

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DONALD STEWART ROYCE,

Appellant

v.

STATE OF FLORIDA,

Appellee.

Case No. 2D17-3570

Opinion filed February 1, 2019.

Appeal from the Circuit Court for Lee
County; Bruce E. Kyle, Judge.

Howard L. Dimmig, II, Public Defender, and
Richard Sanders, Assistant Public Defender,
Bartow, for Appellant.

Ashley Brooke Moody, Attorney General,
Tallahassee, and Kathleen Combs Cline,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

Affirmed.

LaROSE, C.J., and CASANUEVA and MORRIS, JJ., Concur.

8/9/2017 4:36 PM Filed Lee County Clerk of Court

State of Florida

VS

Royce, Donald Stewart

In the Circuit Court, 20th Judicial Circuit,
in and for Lee County, Florida

Division Felony

Case Number 17-CF-014514

JUDGMENT

The defendant, Royce, Donald Stewart being personally before this court represented by Travis BJ Atkinson, the attorney of record, and the state represented by Natalie Kay Savino, and having

- ☒ been Tried and found Guilty by jury/by court of the following crime(s), count(s) 1 , 2

<u>Cnt</u>	<u>Crime</u>	<u>Offense Statute</u>	<u>Degree</u>	<u>Case Number</u>	<u>OBTS Number</u>
1	AGGRAV BATTERY DISCHARGE FIREARM	784.045(1a2); 775.087(2a2)	Felony - Second Degree	17-CF-014514	3607138927
2	IMPROPER EXHIBITION OF DANGEROUS WEAPON/FIREARM	790.10	Misdemeanor - First Degree	17-CF-014514	3607138927

- ☒ 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). Count(s) 1, 2
- ☒ And being a qualified offender pursuant to section 943.325, the defendant shall be required to submit DNA samples as required by law. Count(s) 1, 2

DONE AND ORDERED in open court in Lee County, Florida, this 31st day of July, 2017.

Judge Bruce E Kyle

Defendant: Royce, Donald Stewart

Case Number: 17-CF-014514

OBTS Number: 3607138927

SENTENCE (As to Count 1)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Travis BJ Atkinson, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

☒ And the Court having on 06/29/2017 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 Department of Corrections.

Be Imprisoned:

☒ For a term of 20 Year(s) (Department of Corrections State Prison).

Split Sentence:

Not Applicable

Defendant: Royce, Donald Stewart

Case Number: 17-CF-014514

OBTS Number: 3607138927

SENTENCE (As to Count 2)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Travis BJ Atkinson, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

☒ And the Court having on 06/29/2017 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 Sheriff of Lee County, Florida.

Be Imprisoned:

☒ For a term of 178 Day(s) (Lee County Jail).

Split Sentence:

Not Applicable

Defendant: Royce, Donald Stewart

Case Number: 17-CF-014514

OBTS Number: 3607138927

SPECIAL PROVISIONS

(As to Count 2)

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

Mandatory/Minimum Provisions:

Not Applicable

Other Provisions:

Jail Credit

☒ It is further ordered that the defendant shall be allowed a total of 178 Day(s) as credit for time incarcerated before imposition of this sentence.

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

Not Applicable

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(s) 1 of this case.

Consecutive/Concurrent as to Other Convictions

Not Applicable

Defendant: Royce, Donald Stewart

Case Number: 17-CF-014514

OBTS Number: 3607138927

In the event the above sentence is to the Department of Corrections, the Sheriff of Lee 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:

- ☒ DNA Taken at Lee County Jail
- ☒ Firearm Offense
- ☒ Monetary Obligations Reduced to a Civil Judgment
- ☒ No Contact with Victim
- ☒ The Clerk of Court will Disburse Monies Paid per Florida Law

COMMENTS:

Not Applicable

DONE AND ORDERED in open court in Lee County, Florida, this 31st day of July, 2017.



Judge Bruce E Kyle

Defendant: Royce, Donald Stewart

Case Number 17-CF-014514

Certificate of Service

I do certify that a copy hereof has been furnished to:

STATE ATTORNEY'S OFFICE
1700 MONROE STREET
FORT MYERS, FL 33901

Travis BJ Atkinson, Counsel for defendant
PO Box 1980 Fort Myers, FL 33902-1980

by (delivery) (mail) this 9th day of Aug, 2017

Linda Doggett, Clerk of Courts



Deputy Clerk