

No.: _____

IN THE
SUPREME COURT OF THE UNITED STATES

THOMAS DEPTULA — PETITIONER

vs.

STATE OF FLORIDA — RESPONDENT(S).

APPENDIX H

PCA Order on Initial Brief

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

THOMAS J. DEPTULA, JR.,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D22-1034

July 27, 2022

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Collier County; Joseph G. Foster, Judge.

Thomas Deptula, pro se.

PER CURIAM.

Affirmed.

SLEET, SMITH, and LABRIT, JJ., Concur.

Opinion subject to revision prior to official publication.

EXHIBIT A

No.: _____

IN THE
SUPREME COURT OF THE UNITED STATES

THOMAS DEPTULA — PETITIONER

vs.

STATE OF FLORIDA — RESPONDENT(S).

APPENDIX J

Order Denying Motion for Rehearing

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

August 10, 2022

CASE NO.: 2D22-1034
L.T. No.: 07-CF-694

THOMAS DEPTULA

v. STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellant's motion for rehearing is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

ATTORNEY GENERAL, TAMPA
CRYSTAL K. KINZEL, CLERK

THOMAS DEPTULA

ag

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel
Clerk

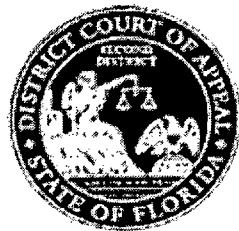


Exhibit B

State of Florida

VB.

THOMAS P DEPTULA JR

Defendant

JUDGMENT

The defendant, THOMAS F DEPTULA JR , being personally before this court represented by MICHAEL SCHNEIDER , the attorney of record, and the state represented by DEBORAH SCHWARTZ , and having been tried and found guilty by Court/ by Jury of the following crime(s) entered a plea of guilty to the following crime(s) XX entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense	Deg	OBTS	
		Statute	Of		
		Number(s)	Crime	Case Number	Number
001	ATTEMPT SEXUAL BATTERY VICTIM <12 YOA	794.011 2A	PF	1101067493	
002	ATTEMPT SEXUAL BATTERY VICTIM <12 YOA	794.011 2A	PF	1101067493	

XX 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 having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch 794), lewd and lascivious conduct (ch 800), or murder (s. 782.04), aggravated battery (s. 784.045), carjacking (s.812.133), or home invasion robbery (s. 812.135) or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

DONE AND ORDERED in open court at Collier County, Florida, this 01 day of October 2008.

Franklin D. Barker

JUDGE

PAGE 2 OF 26

SENTENCE

As to Count 001

The defendant, being personally before this court, accompanied by the defendant's attorney of record, MICHAEL SCHNEIDER, 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 _____ deferred imposition of sentence until _____

and the Court having previously entered a judgment in this case on _____ now resentsences the defendant

and the Court having placed the defendant on _____ and having subsequently revoked the defendant's _____

It is The Sentence of The Court that:

The defendant pay a fine of \$0.00, pursuant to section 775.083, Florida Statutes, Plus \$0.00 as the 5th 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 Collier 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 020 Yrs

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.

Defendant: THOMAS F DEPTULA JR

Case Number: 0700694CPA PGB

SPECIAL PROVISIONS As to Count 001

The following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

Sexual Predator Defendant determined to be a sexual predator by written findings of
of the court in accordance with section 775.21, Florida Statutes

PAGE 6 OF 26

Defendant: THOMAS F DEPTULA JR

Case Number: 0700694CFA PGB

Other Provisions: As to Count 001

Retention of Jurisdiction The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).

Jail Credit XX It is further ordered that the defendant shall be allowed a total of 0584 days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent XX It is further ordered that the sentenced imposed for this count shall run (check one)
As to Other Counts
Consecutive to the sentences set forth in counts
of this case.
XX Concurrent with the sentences set forth in counts
002 of this case.

Consecutive/Concurrent XX It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (check one)
As To Other Convictions
Consecutive to (check one):
any active sentence being served
specific sentences

Concurrent with (check one):
any active sentence being served
specific sentences

In the event the above sentence is to the Department of Corrections, the Sheriff of Collier 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 recommends:

DONE AND ORDERED in open court at Collier County, Florida, this 01 day of October, 2008.

Franklin D. Baker
JUDGE

PAGE 7 OF 26

IN THE CIRCUIT COURT, TWENTIETH JUDICIAL CIRCUIT,
IN AND FOR COLLIER COUNTY, FLORIDA

CRIMINAL DIVISION

State of Florida

v.

Case Number 07-694CFA

THOMAS F DEPTULA JR

CHARGES/COSTS/FEES
As to count 002

The defendant is hereby ordered to pay the following sums if checked:

- \$65.00 pursuant to F.S. 939.185(1)(a) (Additional County Costs).
- \$15.00 pursuant to F.S. 318.18(13)(a) (Court Facilities).
- \$ pursuant to F.S. 938.21/938.23 (Alcohol/Drug Abuse).
- \$2.00 pursuant to F.S. 938.15 (Criminal Justice Education).
- \$50.00 pursuant to F.S. 775.083(2) (Crime Prevention).
- \$ pursuant to F.S. 938.27(1) (Prosecution Costs).
- \$ pursuant to F.S. 938.27(1) (Investigation Costs).
- \$100.00 pursuant to F.S. 938.25 (Crime Lab)
- \$ pursuant to F.S. 775.0835(1) (Crimes Compensation Fine).
- \$201.00 pursuant to F.S. 938.08 (Domestic Violence Programs).
- \$151.00 pursuant to F.S. 938.085 (Rape Crisis Center).
- \$101.00 pursuant to F.S. 938.10(1) (Child Advocacy Trust Fund).
- \$25.00 pursuant to F.S. 938.07 (E.M.S. Trust Fund – DUI).
- \$60.00 pursuant to F.S. 938.07 (Brain & Spinal Cord Rehabilitation).
- \$60.00 pursuant to F.S. 327.35(9) (DUI Brain and Spinal Cord Rehab).
- \$50.00 pursuant to F.S. 938.07 (DUI Criminal Justice Standards).
- \$3.00 pursuant to F.S. 318.18(17) (Radio Trust Fund).
- \$20.00 pursuant to F.S. 938.06 (Crimestoppers Trust Fund).
- \$5.00 pursuant to F.S. 316.061/316.192 (E.M.S. Trust Fund)
- \$50.00 pursuant to F.S. 938.03(4) (Crimes Compensation Trust Fund).
- \$3.00 pursuant to F.S. 938.01(1) (Criminal Justice Standards/Training).
- \$225.00 pursuant to F.S. 938.05(1)(a) (Clerks Additional Court Costs).
- \$ pursuant to F.S. 938.29 (Public Defender Fees).
- \$ pursuant to F.S. 27.52(2)(a) (Public Defender Application Fee).
- Restitution in the amount of pursuant to F.S. 775.089 (Restitution).
- Other

DONE AND ORDERED in open court in Collier County, Florida, on OCTOBER 1, 2008.



JUDGE

Page 8 of 26

SENTENCE

As to Count 002

The defendant, being personally before this court, accompanied by the defendant's attorney of record, MICHAEL SCHNEIDER, 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 _____ deferred imposition of sentence until _____

and the Court having previously entered a judgment in this case on _____ now resentence the defendant

and the Court having placed the defendant on _____ and having subsequently revoked the defendant's _____

It is The Sentence of The Court that:

The defendant pay a fine of \$0.00, pursuant to section 775.083, Florida Statutes. Plus \$0.00 as the 5th 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 Collier 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 020 Yrs

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.

Defendant: THOMAS F DEPTULA JR

Case Number: 0700694CPA FGB

SPECIAL PROVISIONS As to Count 002

The following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

Sexual Predator Defendant determined to be a sexual predator by written findings of
of the court in accordance with section 775.21, Florida Statutes

PAGE 10 OF 26