185 (1) (B) --\$85.00, CRIME STOPPERS F.S. 938.06--\$20.00, COST OF PROSECUTION F.S. 938.27 (8) --\$100.00, TEEN COURT F.S. 938.19 (2) --\$3.00, TOTAL: \$603.00/ STAY DUE DATE: 5/11/2062

DONE AND ORDERED in Open Court in Miami-Dade County, Florida this 11th day of April, 2017.

  
JUDGE JOSE L FERNANDEZ DIV. F070

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA		CASE NUMBER  F13-26118						
<b>DIVISION</b> <input checked="" type="checkbox"/> CRIMINAL <input type="checkbox"/> TRAFFIC/MISDEMEANOR <input type="checkbox"/> OTHER	<b>ORDER ADJUDGING DEFENDANT INSOLVENT FOR</b> <input type="checkbox"/> COSTS <input checked="" type="checkbox"/> APPOINTMENT OF COUNSEL							
<b>THE STATE OF FLORIDA</b> VS. <b>ANTONIO ADOLPHUS COBB</b>		<b>CLOCK IN</b>  <div style="text-align: right; margin-right: 10px;"> <span style="font-size: 2em; vertical-align: middle;">1</span>  <span style="font-size: 1em; vertical-align: middle;">2017</span>  <span style="font-size: 1em; vertical-align: middle;">APR 25</span>  <span style="font-size: 1em; vertical-align: middle;">PM</span>  <span style="font-size: 1em; vertical-align: middle;">53</span> </div> <div style="text-align: right; margin-right: 10px;"> <span style="font-size: 1em; vertical-align: middle;">CLERK, CIRCUIT &amp; COUNTY COURT</span>  <span style="font-size: 1em; vertical-align: middle;">MIAMI-DADE COUNTY, FL</span>  <span style="font-size: 1em; vertical-align: middle;">CIRCUIT CRIMINAL #26</span> </div>						
<b>PLAINTIFF</b>	<b>DEFENDANT</b>							
<p>IT APPEARING UNTO THIS COURT that the Defendant is a partially indigent person and the Court being otherwise fully advised in the premises, it is therefore,</p> <p>ORDERED AND ADJUDGED that the Defendant is insolvent for:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> COST           </td> <td style="width: 50%; padding: 5px;"> <input checked="" type="checkbox"/> APPOINTMENT OF COUNSEL FOR           </td> </tr> <tr> <td colspan="2" style="padding: 10px;"> <input type="checkbox"/> of appeal  <input type="checkbox"/> of depositions and subpoenas  <input type="checkbox"/> of investigative fees  <input type="checkbox"/> of _____  <input type="checkbox"/> not to exceed \$ _____           </td> </tr> <tr> <td colspan="2" style="padding: 10px;"> <input checked="" type="checkbox"/> Appeal  <input type="checkbox"/> Motion for Post-Conviction Relief pursuant to RCrP 3.850  <input type="checkbox"/> Probation Violation Hearing  <input type="checkbox"/> Evidentiary Hearing  <input type="checkbox"/> _____           </td> </tr> </table>			<input type="checkbox"/> COST	<input checked="" type="checkbox"/> APPOINTMENT OF COUNSEL FOR	<input type="checkbox"/> of appeal <input type="checkbox"/> of depositions and subpoenas <input type="checkbox"/> of investigative fees <input type="checkbox"/> of _____ <input type="checkbox"/> not to exceed \$ _____		<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Motion for Post-Conviction Relief pursuant to RCrP 3.850 <input type="checkbox"/> Probation Violation Hearing <input type="checkbox"/> Evidentiary Hearing <input type="checkbox"/> _____	
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<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Motion for Post-Conviction Relief pursuant to RCrP 3.850 <input type="checkbox"/> Probation Violation Hearing <input type="checkbox"/> Evidentiary Hearing <input type="checkbox"/> _____								
<p>IT IS FURTHER ORDERED that _____</p> <p><input type="checkbox"/> is hereby appointed as Private Court Appointed Counsel to represent the Defendant in these proceedings.</p> <p><input checked="" type="checkbox"/> the Public Defender of the Eleventh Judicial Court of Florida is hereby appointed to represent the Defendant in these proceedings.</p>								
<p>DONE AND ORDERED at Miami, Florida this <u>11th</u> day of <u>APRIL</u>, 20 <u>17</u></p> <p style="text-align: right; margin-right: 100px;">             JUDGE JOSE FERNANDEZ DIV. 70         </p>								

CLK/CT 79 REV. 11/05

**WHITE-File Copy**

CANARY-SAO

**PINK-Attorney/Public Defender**

RH 4/14/17 C

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA
<input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

153

DIVISION	JUDGMENT	
<input checked="" type="checkbox"/> CRIMINAL	<input type="checkbox"/> Probation Violator	<input type="checkbox"/> Retrial
<input type="checkbox"/> OTHER	<input type="checkbox"/> Community Control Violator	<input type="checkbox"/> Resentence

THE STATE OF FLORIDA VS.

ANTONIO ADOLPHUS  
COBB

PLAINTIFF

DEFENDANT

CASE NUMBER: F13-26118

The Defendant, ANTONIO ADOLPHUS COBB, being personally  
 before this Court represented by C.KAEISER, P.A., his attorney of record,  
 and the State represented by D.EMAS, N. MILLER, Assistant State's  
 Attorney, and having:

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

DNA taken pursuant to Florida Statute 943.325  DNA not Taken  DNA previously taken

CLOCK IN  
2017 APR 25 PM 4:15  
CLERK  
CIRCUIT & COUNTY COURTS  
MIAMI-DADE COUNTY  
COURT OF APPEAL #5  
CIRCUIT CLERK

FILED FOR RECORD

COUNT	CRIME	OFFENSE STATUTE NO.	DEGREE OF CRIME	OBTS NO.
1	ATTEMPTED FIRST DEGREE MURDER	782.04(1)(a)1	LIFE	
	The defendant carried,used,displayed or threatened to use a firearm.	777.087, 777.011		
	The defendant actually possessed a firearm.	777.04(1)		
	The defendant discharged a firearm.			
	The defendant discharged a firearm causing death or great bodily harm			
2-5	ATTEMPTED FIRST DEGREE MURDER	782.04(1)(a)1	LIFE	
	The defendant carried,used,displayed or threatened to use a firearm.	777.04(1)		
	The defendant actually possessed a firearm.	777.087, 777.011		
	The defendant discharged a firearm.			

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).

MD. 4-10-17 *[Signature]*

CLK/CT. 401 Rev. 01/16

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.  
 IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

DIVISION <input checked="" type="checkbox"/> CRIMINAL <input type="checkbox"/> OTHER	FINGERPRINTS OF DEFENDANT
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THE STATE OF FLORIDA VS. Antonio Adolphus Cobb

PLAINTIFF	DEFENDANT
CASE NUMBER:	F13-26118

I hereby certify that the foregoing fingerprints on this judgment are the fingerprints of the defendant named above, and that they were placed thereon by said defendant in my presence, in open court, on this date and that the defendant provided the below Social Security Number or was unable to provide said number as indicated.

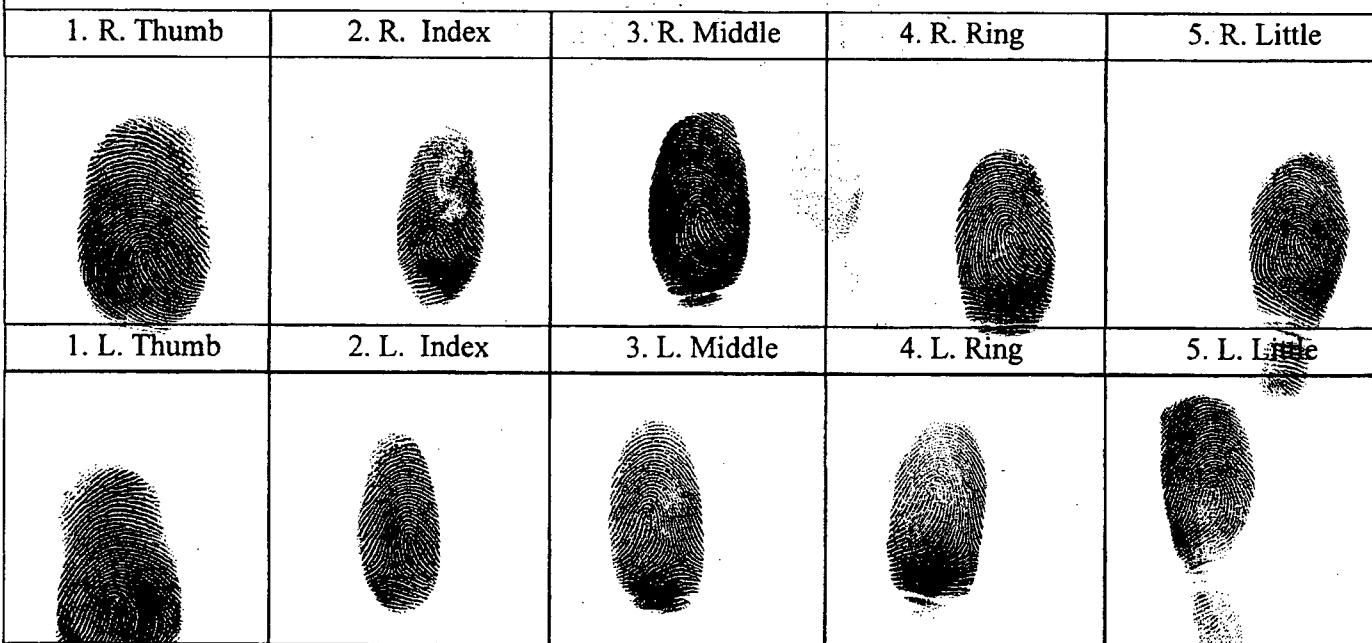
Fingerprints taken by:   
Name \_\_\_\_\_ Title \_\_\_\_\_

CLOCK IN

FILED

MAR 29 2017

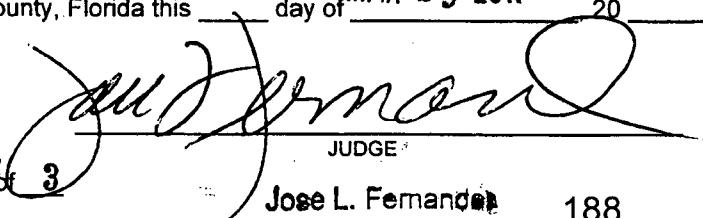
#### FINGERPRINTS OF DEFENDANT



Social Security Number of Defendant \_\_\_\_\_

DONE AND ORDERED in Open Court in Miami-Dade County, Florida this \_\_\_\_\_ day of MAR 29 2017

20 \_\_\_\_\_

  
JUDGE

Page 3 of 3

Jose L. Fernandez 188  
Circuit Court Judge  
Clerk's web address: www.miami-dadeclerk.com

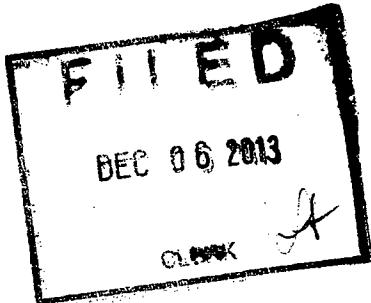


IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI- DADE COUNTY, FLORIDA FALL TERM, 2013

THE STATE OF FLORIDA v.

ANTONIO ADOLPHUS COBB

Defendant(s)



INFORMATION FOR

1. MURDER/PREMEDITATED/ATTEMPT/DEADLY WEAPON OR AGGRAVATED BATTERY  
782.04(1)(A)1, 777.04(1) & 775.087 LIFE FELONY
2. MURDER/PREMEDITATED/ATTEMPT/DEADLY WEAPON OR AGGRAVATED BATTERY  
782.04(1)(A)1, 777.04(1) & 775.087 LIFE FELONY
3. MURDER/PREMEDITATED/ATTEMPT/DEADLY WEAPON OR AGGRAVATED BATTERY  
782.04(1)(A)1, 777.04(1) & 775.087 LIFE FELONY
4. MURDER/PREMEDITATED/ATTEMPT/DEADLY WEAPON OR AGGRAVATED BATTERY  
782.04(1)(A)1, 777.04(1) & 775.087 LIFE FELONY
5. MURDER/PREMEDITATED/ATTEMPT/DEADLY WEAPON OR AGGRAVATED BATTERY  
782.04(1)(A)1, 777.04(1) & 775.087 LIFE FELONY

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit,  
prosecuting for the State of Florida, in the County of Miami-Dade, by and through her undersigned  
Assistant State Attorney, under oath, Information makes that:

LIVANOS, TERRY Dec 12/05/2013  
Circuit Court Direct File  
Jail No. 130069150 , Bkd: 11/6/2013 , CIN: 0772958, B/M, DOB: 9/13/1986

F13026118

Hendon (F004)

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**CIRCUIT COURT MIAMI-DADE COUNTY  
CRIMINAL DIVISION  
THE STATE OF FLORIDA**

VS. NO. F13-260118

**COUNT 1**

ANTONIO ADOLPHUS COBB, on or about November 04, 2013, in the County and State aforesaid, did unlawfully and feloniously attempt to kill a human being, to wit: SHADAI HUMES, from a premeditated design to effect the death of the person killed, by SHOOTING INTO A CAR OCCUPIED BY SHADAI HUMES, and during the commission of the offense, said defendant possessed a firearm or destructive device and/or during the course of the commission of the offense, said defendant discharged a firearm or destructive device and/or during the course of the commission of the offense, said defendant discharged a firearm or destructive device, and as a result of the discharge, death or great bodily harm was inflicted upon SHADAI HUMES, a human being, and during the commission of such felony, said defendant carried, displayed, used, threatened, or attempted to use a deadly weapon, to wit: A FIREARM, and during the commission of the offense, said defendant did commit an aggravated battery upon SHADAI HUMES, by actually and intentionally touching or striking the person of SHADAI HUMES, against said person's will, by SHOOTING and/or HITTING SHADAI HUMES IN HER ARM, and did thereby knowingly or intentionally cause, to wit: GREAT BODILY HARM and/or PERMANENT DISFIGUREMENT and/or PERMANENT DISABILITY, in violation of s. 782.04(1)(a)1, s. 777.04(1), and s. 775.087 and s. 777.011, Fla. Stat., contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

**COUNT 2**

And the aforesaid Assistant State Attorney, under oath, further information makes ANTONIO ADOLPHUS COBB, on or about November 04, 2013, in the County and State aforesaid, did unlawfully and feloniously attempt to kill a human being, to wit: TIFFANY FREEMAN, from a premeditated design to effect the death of the person killed, by SHOOTING INTO A CAR OCCUPIED BY TIFFANY FREEMAN, and during the commission of the offense, said defendant possessed a firearm or destructive device and/or during the course of the commission of the offense, said defendant discharged a firearm or destructive device and during the commission of such felony, said defendant carried, displayed, used, threatened, or attempted to use a deadly weapon, to wit: A FIREARM, in violation of s. 782.04(1)(a)1, s. 777.04(1), and s. 775.087 and s. 777.011, Fla. Stat., contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

**COUNT 3**

And the aforesaid Assistant State Attorney, under oath, further information makes ANTONIO ADOLPHUS COBB, on or about November 04, 2013, in the County and State aforesaid, did unlawfully and feloniously attempt to kill a human being, to wit: SHANTAYRIA KELLY, from a premeditated design to effect the death of the person killed, by SHOOTING INTO A CAR OCCUPIED BY SHANTAYRIA KELLY, and during the commission of the offense, said defendant possessed a firearm or destructive device and/or during the course of the commission of the offense, said defendant discharged a firearm or destructive device and during the commission of such felony, said defendant carried, displayed, used, threatened, or attempted to use a deadly weapon, to wit: A FIREARM, in violation of s. 782.04(1)(a)1, s. 777.04(1), and s. 775.087 and s. 777.011, Fla. Stat., contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

**COUNT 4**

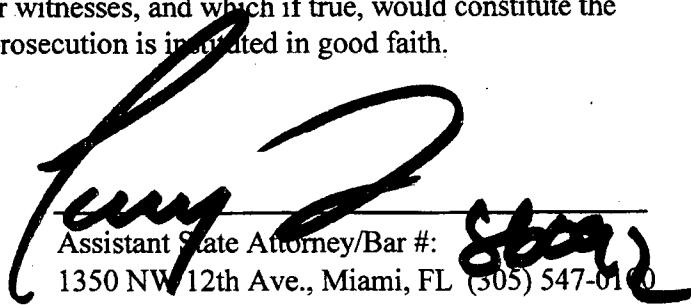
And the aforesaid Assistant State Attorney, under oath, further information makes ANTONIO ADOLPHUS COBB, on or about November 04, 2013, in the County and State aforesaid, did unlawfully and feloniously attempt to kill a human being, to wit: DIARRA WILLIAMS, from a premeditated design to effect the death of the person killed, by SHOOTING INTO A CAR OCCUPIED BY DIARRA WILLIAMS, and during the commission of the offense, said defendant possessed a firearm or destructive device and/or during the course of the commission of the offense, said defendant discharged a firearm or destructive device and during the commission of such felony, said defendant carried, displayed, used, threatened, or attempted to use a deadly weapon, to wit: A FIREARM, in violation of s. 782.04(1)(a)1, s. 777.04(1), and s. 775.087 and s. 777.011, Fla. Stat., contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

**COUNT 5**

And the aforesaid Assistant State Attorney, under oath, further information makes ANTONIO ADOLPHUS COBB, on or about November 04, 2013, in the County and State aforesaid, did unlawfully and feloniously attempt to kill a human being, to wit: TENNILE HUMES, from a premeditated design to effect the death of the person killed, by SHOOTING INTO A CAR OCCUPIED BY TENNILE HUMES, and during the commission of the offense, said defendant possessed a firearm or destructive device and/or during the course of the commission of the offense, said defendant discharged a firearm or destructive device and during the commission of such felony, said defendant carried, displayed, used, threatened, or attempted to use a deadly weapon, to wit: A FIREARM, in violation of s. 782.04(1)(a)1, s. 777.04(1), and s. 775.087 and s. 777.011, Fla. Stat., contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

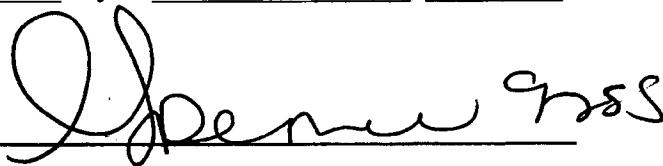
**STATE OF FLORIDA, COUNTY OF MIAMI-DADE:**

Personally known to me and appeared before me, the Assistant State Attorney of the Eleventh Judicial Circuit of Florida whose signature appears below, being first duly sworn, says that the allegations set forth in this Information are based upon facts which have been sworn to as true by a material witness or witnesses, and which if true, would constitute the offenses therein charged, and that this prosecution is instituted in good faith.

  
Terry S. Scott  
Assistant State Attorney/Bar #: 809  
1350 NW 12th Ave., Miami, FL (305) 547-0160

DEC 06 2013

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By 

Spencer Gross  
Deputy Clerk for Clerk of the Courts, or  
Notary Public



**Additional material  
from this filing is  
available in the  
Clerk's Office.**