

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-0182

KEITH O. JOHNSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Leon County.
Robert E. Long, Jr., Judge.

December 9, 2019

PER CURIAM.

AFFIRMED.

BILBREY, WINOKUR, and M.K. THOMAS, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

Keith O. Johnson, pro se, Appellant.

MANDATE

from

Appendix A

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

This case having been brought to the Court, and after due consideration the Court having issued its opinion;

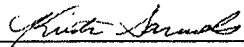
YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with the opinion of this Court, and with the rules of procedure, and laws of the State of Florida.

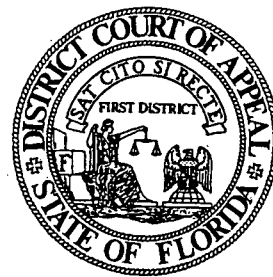
WITNESS the Honorable Stephanie W. Ray, Chief Judge, of the District Court of Appeal of Florida, First District, and the seal of said Court at Tallahassee, Florida, on this day.

January 06, 2020

Keith O. Johnson v.
State of Florida

DCA Case No.: 1D19-0182
Lower Tribunal Case No.: 99-4638AF


KRISTINA SAMUELS, CLERK
District Court of Appeal of Florida, First District



th

Mandate and opinion to: Hon. Gwen Marshall, Clerk

cc: (without attached opinion)

Hon. Ashley Moody, AG

Keith O. Johnson

Robert Quentin Humphrey, AAG

Appendix A 2 of 2

In the Circuit Court, Second Judicial Circuit,
in and for Leon County, Florida

Division: Felony

State of Florida
v.

KEITH JOHNSON
Defendant

Case No. R1999-4638 A

☐ Probation Violator
☐ Community Control Violator

☐ Retrial
☐ Resentence

BK: R2432 PG: 00266

JUDGMENT

The Defendant, KEITH JOHNSON, being personally before this court
represented by, RICHARD GREENBERG, the attorney of record, and the state
represented by CHRISTOPHER CANOVA, and having

☐ been tried and found guilty by jury/by court 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	Case Number	OBTs Number
1	Sexual Battery w/Deadly Weapon	794 011 3	Fel- LF	R1999-4638 A	
2	Sexual Battery w/Deadly Weapon	794 011 3	Fel- LF	R1999-4638 A	
3	Sexual Battery w/Deadly Weapon	794 011 3	Fel- LF	R1999-4638 A	
4	Sexual Battery w/Deadly Weapon	794 011 3	Fel- LF	R1999-4638 A	
5	Kidnapping to Inflict Bodily Harm or Terrorize	787 01 3	Fel- 1 PBI	R1999-4638 A	
6	Burglary of Dwelling While Armed	810 02 2B	Fel- 1 PBI	R1999-4638 A	
7	Attempted First Degree Murder	782 04 1	Fel- LF	R1999-4638 A	
8	Armed Robbery w/Deadly Weapon	812 13 2A	Fel- 1 PBI	R1999-4638 A	

☒ 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 pursuant to section 943.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch. 794) or lewd and lascivious conduct (ch. 800) or section 782.04 (murder) or section 784.045 (aggravated battery) or section 812.133 (carjacking) or section 812.135 (home invasion robbery) the defendant shall be required to submit two blood specimens in accordance with section 943.325(8).
☐ and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

Appendix B 1 of 4 pgs

Defendant KEITH JOHNSON

Case Number R1999-4638 A

OBTS Number _____

R20000080234
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PUBLIC RECORDS LEON CNTY FL
BOOK: R2432 PAGE: 00268
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DAVE LANG, CLERK OF COURTS

SENTENCE

(As to Count (s) 1 - 8)



BK: R2432 PG: 00268

The defendant, being personally before this court, accompanied by the defendant's attorney of record, R. Greenberg, and having been adjudicated guilty herein, and the court having given 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 _____ 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 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 938.04, Florida Statutes.

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

_____ The defendant is hereby directed to the custody of the Sheriff of _____ 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 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 be placed on probation/community contro
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.

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Defendant KEITH JOHNSONCase Number R1999-4638 A

R20000000234
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PUBLIC RECORDS LEON CNTY FL
BOOK: R2432 PAGE: 00269
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DAVE LANG. CLERK OF COURTS

SPECIAL PROVISIONS(As to Count (s) 1-8)

BK: R2432 PG: 00269

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

Mandatory/Minimum Provisions:

Firearm	_____	It is further ordered that the _____ minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.
Drug Trafficking	_____	It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
Controlled Substance 1,000 Feet of School	_____	It is further ordered that the 3-year minimum imprisonment provisions of section Within 1,000 Feet of School 893.13(1)(c), Florida Statutes, is hereby imposed for the sentence specified in this count.
Habitual Felony Offender	_____	The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
Habitual Violent Felony Offender	_____	The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
Prison Releasee Reoffender	<u>X</u>	The defendant is adjudicated a prison releasee reoffender and has been sentenced to serve 100 percent of the court-imposed sentence in accordance with section 775.082(8)(b).
Law Enforcement Protection Act Capital Offense	_____	It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes. It is further ordered that the defendant shall be ineligible for Parole in accordance with the provisions of section 775.082(1), Florida Statutes.
Short-Barreled Rifle, Shotgun, Machine Gun	_____	It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
Continuing Criminal Enterprise	_____	It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Other Provisions:

Retention of Jurisdiction	_____	The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).
Jail Credit	<u>X</u>	It is further ordered that the defendant shall be allowed a total of <u>340</u> days as credit for time incarcerated before imposition of this sentence.

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Page ____ of ____

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Rev. 9/20/00

R20000080234
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DAVE LANG. CLERK OF COURTS



Defendant KEITH JOHNSON

Case Number R1999-4638 BK: R2432 PG: 00270

Other Provisions' continued:

Prison Credit _____

It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections.

Consecutive/Concurrent X
As to Other Counts

It is further ordered that the sentence imposed for count(s) 2-8 shall run (check one) _____ consecutive to X concurrent with the sentence set forth in count 1 of this case.

Consecutive/Concurrent _____

It is further ordered that the composite term of all sentences imposed for the counts as to Other Convictions specified in this order shall run (check one) _____ consecutive to _____ concurrent with the following: (check one) _____

_____ any active sentence being served

_____ specific sentences _____

In the event the above sentence is to the Department of Corrections, the Sheriff of LEON 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 restitution in the amount of \$250.00 to
Crimes Compensation and to reduced to civil judgment.

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