

Third District Court of Appeal

State of Florida

Opinion filed May 30, 2018.

Not final until disposition of timely filed motion for rehearing.

No. 3D17-1010

Lower Tribunal No. 13-26118

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.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA		258	CLOCK IN
CRIMINAL DIVISION	SENTENCE		
AS TO COUNT: 1, 2, 3, 4, 5			
THE STATE OF FLORIDA PLAINTIFF	VS. ANTONIO ADOLPHUS COBB DEFENDANT		
CASE NUMBER: F13026118			
Antonio Cobb, Antonio A Cobb, Antonio Adolphus Cobb, Antonio D Cobb, Atonio Adolphus Cobb jr			
The Defendant, being personally before this Court, accompanied by his/her attorney: CLAYTON R. KAISER, PA 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 he/she should not be sentenced as provided by law, and no cause having been shown:			

2017 APR 5 PM 1:52
 CLERK, CIRCUIT COURT
 MIAMI-DADE COUNTY, FL
 CRIMINAL #25

FOR RECORD

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

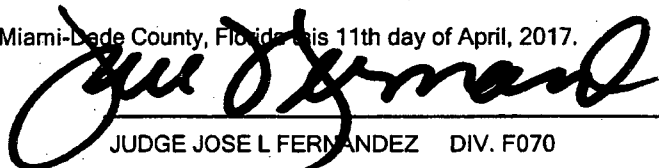
In the event the above sentence is to the Department of Corrections, the Sheriff of Miami-Dade County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the Department together with a copy of this Judgment and Sentence and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

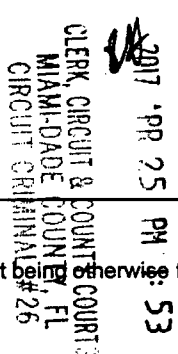
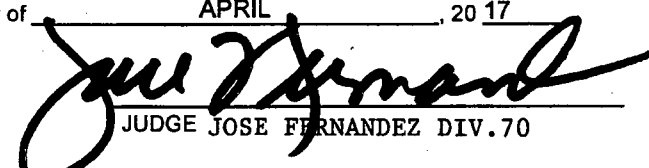
The defendant in Open Court was advised of his right to appeal from this sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing indigence.

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		
DIVISION <input checked="" type="checkbox"/> CRIMINAL <input type="checkbox"/> TRAFFIC/MISDEMEANOR <input type="checkbox"/> OTHER	ORDER ADJUDGING DEFENDANT INSOLVENT FOR <input type="checkbox"/> COSTS <input checked="" type="checkbox"/> APPOINTMENT OF COUNSEL	CASE NUMBER F13-26118
THE STATE OF FLORIDA VS. ANTONIO ADOLPHUS COBB <div style="display: flex; justify-content: space-between;"> PLAINTIFF DEFENDANT </div>		CLOCK IN <div style="text-align: center;">  </div>
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, ORDERED AND ADJUDGED that the Defendant is insolvent for:		
<input type="checkbox"/> COST <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"/> APPOINTMENT OF COUNSEL FOR <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"/> _____	
IT IS FURTHER ORDERED that _____ <input type="checkbox"/> is hereby appointed as Private Court Appointed Counsel to represent the Defendant in these proceedings. <input checked="" type="checkbox"/> the Public Defender of the Eleventh Judicial Court of Florida is hereby appointed to represent the Defendant in these proceedings.		
DONE AND ORDERED at Miami, Florida this <u>11th</u> day of <u>APRIL</u> , 20 <u>17</u> <div style="text-align: right;">  JUDGE JOSE FERNANDEZ DIV.70 </div> Clerk's web address: www.miami-dadeclerk.com		

<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 <input checked="" type="checkbox"/> CRIMINAL <input type="checkbox"/> OTHER	JUDGMENT <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Probation Violator <input type="checkbox"/> Community Control Violator </div> <div style="width: 45%;"> <input type="checkbox"/> Retrial <input type="checkbox"/> Resentence </div> </div>	
<div style="text-align: center; font-weight: bold; font-size: 1.2em;">THE STATE OF FLORIDA VS.</div> <div style="display: flex; justify-content: space-between; align-items: center; height: 150px;"> <div style="width: 45%;"></div> <div style="width: 10%; text-align: center;"> ANTONIO ADOLPHUS COBB </div> <div style="width: 45%;"></div> </div> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 45%; font-weight: bold;">PLAINTIFF</div> <div style="width: 10%;"></div> <div style="width: 45%; font-weight: bold;">DEFENDANT</div> </div> <div style="margin-top: 10px;"> CASE NUMBER: F13-26118 </div>		

☒ 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

☒ CRIMINAL
☐ OTHER

FINGERPRINTS OF DEFENDANT

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

1. R. Thumb

2. R. Index

3. R. Middle

4. R. Ring

5. R. Little



1. L. Thumb

2. L. Index

3. L. Middle

4. L. Ring

5. L. Little



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
Circuit Court Judge

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Clerk's web address: www.miami-dadeclerk.com

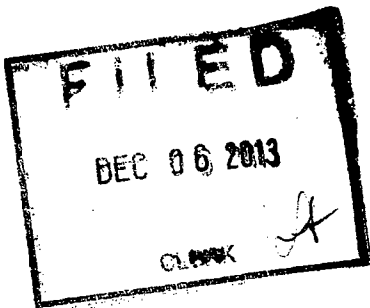


IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI- DADE COUNTY, FLORIDA FALL TERM, 2013

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 :ec 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)

THE STATE OF FLORIDA

VS. NO. F13-2018

CLK/CT 26 REV. 9/12

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

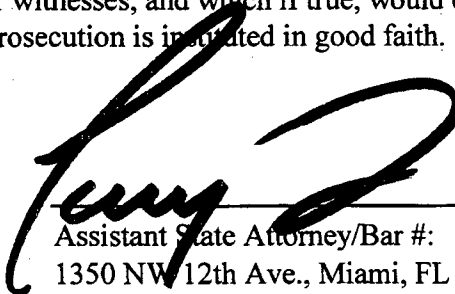

And the aforesaid Assistant State Attorney, under oath, further information makes ANTONIO ADOLPHUS COBB, on or about November 04, 2013, in the County and State aforesaid, did unlawfully and feloniously attempt to kill a human being, to wit: DIARRA WILLIAMS, from a premeditated design to effect the death 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.

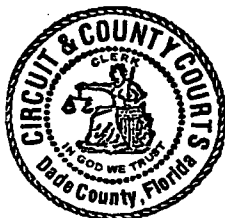
STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

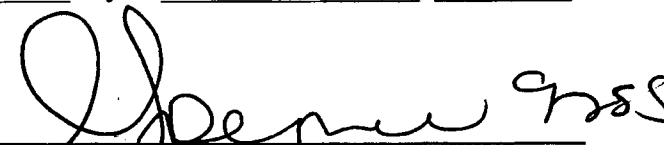
Personally known to me and appeared before me, the Assistant State Attorney of the Eleventh Judicial Circuit of Florida whose signature appears below, being first duly sworn, says that the allegations set forth in this Information are based upon facts which have been sworn to as true by a material witness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


Assistant State Attorney/Bar #: 
1350 NW 12th Ave., Miami, FL (305) 547-0100

DEC 06 2013

Sworn to and subscribed before me this _____ day of _____.



By 
Deputy Clerk for Clerk of the Courts, or
Notary Public

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