

EXHIBIT
A

1 MR. AVEN: As we had an opportunity to meet at
2 jury selection, you know what this case is about. This
3 case is about the defendant being charged with sexual
4 battery on a minor, a minor under the age of 18, while
5 he stood in a position of familial or custodial
6 authority. At the end of the trial I'm going to come
7 back before you, and I'm going to ask you to find that
8 Mr. Iris Anderson committed this crime.

9 You're going to hear testimony from the victim in
10 this case. Her name's . And

11 s mother married Mr. Iris Anderson in September
12 of 2007.

13 In 2008, approximately July of 2008, you will hear
14 about an incident that occurred between Iris Anderson
15 and , who was at the time 15 years of age.

16 * This incident included sexual intercourse. The
17 defendant penetrated Ms. 's vagina with his penis.
18 And the reason that we know that is because a child was
19 (indiscernible) "from that action." The child, Brianna
20 Anderson, was born in April of 2008.

21 This incident occurred at an address in Southwest
22 Ocala. The address is 1313 Southwest 13th Street.
23 Very easy to remember, a lot of 13's. That was here in
24 Ocala, that was here in Marion County.

25 You're going to hear testimony from Detective

EXHIBIT
A

EXHIBIT
B

1 I reduced the one that I provided him with earlier
2 from 80 points as a sex penetration to 40 points as sex
3 contact. And that's because "there was no specific
4 finding by the jury in this case that there was
5 penetration. "

6 May I approach?

7 THE COURT: You probably like that, don't you? Or
8 no? You don't like that?

9 MR. TEDDER: That's fine. Yes, sir. I like that.

10 THE COURT: I mean, that reduces his sentencing
11 points.

12 MR. TEDDER: I understand.

13 THE DEFENDANT: That's fine with me.

14 THE COURT: All right. Okay.

15 MR. AVEN: And, Judge, if I could just be excused
16 briefly to see where Ms. Greenway's at?

17 THE COURT: Um-hm.

18 And you say there is a PRR notice here?

19 MR. AVEN: Yes, sir. Do you want the date that it
20 was filed?

21 THE COURT: Yeah.

22 MR. AVEN: The PRR notice was filed June 10th, as
23 well as the habitual felony offender notice. The State
24 has not --

25 THE COURT: June?

EXHIBIT
B

1 event.

2 THE COURT: Okay. Mr. Anderson, anything you want
3 to say?

4 THE DEFENDANT: Well, sir, I guess, hey, I gotta
5 do -- I guess I gotta go up there and fight some more.
6 Try to come home.

7 THE COURT: Yes, sir.

8 THE DEFENDANT: But --

9 THE COURT: Okay. Well, just so we're clear, the
10 defendant has 30 days from the date of the rendition of
11 the judgment and sentence to file his notice of appeal.

12 I will appoint the Public Defender to represent
13 him on his direct appeal. That would end up being the
14 Public Defender over in Daytona Beach, would hopefully
15 be the one that would represent him, because that's
16 where the 5th District Court of Appeal is.

17 O.K. FINDING → I do find that the felony for which the defendant
18 → is being sentenced is one of the enumerated felonies
19 → under Section 775.082, subsection (9), of the Florida
20 → Statutes.

21 Again, he was convicted of sexual battery on a
22 child 12 years of age or older but less than 18 years
23 of age by a person of familial or custodial authority.
24 That's a first degree felony punishable by up to 30
25 years in the Department of Corrections.

UNCONSTITUTIONAL - BASED ON PROSECUTORS
PRONOUNCEMENT AT THE BEGINNING
OF THE PER HEARING (SEE, EX. B)
TRIAL
DE NOVO

1 I also find the State has proved by a
2 preponderance of the evidence the defendant committed
3 this present offense in July of 2008, for which he is
4 now being sentenced. And that did occur within three
5 years of his release from a correctional facility. And
6 that is, in fact, in Case 05-2669-CF, here in the 5th
7 Circuit, Marion County, Florida. He was adjudicated
8 guilty in grand theft, sentenced on September 19, 2005,
9 to 18 months in Department of Corrections. At that
10 time he had 63 days jail credit. His release date from
11 the DOC was October 27 of '06. Which means that the
12 crime in question that he's being sentenced for today
13 occurred less -- slightly less than two years from his
14 time of release.

JUDGES
DUTY

15 So I find that the State has proved that fact by
16 the preponderance of the evidence that the -- within
17 the three years from the release from the correctional
18 facility.

19 In addition, I also find the defendant has offered
20 no evidence that the prior conviction was set aside by
21 post-conviction proceedings or pardoned by the
22 governor.

23 Based on the foregoing I do find the defendant
24 qualifies for sentencing as a prison releasee
25 reoffender. As such, because it is a first degree