

# APPENDIX

## A

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

MAURO RAMIREZ,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D18-1278

Opinion filed November 20, 2019.

Appeal from the Circuit Court for Manatee  
County; Brian Iten, Judge

Howard L. Dimmig, II, Public Defender,  
and Maura J. Kiefer, Special Assistant  
Public Defender, Bartow, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Blain A. Goff, Assistant  
Attorney General, Tampa, for Appellee.

PER CURIAM.

Affirmed.

MORRIS, BLACK, and LUCAS, JJ., Concur.

Appendix A

# APPENDIX

B

☐ Probation Violator  
☐ Community Control Violator  
☐ Retrial  
☐ Resentence

**FILED**

In the Circuit Court, Twelfth Judicial Circuit,  
in and for Manatee County, Florida

Criminal Division

Case Number

**412017CF001777CFAXMA**

State of Florida v.

JAN 11 2018

**MAURO RAMIREZ**

Defendant

MANATEE COUNTY  
CLERK OF CIRCUIT COURT  
BY: *[Signature]*  
DEPUTY CLERK

**JUDGMENT**

The defendant, **MAURO RAMIREZ**, being personally before this court represented by **DESTINY A PRATER AND REBECCA DEGEL**, ASSISTANT PUBLIC DEFENDER the attorney of record, and the state represented by **REBECCA MULLER AND ASHLEY DUSNIK**, ASSISTANT STATE ATTORNEYS and having

☒ been tried and found guilty by jury of the following crime(s)  
☐ entered a plea of guilty to the following crime(s)  
☐ entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	OBTS Number
I	ATTEMPTED MURDER IN THE SECOND DEGREE WITH FIREARM	782.04(2), 777.04, 775.087	1F	4132039715
II	BATTERY	784.03(1)(a)	1M	4132039715
III	GIVING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER (MISDEMEANOR)	901.36(1)	1M	4132039715

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

☒ Being a qualified offender pursuant to s.943.325, the defendant shall be required to submit DNA samples as required by law

**DONE AND ORDERED** in open court in Manatee County, Florida, on this 11<sup>TH</sup> DAY OF JANUARY, 2018.

*[Signature]*  
CIRCUIT JUDGE BRIAN ITEN

In the Circuit Court, Twelfth Judicial Circuit,  
In and for Manatee County, Florida  
Criminal Division

412017CF001777CFAXMA











CASE NO. \_\_\_\_\_

State of Florida, v.

**MAURO RAMIREZ**

Defendant

**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: Name Det. G. Palso 11003212 Title Deputy

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the  
**MAURO RAMIREZ**  
Defendant, \_\_\_\_\_ and that they were placed thereon by  
the defendant in my presence in open court this date.

Defendant's Social Security Number \_\_\_\_\_ Gender: Male Race: White

DONE AND ORDERED in open court in Manatee County, Florida, this 11<sup>TH</sup> day of  
JANUARY, 2018

  
\_\_\_\_\_  
Judge **BRIAN ITEN**

**IN THE CIRCUIT COURT IN AND FOR MANATEE COUNTY, FLORIDA**

<b>Division: CRIMINAL</b>	<b>CASE NUMBER: 412017CF001777CFAXMA</b>		<div style="font-size: 2em; font-weight: bold;">FILED</div> <div style="margin-top: 10px;">MAY 07 2018</div> <div style="font-size: 0.8em;">MANATEE COUNTY CLERK OF CIRCUIT COURT BY:  DEPUTY CLERK</div>
<b>PLAINTIFF: STATE OF FLORIDA,</b>	<b>vs.</b>	<b>DEFENDANT,</b>	
	<b>MAURO RAMIREZ</b>  DOB: 09/08/1978 ADDRESS: 6192 PIERRE AVE BROWNSVILLE TX 78521		

<input type="checkbox"/>	<b>ORDER FOR CHARGES/COSTS/FEEs</b>
<input checked="" type="checkbox"/>	<b>FINAL JUDGMENT FOR FINES AND/OR COSTS</b>

The defendant is hereby ordered to pay the following sums if assessed:

**Mandatory**

Y	\$	225.00	Local Government Criminal Justice Trust Fund per 938.05(1), Fla. Stat. (\$225 - Felony; \$60 - MM/CT)
Y	\$	50.00	Crimes Compensation Trust Fund per 938.03, Fla. Stat.
Y	\$	3.00	Additional Court Cost Clearing Fund per 938.01, Fla. Stat.
Y	\$	2.00	Criminal Justice Educ. per 938.15, Fla. Stat.
Y	\$	65.00	Additional Court Costs per 939.185(1)(a), Fla. Stat. & Man. Co. Ord. 04-56.
Y	\$	50.00	Crime Prevention Fund per 775.083(2), Fla. Stat. (\$50.00-Felony; \$20.00-MM/CT)
Y	\$	200.00	Prosecution/Investigative Costs per 938.27, Fla. Stat. Agency: BRADENTON POLICE DEPARTMENT
Y	\$	100.00	A sum of \$ 100.00 pursuant to section 938.29, Florida Statutes (Public Defender Fees).
Y	\$	50.00	Public Defender Indigency Fee, if not previously collected pursuant to ss27.52 and s.938.29 F.S.
	\$		Radio Trust fund pursuant to Florida Statute 318.17.
Y	\$	100.00	State Attorney Costs of Prosecution pursuant to F.S. 938.27(8) (\$100.00 Felony; \$50.00 Misd.)
Y	\$	3.00	Teen Court Per Fla. Stat. 938.19 And County Ordinance 05-46

**Mandatory if Applicable**

	\$		Alcohol/Drug Abuse Fund per 938.13, Fla. Stat. & Man. Co. Ord. 98-15
Y	\$	201.00	Domestic Violence Program Cost per 938.08, Fla. Stat.
Y	\$	151.00	Rape Crisis Center Cost per 938.085, Fla. Stat.
	\$		Crimes Against Children pursuant to Fla. Stat. 938.10.
Y	\$	20.00	Crime Stoppers Trust Fund per 938.06, Fla. Stat. (Surcharge on any fine).
	\$		Emergency Med. Serv. Trust Fund. For violating 316.192(4) or 316.061(1), Fla. Stat.
	\$		Other Mandatory Fine pursuant to _____, Fla. Stat.
	\$		Crimes Compensation Trust Fund per 938.04, Fla. Stat. (5% surcharge)

**Discretionary**

	\$		Fine Pursuant to 775.083 or 775.0835, Fla. Stat.
Y	\$		Court Ordered Restitution to: <b>COURT RESERVES JURISDICTION AS TO AMOUNT</b>

**TOTAL 1220.00**

☒ For which let execution issue.

**DONE AND ORDERED** in open court in Manatee County, Florida, this

**05/07/2018**

**Judge**

**BRIAN ITEN**

Defendant MAURO RAMIREZ

Case Number 412017CF001777CFAXMA

OBTS Number 4132039715

### SENTENCE

(As to Count I )

The defendant, being personally before this court, accompanied by the defendant's attorney of record, DESTINY A PRATER, ASSISTANT PUBLIC DEFENDER 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.)

X and the Court having on 01/11/2018 deferred imposition of sentence until this date.  
(date)

       and the Court having previously entered a judgment in this case on        now resents the defendant.  
(date)

       and the Court having placed the defendant on community control and having subsequently revoked the defendant's community control.

       balance of monetary obligations to be reduced to judgment.

#### 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 938.04, 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 MANATEE 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):

X For a term of natural life.

       For a term of       

       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.

Defendant **MAURO RAMIREZ**

Case Number **412017CF001777CFAXMA**

**SPECIAL PROVISIONS**

(As to Count   I   )

Age of Defendant        The defendant was        years of age at the time of the offense.

Relationship to Victim        The defendant is not the victim's parent or guardian.

Sexual Activity [F.S. 800.04(4)]        The offense        did        did not involve sexual activity.

Use of Force or Coercion [F.S. 800.04(4)]        The sexual activity described herein        did        did not involve the use of force or coercion.

Use of Force or Coercion/unclothed        The molestation        did        did not involve unclothed genitals or genital area.

Genitals [F.S. 800.04(5)]        The molestation        did        did not involve the use of force or coercion.

**Other Provisions:**

Criminal Gang Activity        The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, To have been committed for the purpose of benefiting, promoting, or furthering the interests of a Criminal gang.

Retention of Jurisdiction        The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).

Jail Credit   X   It is further ordered that the defendant shall be allowed a total of   336   days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent        It is further ordered that the sentence imposed for this count shall run  
As To Other Counts (check one)        consecutive to        concurrent with the sentence set forth  
in count        of this case.



Defendant **MAURO RAMIREZ**

Case Number **412017CF001777CFAXMA**

OBTS Number **4132039715**

**SENTENCE**

(As to Count II & III )

The defendant, being personally before this court, accompanied by the defendant's attorney of record, DESTINY A PRATER, ASSISTANT PUBLIC DEFENDER 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.)

X and the Court having on 01/11/2018 deferred imposition of sentence until this date.  
(date)

\_\_\_\_\_ and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences the defendant.  
(date)

\_\_\_\_\_ and the Court having placed the defendant on community control and having subsequently revoked the defendant's community control.

\_\_\_\_\_ balance of monetary obligations to be reduced to judgment.

**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 938.04, Florida Statutes.

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

X The defendant is hereby committed to the custody of the Sheriff of MANATEE 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.

X For a term of CREDIT TIME SERVED

\_\_\_\_\_ 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.

Defendant **MAURO RAMIREZ**

Case Number **412017CF001777CFAXMA**

**SPECIAL PROVISIONS**

(As to Count II & III )

Age of Defendant \_\_\_\_\_ The defendant was \_\_\_\_\_ years of age at the time of the offense.

Relationship to Victim \_\_\_\_\_ The defendant is not the victim's parent or guardian.

Sexual Activity [F.S. 800.04(4)] \_\_\_\_\_ The offense \_\_\_\_\_ did \_\_\_\_\_ did not involve sexual activity.

Use of Force or Coercion [F.S. 800.04(4)] \_\_\_\_\_ The sexual activity described herein \_\_\_\_\_ did \_\_\_\_\_ did not involve the use of force or coercion.

Use of Force or Coercion/unclothed \_\_\_\_\_ The molestation \_\_\_\_\_ did \_\_\_\_\_ did not involve unclothed genitals or genital area.

Genitals [F.S. 800.04(5)] \_\_\_\_\_ The molestation \_\_\_\_\_ did \_\_\_\_\_ did not involve the use of force or coercion.

**Other Provisions:**

Criminal Gang Activity \_\_\_\_\_ The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, To have been committed for the purpose of benefiting, promoting, or furthering the interests of a Criminal gang.

Retention of Jurisdiction \_\_\_\_\_ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).

Jail Credit X It is further ordered that the defendant shall be allowed a total of ALL days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent \_\_\_\_\_ It is further ordered that the sentence imposed for this count shall run  
As To Other Counts (check one) \_\_\_\_\_ consecutive to \_\_\_\_\_ concurrent with the sentence set forth  
in count \_\_\_\_\_ of this case.

Defendant **MAURO RAMIREZ**

Case Number **412017CF001777CFAXMA**

Consecutive/Concurrent \_\_\_\_\_ It is further ordered that the composite term of all sentences imposed for  
As To Other Convictions \_\_\_\_\_ the counts specified in this order shall run

(check one) \_\_\_\_\_ consecutive to \_\_\_\_\_ concurrent with the following:  
\_\_\_\_\_ any active sentence being served.  
\_\_\_\_\_ specific sentences:

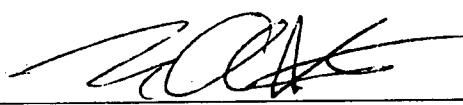
In the event the above sentence is to the Department of Corrections, the Sheriff of Manatee County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any 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 orders: **COUNT I – LIFE IN DEPARTMENT OF  
CORRECTIONS WITH CREDIT TIME SERVED UNDER STATUTE 775.087.**

DONE AND ORDERED in open court at Manatee County, Florida, on this 7<sup>TH</sup> DAY OF MAY, 2018.

Judge

  
BRIAN ITEN