

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.) Case No. 2D18-1278
)
)
STATE OF FLORIDA,)
)
)
Appellee.)
)
)

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: *Steve But*
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 11TH DAY OF JANUARY, 2018.

Brian Iten
CIRCUIT JUDGE BRIAN ITEN

In the Circuit Court, Twelfth Judicial Circuit,

In and for Manatee County, Florida

Criminal Division

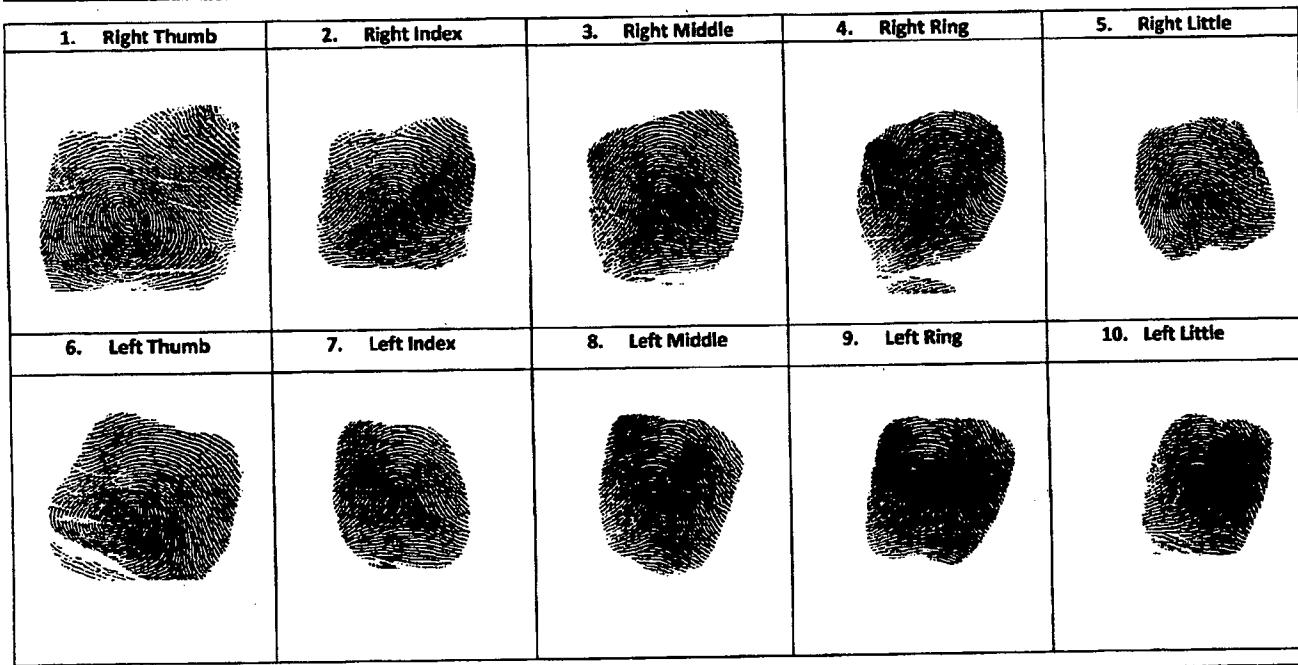
CASE NO. 412017CF001777CFAXMA

State of Florida, v.

MAURO RAMIREZ

Defendant

FINGERPRINTS OF DEFENDANT



Fingerprints taken by: Name Dou. G. Palso 11083212 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 11TH day of

JANUARY, 2018

Judge

BRIAN ITEN

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IN THE CIRCUIT COURT IN AND FOR MANATEE COUNTY, FLORIDA

| | | |
|---|-----------------------------------|---|
| Division: CRIMINAL | CASE NUMBER: 412017CF001777CFAXMA | |
| PLAINTIFF: STATE OF FLORIDA, | vs. | DEFENDANT, MAURO RAMIREZ DOB: 09/08/1978 ADDRESS: 6192 PIERRE AVE BROWNSVILLE TX 78521 |
| <input checked="" type="checkbox"/> ORDER FOR CHARGES/COSTS/FEES <input checked="" type="checkbox"/> FINAL JUDGMENT FOR FINES AND/OR COSTS | | |

FILED

MAY 07 2018

MANATEE COUNTY
CLERK OF CIRCUIT COURT
BY: *Debra R. B.*
DEPUTY CLERK

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: <u>COURT RESERVES JURISDICTION AS TO AMOUNT</u> |

TOTAL 1220.00

For which let execution issue.

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

05/07/2018

Brian Iten

BRIAN ITEN

Judge

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Defendant **MAURO RAMIREZ** Case Number **412017CF001777CFAXMA** OBTS Number **4132039715**

SENTENCE

(As to Count 1)

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.)

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.

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.

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.

SPECIAL PROVISIONS(As to Count 1)

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 Genitals [F.S. 800.04(5)] _____ The molestation _____ did _____ did not involve unclothed genitals or genital area.
_____ 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 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 As To Other Counts _____ It is further ordered that the sentence imposed for this count shall run (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.)

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 resentences 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.

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.

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.

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 Genitals [F.S. 800.04(5)]** _____ The molestation _____ did _____ did not involve unclothed genitals or genital area.
_____ 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 As To Other Counts** _____ It is further ordered that the sentence imposed for this count shall run (check one) _____ consecutive to _____ concurrent with the sentence set forth in count _____ of this case.

Consecutive/Concurrent As To Other Convictions It is further ordered that the composite term of all sentences imposed for 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 7TH DAY OF MAY, 2018.


Judge **BRIAN ITEN**