

App. 1

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 Gilen, 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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App. 2

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

CASE NO: 2018CF001621AWB

DIV: W

OBTS NUMBER:

STATE OF FLORIDA

v.

CARLTON R NEBERGALL,

W/M,

09/17/1956, [REDACTED]

[ ] PROBATION  
VIOLATOR

[ ] COMMUNITY  
CONTROL  
VIOLATOR

[ ] 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 follow- ing crime(s):	<input type="checkbox"/> Having en- tered 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 <sup>st</sup> FELONY

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- ☒ 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).
- ☒ 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 with-  
STAYED                      holds imposition of sentence as to  
   count(s) and places the Defendant  
   on ☐ probation and/or ☐ Commu-  
   nity Control under the supervision  
   of the Dept. Of Corrections (condi-  
   tions of probation set forth in sepa-  
   rate order).

SENTENCE    ☐ The Court hereby defers imposition  
DEFERRED                      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

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App. 5

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

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App. 8

**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

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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**  
**Fourth District Court of Appeal**

[SEAL]

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