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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
CARLTON RICHARD NEBERGALL,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D20-2171

[December 22, 2021]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Jeffrey Dana Gillen, Judge; L.T. Case No. 50-2018-CF-001621-AXXX-MB.

Michael Salnick, Law Offices of Salnick & Fuchs, PA, West Palm Beach, for appellant.

Ashley Moody, Attorney General, Tallahassee, and Lindsay A. Warner, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed.

MAY, GERBER and FORST, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

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IN THE CIRCUIT COURT, FIFTEENTH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO: 2018CF001621AWB

DIV: W

OBTS NUMBER:

STATE OF FLORIDA [] PROBATION
v. VIOLATOR
[] COMMUNITY
CARLTON R NEBERGALL, CONTROL
W/M, VIOLATOR
09/17/1956, [] RETRIAL
/ [] RESENTENCE

JUDGMENT

(Filed Sep. 29, 2020)

The above defendant being personally before this Court represented by MICHAEL SALNICK ESQ

<input checked="" type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
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COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
1	MANSLAUGHTER WITH A FIREARM	782.07	1 st FELONY

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[x] and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

[x] and being a qualified offender pursuant to s. 943.325, the Defendant shall be required to submit DNA samples as required by law.

[] and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

SENTENCE [] The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on [] probation and/or [] Community Control under the supervision of the Dept. Of Corrections (conditions of probation set forth in separate order).

SENTENCE [] The Court hereby defers imposition of sentence until

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

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DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 29th day of September, 2020.

/s/ Jeffrey Dana Gillen
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

SENTENCE

(As to Count(s) 1)

(Filed Sep. 29, 2020)

Defendant: Carlton Nebergall

Case Number: 2018CF001621AXXX

OBTS Number: _____

The Defendant, being personally before this Court, accompanied by the defendant's attorney of record, M. Salnick, 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 Defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$____ pursuant to § 755.083, 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
- Sheriff of Palm Beach County, Florida
- Department of Corrections as a youthful offender

For a term of 156 mos. It is further ordered that the Defendant shall be allowed a total of 955 days as

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credit for time incarcerated prior to imposition of this sentence. It is further ordered that the composite term of all sentences imposed for the counts specified in the order shall run

consecutive to concurrent with (check one)
the following:
 Any active sentence being served.
 Specific sentences: _____

The instant sentence is based upon Court having previously placed the Defendant on probation and having subsequently revoked the Defendant's probation for violation(s) of condition(s) _____.

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

The Sentencing Court objects to the Defendant being placed into the Youthful Offender Basic Training Program pursuant to Florida Statute §958.045.

Pursuant to §322.055, 322.056, 322.26, 322.274, Florida Statutes. The Department of Highway Safety and Motor Vehicles is directed to revoke the Defendant's privilege to drive. The Clerk of the Court is Ordered to report the conviction and

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revocation to the Department of Highway Safety
and Motor Vehicles.

DONE AND ORDERED in Open Court at West Palm
Beach, Palm Beach County, Florida this 29th day of
Sept., 2020

/s/ Jeffrey Dana Gillen
CIRCUIT JUDGE

**IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA FOURTH DISTRICT,
110 SOUTH TAMARIND AVENUE,
WEST PALM BEACH, FL 33401**

Jan. 11, 2022

CASE NO.: 4020-2171

L.T. No.: 502018CF001621AXXXMB

CARLTON RICHARD v. STATE OF FLORIDA
NEBERGALL

Appellant / Petitioner(s) Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that appellant's January 5, 2022 motion for written opinion is denied.

Served:

cc: Attorney General-W.P.B. Lindsay A. Warner
Michael Salnick

kr

/s/ Lonn Weissblum

LONN WEISSBLUM, Clerk [SEAL]
Fourth District Court of Appeal
