No.

IN THE SUPREME COURT OF THE UNITED STATES

JOHN CRANE, PETITIONER

v.

STATE OF FLORIDA, RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI TO THE FOURTH DISTRICT COURT OF APPEAL OF FLORIDA

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

CAREY HAUGHWOUT
Public Defender

Paul Edward Petillo
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Counsel of Record

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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JOHN CRANE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D22-1032

[May 24, 2023]

Appeal from the Circuit Court of the Nineteenth Judicial Circuit, Martin County; Sherwood Bauer, Jr., Judge; L.T. Case No. 432018CF000650A.

Carey Haughwout, Public Defender, and Erika Follmer, Assistant Public Defender, West Palm Beach, for appellant.

Ashley Moody, Attorney General, Tallahassee, and Richard Valuntas, Senior Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. See Guzman v. State, 350 So. 3d 72, 73 (Fla. 4th DCA 2022), *rev. pending*, No. SC22-1597.

LEVINE, FORST and ARTAU, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

Supreme Court of Florida

TUESDAY, JUNE 13, 2023

John A. Crane,
Petitioner(s)
v.
State of Florida,
Respondent(s)

SC2023-0762
Lower Tribunal No(s).:
4D22-1032;
432018CF000650CFAXMX

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wheeler v. State*, 296 So. 3d 895 (Fla. 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy
Test:

SC2023-0762 6/13/2023
John A. Tomasino
Clerk, Supreme Court
SC2023-0762 6/13/2023

LC

Served:
HON. SHERWOOD BAUER JR.
CHRISTINE C. GERAGHTY
HON. CAROLYN TIMMANN
RICHARD VALUNTAS
HON. LONN WEISSBLUM

POINT V

CRANE WAS ENTITLED TO A TWELVE-PERSON JURY UNDER THE SIXTH AND FOURTEENTH AMENDMENTS, AND HE DID NOT WAIVE THAT RIGHT.

Crane, charged with a felony punishable by up to thirty-years imprisonment, was convicted by a jury comprised of a mere six people. T. 510-11; R. 37. He argues that the Sixth and Fourteenth Amendments guarantee the right to a twelve-person jury when the defendant is charged with a felony. The standard of review of constitutional claims is de novo. *See A.B. v. Florida Dept. of Children & Family Services*, 901 So. 2d 324, 326 (Fla. 3d DCA 2005).

Although the Supreme Court held in *Williams v. Florida*, 399 U.S. 78, 86 (1970), that juries as small as six were constitutionally permissible, *Williams* is impossible to square with the Supreme Court's ruling in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), which concluded that the Sixth Amendment's "trial by an impartial jury" requirement encompasses what the term "meant at the Sixth Amendment's adoption," *id.* at 1395.

Prior to 1970, subjecting Crane to a trial with only six jurors would have indisputably violated his Sixth Amendment rights. As the *Ramos* Court observed, even Blackstone recognized that under the

common law, "no person could be found guilty of a serious crime unless 'the truth of every accusation ... should ... be confirmed by the unanimous suffrage of twelve of his equals and neighbors[.]" 140 S. Ct. at 1395. "A 'verdict, taken from eleven, was no verdict' at all." *Id.*

After the Sixth Amendment was enacted, a bevy of state courts—ranging from Alabama to Missouri to New Hampshire—interpreted it to require a twelve-person jury. *See* Miller, Comment, *Six of One Is Not A Dozen of the Other*, 146 U. Pa. L. Rev. 621, 643 n.133 (1998) (collecting cases from the late 1700s to the 1860s). In 1898, the U.S. Supreme Court added its voice to the chorus, noting that the Sixth Amendment protects a defendant's right to be tried by a twelve-person jury. *Thompson v. Utah*, 170 U.S. 343, 349-350 (1898). As the *Thompson* Court explained, since the time of Magna Carta, the word "jury" had been understood to mean a body of twelve people. *Id.* Given that understanding had been accepted since 1215, the Court reasoned, "[i]t must" have been "that the word 'jury'" in the Sixth Amendment was "placed in the constitution of the United States with reference to [that] meaning affixed to [it]." *Id.* at 350.

The Supreme Court continued to cite the basic principle that the Sixth Amendment requires a twelve-person jury in criminal cases for seventy more years. For example, in 1900, the Court explained that "there [could] be no doubt" "[t]hat a jury composed, as at common law, of twelve jurors was intended by the Sixth Amendment to the Federal Constitution." *Maxwell v. Dow*, 176 U.S. 581, 586 (1900). Thirty years later, the Court reiterated that it was "not open to question" that "the phrase 'trial by jury'" in the Constitution incorporated juries' "essential elements" as "they were recognized in this country and England," including the requirement that they "consist of twelve men, neither more nor less." *Patton v. United States*, 281 U.S. 276, 288 (1930). And as recently as 1968, the Court remarked that "by the time our Constitution was written, jury trial in criminal cases had been in existence for several centuries and carried impressive credentials traced by many to Magna Carta," such as the necessary inclusion of twelve members. *Duncan v. Louisiana*, 391 U.S. 145, 151-152 (1968).[3]

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[3] *See also, e.g.*, *Capital Traction Co v. Hof*, 174 U.S. 1, 13 (1899) ("'Trial by jury,' in the primary and usual sense of the term at the common law and in the American constitutions, is not merely a trial

In 1970, however, the *Williams* Court overruled this line of precedent in a decision that Justice Harlan described as "stripping off the livery of history from the jury trial" and ignoring both "the intent of the Framers" and the Court's long held understanding that constitutional "provisions are framed in the language of the English common law [] and ... read in the light of its history." *Baldwin v. New York*, 399 U.S. 117, 122-123 (1970) (citation omitted) (Harlan, J., concurring in the result in *Williams*). Indeed, *Williams* recognized that the Framers "may well" have had "the usual expectation" in drafting the Sixth Amendment "that the jury would consist of 12" members. *Williams*, 399 U.S. at 98-99. But *Williams* concluded that such "purely historical considerations" were not dispositive. *Id.* at 99. Rather, the Court focused on the "function" that the jury plays in the Constitution, concluding that the "essential feature" of a jury is it leaves justice to the "commonsense judgment of a group of laymen" and thus

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by a jury of 12 men" but also contains other requirements); *Rassmussen v. United States*, 197 U.S. 516, 529 (1905) ("The constitutional requirement that 'the trial of all crimes, except in cases of impeachment, shall be by jury,' means, as this court has adjudged, a trial by the historical, common-law jury of twelve persons").

allows "guilt or innocence" to be determined via "community participation and [with] shared responsibility." *Id.* at 100-01. According to the *Williams* Court, both "currently available evidence [and] theory" suggested that function could just as easily be performed with six jurors as with twelve. *Id.* at 101-102 & n.48; *cf. Burch v. Louisiana*, 441 U.S. 130, 137 (1979) (acknowledging that *Williams* and its progeny "departed from the strictly historical requirements of jury trial").

Williams's ruling that the Sixth Amendment (as incorporated to the States by the Fourteenth) permits a six-person jury cannot stand in light of Ramos. There, the Supreme Court held that the Sixth Amendment requires a unanimous verdict to convict a defendant of a serious offense. In reaching that conclusion, the *Ramos* Court overturned *Apodaca v. Oregon*, 406 U.S. 404 (1972), a decision that it faulted for "subject[ing] the ancient guarantee of a unanimous jury verdict to its own functionalist assessment." 140 S. Ct. at 1401-1402.

That reasoning undermines *Williams* as well. *Ramos* rejected the same kind of "cost-benefit analysis" the Court undertook in *Williams*, observing that it is not the Court's role to "distinguish between the historic features of common law jury trials that (we think) serve 'important enough functions to migrate silently into the Sixth

Amendment and those that don't.'" 140 S. Ct. at 1400-01. Ultimately, the *Ramos* Court explained, the question is whether "at the time of the Sixth Amendment's adoption, the right to trial by jury included" the particular feature at issue. *Id.* at 1402. As the history summarized above establishes, there can be no serious doubt that the common understanding of the jury trial during the Revolutionary War era was that twelve jurors were required—"a verdict, taken from eleven, was no verdict at all." *See id.* at 1395 (quotation marks omitted).

Even setting aside *Williams*'s now-disfavored functionalist logic, its ruling suffered from another significant flaw: it was based on research that was out of date shortly after the opinion issued. Specifically, the *Williams* Court "f[ou]nd little reason to think" that the goals of the jury guarantee—including, among others, "to provide a fair possibility for obtaining a representative[] cross-section of the community"—"are in any meaningful sense less likely to be achieved when the jury numbers six, than when it numbers 12." 399 U.S. at 100. The Court theorized that "in practice the difference between the 12-man and the six-man jury in terms of the cross-section of the community represented seems likely to be negligible." *Id.* at 102.

In the time since *Williams*, that determination has proven incorrect. Indeed, the Court acknowledged as much just eight years later in *Ballew v. Georgia*, 435 U.S. 223 (1978), when it concluded that the Sixth Amendment barred the use of a five-person jury. Although *Ballew* did not overturn *Williams*, the *Ballew* Court observed that empirical studies conducted in the handful of intervening years highlighted several problems with *Williams*' assumptions. For example, *Ballew* noted that more recent research showed that (1) "smaller juries are less likely to foster effective group deliberation," *id.* at 233, (2) smaller juries may be less accurate and cause "increasing inconsistency" in verdict results, *id.* at 234, (3) the chance for hung juries decreases with smaller juries, disproportionally harming the defendant, *id.* at 236; and (4) decreasing jury sizes "foretell[] problems ... for the representation of minority groups in the community," undermining a jury's likelihood of being "truly representative of the community," *id.* at 236-37. Moreover, the *Ballew* Court "admit[ted]" that it "d[id] not pretend to discern a clear line between six members and five," effectively acknowledging that the studies it relied on also cast doubt on the effectiveness of the six-member jury. *Id.* at 239; *see also*

id. at 245-46 (Powell, J.) (agreeing that five-member juries are unconstitutional, while acknowledging that "the line between five- and six-member juries is difficult to justify").

Post-*Ballew* research has further undermined *Williams*. Current empirical evidence indicates that "reducing jury size inevitably has a drastic effect on the representation of minority group members on the jury." Diamond et al., *Achieving Diversity on the Jury: Jury Size and the Peremptory Challenge*, 6 J. of Empirical Legal Stud. 425, 427 (Sept. 2009); *see also* Higginbotham et al., *Better by the Dozen: Bringing Back the Twelve-Person Civil Jury*, 104 Judicature 47, 52 (Summer 2020) ("Larger juries are also more inclusive and more representative of the community. ... In reality, cutting the size of the jury dramatically increases the chance of excluding minorities."). Because "the 12-member jury produces significantly greater heterogeneity than does the six-member jury," Diamond et al., *Achieving Diversity on the Jury*, supra, at 449, it increases "the opportunity for meaningful and appropriate representation" and helps ensure that juries "represent adequately a cross-section of the community." *Ballew*, 435 U.S. at 237.

Other important considerations also weigh in favor of the twelve-member jury. For instance, studies indicate that twelve-member juries deliberate longer, recall evidence better, and rely less on irrelevant factors during deliberation. *See* Smith & Saks, *The Case for Overturning Williams v. Florida and the Six-Person Jury*, 60 Fla. L. Rev. 441, 465 (2008). Minority views are also more likely to be thoroughly expressed in a larger jury, as "having a large minority helps make the minority subgroup more influential," and, unsurprisingly, "the chance of minority members having allies is greater on a twelve-person jury." *Id.* at 466. Finally, larger juries deliver more predictable results. In the civil context, for example, "[s]ix-person juries are four times more likely to return extremely high or low damage awards compared to the average." Higginbotham et al., *Better by the Dozen*, supra, at 52.

Crane recognizes that the state constitution provides:

> SECTION 22. Trial by jury.—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

Art. I, § 22, Fla. Const. And he recognizes that section 913.10, Florida Statutes (2018), provides for six jurors except in capital cases. *See also* Fla. R. Crim. P. 3.270.

But Florida's provision for a jury of six stems from the dawn of the Jim Crow era, one month after federal troops were withdrawn from the state. The historical background is as follows:

In 1875, the Jury Clause of the 1868 constitution was amended to provide that the number of jurors "for the trial of causes in any court may be fixed by law." See *Florida Fertilizer & Mfg. Co. v. Boswell*, 34 So. 241, 241 (Fla. 1903).

The common law rule of a jury of twelve was still kept in Florida while federal troops remained in the state. There was no provision for a jury of less than twelve until the Legislature enacted a provision specifying a jury of six in Chapter 3010, section 6. *See Gibson v. State*, 16 Fla. 291, 297-98 (1877) (quoting and discussing Ch. 3010, § 6, Laws of Fla. (1877)); *Florida Fertilizer*, 34 So. at 241 (noting that previously all juries had twelve members).

The Legislature enacted chapter 3010 with the jury-of-six provision on February 17, 1877. *Gibson*, 16 Fla. 294. This was less than a month after the last federal troops were withdrawn from Florida in

January 1877. *See* Jerrell H. Shofner, *Reconstruction and Renewal*, 1865-1877, in *The History of Florida* 273 (Michael Gannon, ed., first paperback edition 2018) ("there were [no federal troops" in Florida after 23 January 1877").

The jury-of-six thus first saw light at the birth of the Jim Crow era as former Confederates regained power in southern states and state prosecutors made a concerted effort to prevent blacks from serving on jurors.

On its face the 1868 constitution extended the franchise to black men. But the historical context shows that that it was part of the overall resistance to Reconstruction efforts to protect the rights of black citizens. The constitution was the product of a remarkable series of events including a coup in which leaders of the white southern (or native) faction took possession of the assembly hall in the middle of the night, excluding Radical Republican delegates from the proceedings. *See* Richard L. Hume, *Membership of the Florida Constitutional Convention of 1868: A Case Study of Republican Factionalism in the Reconstruction South*, 51 Fla. Hist. Q. 1, 5-6 (1972); Shofner at 266. A reconciliation was effected as the "outside" whites "united with

the majority of the body's native whites to frame a constitution designed to continue white dominance." Hume at 15.

The racist purpose of the resulting constitution was spelled out by Harrison Reed, a leader of the prevailing faction and the first governor elected under the 1868 constitution, who wrote to Senator Yulee that the new constitution was constructed to bar blacks from legislative office:

> Under our Constitution the Judiciary & State officers will be appointed & the apportionment will prevent a negro legislature.

Hume at 15-16. *See also* Shofner at 266.

In *Ramos*, Justice Gorsuch noted that the Louisiana non-unanimity rule arose from Jim Crow era efforts to enforce white supremacy. 140 S.Ct. at 1394; *see also id.* at 1417 (Kavanaugh, J., concurring) (non-unanimity was enacted "as one pillar of a comprehensive and brutal program of racist Jim Crow measures against African-Americans, especially in voting and jury service."). The history of Florida's jury of six arises from the same historical context.

In view of the foregoing, a jury of six at a criminal trial for a crime punishable by up to life imprisonment is unconstitutional under the Sixth and Fourteenth Amendments of the United States Constitution.

Finally, Crane did not waive his Sixth Amendment right to a twelve-person jury. A defendant may waive his right to a constitutional jury, but the "express and intelligent consent of the defendant" is required. *Patton*, 281 U.S. at 312. *See also Johnson v. State*, 994 So. 2d 960, 964 (Fla. 2008) ("[T]he State contends that Johnson waived appellate review of this claim when he failed to request a jury trial or object to the bench trial during the second phase of the felony DUI proceeding. We disagree. . . . Johnson's general silence . . . did not constitute a valid waiver.").

This Court should reverse the judgment and sentence and remand for a new trial with a twelve-person jury, as required by the Sixth and Fourteenth Amendments to the United States Constitution.

Recorded in Martin County, FL 4/6/2022 10:18 AM,
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
CFN#2952802 BK 3304 PG 2687 PAGE 1 of 11.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY FLORIDA

UCN: 432018CF000650CFAXMX
Case Number: 18000650CFAXMX
OBTS#: 4302090167

STATE OF FLORIDA
VS.

JOHN A CRANE JR.
Defendant.

Judgment

☐ PROBATION VIOLATOR
☐ COMMUNITY CONTROL VIOLATOR
☐ MODIFICATION
☐ RESENTENCE
☐ RETRIAL
☐ AMENDED

The defendant, JOHN A CRANE JR., being personally before the court represented by JACK A FLEISCHMAN, the attorney of record and the state represented by RICHARD BODEK and having
entered a plea of nolo contendere to the following crime(s):

CNT#	Statute	Statute Description	Level/Degree
1	893.135(1c1c)	TRAFFICKING IN MORPHINE/OPIUM/HEROIN - 28 GRAMS OR MORE	Felony/FIRST DEGREE

☐ The ☐ PROBATION ☐ COMMUNITY CONTROL previously ordered in this case is revoked.
☐ PRIOR ADJUDICATION on _____
☑ It is ordered that the defendant is hereby Guilty of the above crime(s).
☐ It is ordered that the defendant is hereby Adjudication Withheld 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.

DONE and ORDERED at Martin County, Florida this Thursday, March 31, 2022.

CIRCUIT JUDGE SHERWOOD BAUER JR.

FILED FOR RECORD
MARTIN CO., FL
2022 APR -4 PM 4:16

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY FLORIDA

STATE OF FLORIDA,

UCN: 432018CF000650CFAXMX
Case Number: 18000650CFAXMX

vs.

JOHN A CRANE JR
Defendant.

Charges/Costs/Fees

The defendant is hereby ordered to pay the following sums:

FEL CIVIL LIEN PD APPL 40	$	50.00	05/10/2018
Felony Costs plus 5% and Mandatory Fine	$	525,415.00	03/31/2022
ADMIN TF DEPT HEALTH	$	65.00	03/31/2022
STATE ATTY PROSECUTION CS	$	200.00	03/31/2022
STATE ATTY PROSECUTION CS	$	610.00	03/31/2022

_____OTHER _____

Total Assessed at Judgment: $526,340.00
Total Assessment balance: $526,340.00

DONE and ORDERED at Martin County, Florida this 31st day of March, 2022.

CIRCUIT JUDGE SHERWOOD BAUER JR

STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY FLORIDA

STATE OF FLORIDA
vs.
JOHN A CRANE JR
Defendant.

UCN: 432018CF000650CFAXMX
Case Number: 18000650CFAXMX

Sentence

(As to Count 1)

The defendant, being personally before this court, accompanied by the defendants attorney of record, JACK A FLEISCHMAN, 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 applicable provision)

☐ and the court having on deferred imposition of sentence until this date 03/31/2022.

☐ and the court having previously entered a judgment in this case on _____ now resentences the defendant

☐ 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 is hereby committed to the custody of the PRISON.

☐ The defendant pay a fine pursuant to section 775.083, Florida Statutes, plus a 5% surcharge pursuant to section 950.25 Florida Statutes, as indicated on the Fine/Costs/Fee Page.

☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

TO BE IMPRISONED:

☑ For a term of 25.00 years

In the event the defendant is ordered to serve additional split sentences, all incarcerations portions shall be satisfied before the defendant begins service to the supervision terms.

STATE OF FLORIDA

vs.

JOHN A CRANE JR
Defendant.

UCN: 432018CF000650CFAXMX
Case Number: 18000650CFAXMX

Special Provisions

(As to Count 1)

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

Mandatory/Minimum Provisions:

Firearm/Weapon

_____ It is further ordered that the _____-year minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this court.

Drug Trafficking

✓ It is further ordered that the 25-year mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this court.

Controlled Substance Within 1,000 Feet of School/Park/Community Center

_____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13, 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 the 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.

Law Enforcement Protection Act

_____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense

_____ It is further ordered that the defendant shall serve no less than 24 years 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 court.

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 court.

Taking a Law Enforcement Officer's Firearm

_____ It is further ordered that the 3-year minimum provisions of section 775.0875(1), Florida Statutes, are hereby imposed for the sentence specified in this court.

STATE OF FLORIDA

vs.

JOHN A CRANE JR
Defendant

UCN: 432018CF000650CFAXMX
Case Number: 18000650CFAXMX

Other Provisions:

Retention of 947.16(3) Florida Jurisdiction

___ The court retains jurisdiction over the defendant pursuant to section Statutes (1983).

Jail Credit

/ It is further ordered that the defendant shall be allowed a total of 25 /days credit for time incarcerated before imposition of this sentence.

Credit for Time Served in Resentencing after Violation of Probation or Community Control

___ It is further ordered that the defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply original jail time credit and shall compute and apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____

(Offenses committed before October 1, 1989)

___ It is further ordered that the defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count _____

(Offenses committed between October 1, 1989, and December 31, 1993)

___ The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(6).

___ The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1).

___ It is further ordered that the defendant shall be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/count _____, (Offenses committed on or after January 1, 1994)

Consecutive/Concurrent

___ It is further ordered that the sentence imposed for this count ___ shall run (CHECK ONE) ___ Consecutive to ___ Concurrent with the sentence

Set for in count _____ of this case.

_____

UCN: 432018CF000650CFAXMX
Case Number: 18000650CFAXMX

As to Other Counts: ____ All Counts concurrent with each other.

Consecutive/Concurrent As to Other Convictions: ____ It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (CHECK ONE):

____ Consecutive to ____ Concurrent with the sentence:

____ any active sentence being served.

____ specific sentences: _____

STATE OF FLORIDA,

vs.

JOHN A CRANE JR
Defendant.

UCN: 432018CF000650CFAXMX
Case Number: 18000650CFAXMX

Other Provisions (continued)

In the Event the above sentence is to the Department of Corrections, the Sheriff of Martin 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 defendants right to be 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/orders:

FINE AND COSTS TO A CIVIL LIEN EXCEPT COST OF PROSECUTION
ANY PAYMENTS TO BEGIN UPON RELEASE FROM DEPTARTMENT OF CORRECTIONS
DRIVERS LICENSE IS SUSPENDED FOR 6 MONTHS

DONE and ORDERED at Martin County, Florida this 31st day of March, 2022.

CIRCUIT JUDGE SHERWOOD BAUER JR

CERTIFICATE OF CLERK

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by US Mail/Courthouse Box/Email to the Defense Counsel this 5th day of April, 2022.

Carolyn Timmann, Clerk of the Court

By: Carol Wargo DC
Deputy Clerk

CLERK OF THE CIRCUIT COURT MARTIN COUNTY, FLORIDA CAROLYN TIMMANN