

APPENDIX 1

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

JONATHAN CANALES,

Appellant,

v.

Case No. 5D18-3944

STATE OF FLORIDA,

Appellee.

_____ /

Decision filed October 1, 2019

Appeal from the Circuit Court
for Flagler County,
Terence R. Perkins, Judge.

James S. Purdy, Public Defender, and
Sean Kevin Gravel, Assistant Public
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Deborah A. Chance,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED.

ORFINGER, LAMBERT and EISNAUGLE, JJ., concur.

APPENDIX 2

Filing # 82396763 E-Filed 12/20/2018 10:28:09 AM

IN THE CIRCUIT COURT OF THE SEVENTH CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA CASE NO: 14-956CFFA
v. JONATHAN CANALES

NOTICE OF APPEAL

NOTICE is hereby given that JONATHAN CANALES, Defendant/Appellant, pursuant to Rule 9.140, Florida Rules of Appellant Procedure, appeals to the Fifth District Court of Appeal, the JUDGMENT and SENTENCE dated November 29, 2018 herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-filing to: the Office of the State Attorney, this the 20th day of December, 2018.

/s/ Garry Wood
Garry L. Wood, Esq.
Attorney at Law
415 St. Johns Ave.
Palatka, FL 32177
(386) 326-3993
Fax: (386) 312-0221
Fla. Bar No. 616796
E-Mail: garrywood2011@hotmail.com

Instrument No: 2018045797 12/10/2018 9:00 AM BK: 2323 PG: 1226 PAGES: 7 -
RECORDED IN THE OFFICIAL RECORDS OF Tom Deley, Clerk of the Circuit Court & Comptroller Flagler, FL

IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT FLAGLER COUNTY, FLORIDA		STAMP FOR RECORDING			
Division: 50 - PERKINS	JUDGMENT				
Case Number: 2014 CF 000956					
PLAINTIFF: STATE OF FLORIDA	VS.	DEFENDANT: JONATHAN EDWIN CANALES			
☐ Probation Violator ☐ Community Control Violator ☐ Retrial ☐ Resentence The defendant, being personally before this court represented by GARRY WOOD the attorney of record, and the state represented by MELISSA CLARK and having: (Check applicable provision) ☒ 1. Been tried and found GUILTY by jury/by court of the following crime(s). ☐ 2. Enter a plea of GUILTY to the following crime(s). ☐ 3. entered a plea of NOLO CONTENDERE to the following crime(s)					
Count	Crime	Offense State Number(s)	Degree of Crime	Case Number	ORTS Number
I.	AGGRAVATED BATTERY (FIREARM)	784.045(1a2)	2F	2014 CF 000956	1801042334
II	FIRST DEGREE MURDER WITH A FIREARM	782.04(1a2)	CF	2014 CF 000956	DIRECT

(Check if Applicable) ☒ and no cause being shown why the Defendant should not be adjudicated guilty, IT IS ORDERED that the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).
☐ and having been convicted or found guilty of, or having entered a plea of NOLO CONTENDERE or GUILTY, regardless of adjudication, to attempt or offenses relating to sexual battery (Ch. 794) or lewd or lascivious conduct (Ch. 800), or murder (§87.04), aggravated battery (§87.045), car jacking (§812.133), or home invasion robbery (§812.135), or any other offense specified in section 943.325, The defendant shall be required to submit blood specimen.
☐ and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

BK: 2333 PG: 1227

IN THE CIRCUIT COURT OF THE 7th JUDICIAL CIRCUIT
FLAGLER COUNTY, FLORIDA

FLAGLER COUNTY, FLORIDA

DEFENDANT: CANALES, JONATHAN EDWIN
CASE NUMBER: 2014 CF 000956

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: Deane Smith NAME Deane Smith FILE

I HEREBY CERTIFY that the above and foregoing are the finger prints of the defendant,
JONATHAN EDWIN CANALES, and that they were placed thereon by the defendant in my presence in open
court this date.

DONE AND ORDERED in open court in Flagler County, Florida, this 29th day of March, 2014.
W. Smith Deane
CLERK OF COURT

BK: 2333 PG: 1228

DEFENDANT: JONATHAN EDWIN CANALES CASE NUMBER: 2014 CF 000956 OBTS NUMBER: 1801042536

SENTENCE
As to Count 1 - AGGRAVATED BATTERY (FIREARM)

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

_____ and the Court having on _____ deferred imposition of sentence until _____
_____ and the Court having previously entered a judgment in this case on _____ now resentences
the defendant.

_____ and the Court having placed the defendant on probation / community control and having subsequently
revoked the defendant's probation / community control

IT IS THE SENTENCE OF THE COURT THAT:
_____ The defendant pay a fine of \$ _____ pursuant to section 775.083, Florida Statutes, plus
\$ _____. As the 5% surcharge required by section 960.25 Florida Statutes.

X The defendant is hereby committed to the custody of the Department of Corrections.

_____ The defendant is hereby committed to the custody of the Sheriff of Flagler County, Florida.

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

TO BE IMPRISONED MARK ONE, UNMARKED SECTIONS ARE INAPPLICABLE:
_____ For a term of natural life.

X For a term of 25.00 Years _____ Months _____ Days.

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

IF "SPLIT" SENTENCE COMPLETE THE APPROPRIATE PARAGRAPH
_____ Followed by a period of _____ Years _____ Months _____ Days On probation/community control
under the supervision of the Department of Corrections according to the terms and conditions of supervision
set forth in a separate order entered herein.

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

BK: 2323 PG: 1229

DEFENDANT JONATHAN E CANALES OBTS NO 1801042536	OTHER PROVISIONS	CASE NUMBER 2014CF000956
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AS TO COUNTS (1)

- ☐ RETENTION OF JURISDICTION The Court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).
- ☒ ORIGINAL JAIL CREDIT It is further ordered that the defendant shall be allowed a total of 725 days as credit for time incarcerated before imposition of this sentence.
- ☒ Concurrent/Concurrent AS TO OTHER COUNTS It is further ordered that the sentence imposed for this count shall run ☐ consecutive to ☒ concurrent with (check one) the sentence set forth in Count 2 of this case above.
- ☒ Concurrent/Concurrent AS TO OTHER CASES It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run ☐ consecutive ☒ concurrent with ☒ any active sentence being served ☒ specific sentences: _____

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

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

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

☐ Defendant is allowed credit for _____ days credit county jail served between date of arrest as a violator and date of resentencing. The Department of Corrections shall apply original jail credit awarded and shall compute and apply credit for actual time served in prison and any earned and forfeited gain-time awarded during prior service on:

Pursuant to Section 944.276 Florida Statute

BK: 2323 PG: 1230

DEFENDANT: JONATHAN EDWIN CANALES CASE NUMBER: 2014 CF 000956 OBTS NUMBER: DIRECT

SENTENCE

As to Count 2 - FIRST DEGREE MURDER WITH A FIREARM

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

_____ and the Court having on _____ deferred imposition of sentence until _____
_____ and the Court having previously entered a judgment in this case on _____ now 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 5% surcharge required by section 960.25 Florida Statutes.

☒ The defendant is hereby committed to the custody of the Department of Corrections.

_____ The defendant is hereby committed to the custody of the Sheriff of Flagler County, Florida.

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

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

☒ For a term of natural life without parole.

_____ For a term of _____ Years _____ Months _____ Days.

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

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH

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

_____ However, after serving a period of _____ Years _____ Months _____ Days Imprisonment in placed on probation/community control for a period of _____ Years _____ Months _____ Days under the supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

BK: 2333 PG: 1231

DEFENDANT JONATHAN E CANALES OBTS NO 1801042536	OTHER PROVISIONS	CASE NUMBER 2014CF000956
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AS TO COUNTS (2)

☐ RETENTION OF JURISDICTION

The Court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1989).

☒ ORIGINAL JAIL CREDIT

It is further ordered that the defendant shall be allowed a total of 725, as credit for time incarcerated before imposition of this sentence.

☐ Consecutive/ Concurrent AS TO OTHER COUNTS

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

☒ Consecutive/ Concurrent AS TO OTHER CASES

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

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

☐ The Department of Corrections shall apply the original jail time credit and to compute and apply credit for time served and forfeited gain time awarded pursuant to Section 944.276 Florida Statutes (Pro October 1, 1989).

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

☐ Defendant is allowed credit for _____ days credit county jail served between date of arrest as a violator and date of resentencing. The Department of Corrections shall apply original jail credit awarded and shall compute and apply credit for actual time served in prison and any earned and forfeited gain-time awarded during prior service on.

Pursuant to Section 944.276 Florida Statute

BK: 2333 PG: 1232

DEFENDANT: JONATHAN EDWIN CANALES	CASE NUMBER: 2014 CF 000956	OBTS NUMBER: 1801042536
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In the event the above sentence is to the Department of Corrections, the Sheriff of FLAGLER COUNTY, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statutes.

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

In imposing the above sentence, the court further recommends:

THE COURT HEREBY ORDERS THE DEFENDANT:

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

DOONE AND ORDERED
FLAGLER COUNTY, FL
JUDGE Terence Perkins
DATE 11/29/2018

CLERK OF COURT
CLERK OF COURT

I HEREBY CERTIFY that a copy of the foregoing has been furnished, provided electronically via a link or made available on the Clerk's Case Management System and/or Website to GARRY WOOD on 11/29/18 per Rule 2.516(b)(1).

