

No.

IN THE SUPREME COURT OF THE UNITED STATES

MAHMOUD ALMUHTASEB, 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

Assistant Public Defender

Counsel of Record

Office of the Public Defender

Fifteenth Judicial Circuit of Florida

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West Palm Beach, Florida 33401

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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

MAHMOUD ALMUHTASEB,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2022-2221

[December 21, 2023]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit,
Broward County; Peter Holden, Judge; L.T. Case No. 17-13831CF10A.

Carey Haughwout, Public Defender, and Paul Edward Petillo, Assistant
Public Defender, West Palm Beach, for appellant.

Ashley Moody, Attorney General, Tallahassee, Kimberly T. Acuña,
Senior Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed.

KLINGENSMITH, C.J., GROSS and LEVINE, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

MAHMOUD ALMUHTASEB,
Appellant,

CASE NO.: 4D22-2221

v.

STATE OF FLORIDA,
Appellee.

_____/

MOTION FOR REHEARING AND MOTION TO CERTIFY A
QUESTION OF GREAT PUBLIC IMPORTANCE

Appellant Mahmoud Almuhtaseb, through counsel, moves for rehearing and to certify a question of great public importance. He does so for this reason:

This Court affirmed appellant's conviction and sentence without written opinion ("Per Curiam. Affirmed."). The Florida Supreme Court has no jurisdiction to review this decision. *Jenkins v. State*, 385 So. 2d 1356, 1359 (Fla. 1980). Ordinarily, this opinion would be final and appellant could seek review directly in the United States Supreme Court raising the issue that he was entitled to a twelve-person jury. *See Hobbie v. Unemployment Appeals Commission of Florida*, 480 U.S. 136, 139 n.4 (1987) (acknowledging that "[u]nder Florida law, a per

curiam affirmance issued without opinion cannot be appealed to the State Supreme Court” and therefore petitioner “sought review directly in this Court.”).

But the State has argued in five pending cases in the United States Supreme Court that the petitioners’ failure to move to certify a question of great public importance on that issue meant that they did not pursue every available avenue of review in the Florida Supreme Court and therefore the United States Supreme Court has no jurisdiction. *See Jackson v. Florida*, No. 23-5570; *Crane v. Florida*, No. 23-5455; *Morton v. Florida*, No. 23-5579; *Sposato v. Florida*, No. 23-5575; *Arrellano-Ramirez v. Florida*, No. 23-5567. Accordingly, appellant moves for rehearing and to certify a question of great public importance.

Whether the Sixth Amendment requires a twelve-person jury because that is what “trial by an impartial jury” meant at the Sixth Amendment’s adoption is a question of great public importance. Therefore, this Court should grant this motion, state in its opinion that it is rejecting appellant’s argument that he was entitled to a twelve-person jury, and certify this question as one of great public importance:

DOES THE SIXTH AMENDMENT REQUIRE A TWELVE-
PERSON JURY IN ALL FELONY CASES?

WHEREFORE, appellant respectfully moves this Court for
rehearing and to certify a question of great public importance.

Respectfully submitted

CAREY HAUGHWOUT
Public Defender, 15th Judicial Circuit

/s/ PAUL EDWARD PETILLO
Paul Edward Petillo
Assistant Public Defender
15th Judicial Circuit of Florida
421 Third Street
West Palm Beach, Florida 33401
(561) 355-7600
Florida Bar No. 508438

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this motion has been furnished to Kimberly Acuña, Assistant Attorney General, 1515 N. Flagler Dr., Suite 900, West Palm Beach, FL 33401 by e-service at CrimAppWPB@MyFloridaLegal.com, this 13rd day of January, 2024.

/s/ PAUL EDWARD PETILLO
Paul Edward Petillo
Assistant Public Defender

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

January 29, 2024

MAHMOUD ALMUHTASEB,
Appellant(s)

v.

STATE OF FLORIDA,
Appellee(s).

CASE NO. - 4D2022-2221
L.T. No. - 17-13831CF10A

BY ORDER OF THE COURT:

ORDERED that Appellant's January 03, 2024 motion for rehearing and certification is denied.

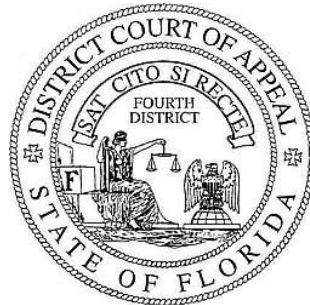
Served:

Kimberly Tollett Acuna
Attorney General-W.P.B.
Patrick Joseph Curry
Christine C. Geraghty
Paul Edward Petillo
Palm Beach Public Defender

KR

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


LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2022-2221 January 29, 2024



POINT II

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

Appellant was convicted by a jury comprised of six people. T
393 He argues that the Sixth and Fourteenth Amendments guarantee the right to a twelve-person jury when the defendant is charged with an offense punishable by more than six months in jail. 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).

Appellant can raise this issue for the first time on appeal because the issue isn't whether he preserved this issue by objecting in the trial court; the issue is whether he personally waived his constitutional right to a twelve-person jury, and he did not. For example, even if defense counsel had no objection to a five-person jury, but the trial court did not secure the defendant's personal waiver of his or her right to a six-person jury, the case would present reversible error on appeal. *Wallace v. State*, 722 So. 2d 913, 914 (Fla. 2d DCA 1998); *Gamble v. State*, 696 So. 2d 420, 420 (Fla. 5th DCA 1997); *Blair v. State*, 698 So. 2d 1210, 1217-18 (Fla.

1997); *see also Johnson v. State*, 994 So. 2d 960, 963-64 (Fla. 2008) (holding that defendant must personally waive constitutional right to have jury decide prior-convictions element in felony DUI case; defense counsel's stipulation that trial court act as factfinder is insufficient).

In short, the defendant himself or herself must agree to be tried by a jury with fewer jurors than constitutionally required. Appellant acknowledges this Court came to a different conclusion in *Albritton v. State*, 48 Fla. L. Weekly D922 (Fla. 4th DCA May 3, 2023). But this Court may have overlooked *Wallace*, *Gamble*, *Blair*, and *Johnson*.

The Supreme Court held in *Williams v. Florida*, 399 U.S. 78, 86 (1970), that juries as small as six were constitutionally permissible. But *Williams* is impossible to square with the 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. This full-scale embrace of the

fixed-meaning canon,² means that trial by a six-person jury violates the Sixth and Fourteenth Amendments to the United States Constitution.

Appellant acknowledges that this Court rejected this argument in *Guzman v. State*, 350 So. 3d 72 (Fla. 4th DCA 2022), *rev. denied*, No. SC22-1597 (Fla. June 6, 2023). Guzman will be seeking review in the United States Supreme Court. Appellant raises this issue to keep his case in the appellate pipeline. *See Hollingsworth v. State*, 293 So. 3d 1049, 1051 (Fla. 4th DCA 2020), *rev. denied*, 2020 WL 5902598 (Fla. Oct. 5, 2020) (“Appellate counsel acted in good faith and did not deserve the court's criticism [for arguing that existing law should be reversed].”); *Sandoval v. State*, 884 So. 2d 214, 216 n.1 (Fla. 2d DCA 2004) (“Counsel has the responsibility to make such objections at sentencing as may be necessary to keep the defendant’s case in an appellate ‘pipeline.’”); *see also* R. Regulating Fla. Bar 4-3.1 (stating that a lawyer may assert an issue involving

² *See New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S.Ct. 2111, 2132 (2022) (the meaning of the Constitution “is fixed according to the understandings of those who ratified it”); Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 78 (2012) (“Words must be given the meaning they had when the text was adopted.”),

“a good faith argument for an extension, modification, or reversal of existing law”); *United States v. Marseille*, 377 F. 3d 1249, 1257 & n.14 (11th Cir. 2004) (defendant making an argument he knows must lose for purposes of preserving it for a later court).

In rejecting Guzman’s argument, this Court cited *State v. Khorrami*, 1 CA-CR 20-0088, 2021 WL 3197499 (Ariz. Ct. App. July 29, 2021). *Guzman*, 350 So. 3d at 73. At the time of this Court’s decision, Khorrami’s petition for writ of certiorari in the United States Supreme Court was pending. The petition was subsequently denied, over dissents by Justice Gorsuch, who wrote an opinion stating that he would grant the writ, and Justice Kavanaugh. *Khorrami v. Arizona*, 21-1553, 2022 WL 16726030 (U.S. Nov. 7, 2022). (This Court should compare Justice Gorsuch’s opinion that a twelve-person jury is constitutionally required with the First District’s recent opinion that said that that position was “nearly frivolous.” *Brown v. State*, 359 So. 3d 408, 410 n.1 (Fla. 1st DCA 2023).

Although there is no legal significance to the denial of a petition for writ of certiorari,³ there are differences between Florida's and Arizona's systems that may account for the denial of the writ.

In Arizona, criminal defendants are guaranteed “a twelve-person jury in cases when the sentence authorized by law is death or imprisonment for thirty years or more.... Otherwise, a criminal defendant may be tried with an eight-person jury.” *State v. Khorrami*, 2021 WL 3197499, at *8 (citations omitted). Florida juries are smaller (six versus eight), and those smaller juries are mandated in every case except capital cases.

And the origin of Florida's rule is disturbing. In his dissent, Justice Gorsuch observed: “During the Jim Crow era, some States restricted the size of juries and abandoned the demand for a unanimous verdict as part of a deliberate and systematic effort to suppress minority voices in public affairs.” *Khorrami v. Arizona*,

³ See *Ramos v. Louisiana*, 140 S.Ct. 1390 (2020) at n.56 (“The significance of a denial of a petition for certiorari ought no longer require discussion. This Court has said again and again and again that such a denial has no legal significance whatever bearing on the merits of the claim.”) (cleaned up).

2022 WL 16726030, at *5 (Gorsuch, J., dissenting) (citations omitted). He noted, however, that Arizona’s law was likely motivated by costs not race. *Id.* But Florida’s jury of six did arise in that Jim Crow era context of a “deliberate and systematic effort to suppress minority voices in public affairs.” *Id.* 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); *Florida Fertilizer*, 34 So. at 241.

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 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, 15-16. *See also* Shofner 266.

Smaller juries and non-unanimous verdicts were part of a Jim Crow era effort “to suppress minority voices in public affairs.” *Khorrami v. Arizona*, 2022 WL 16726030, at *5 (Gorsuch, J., dissenting); *see also Ramos*, 140 S. Ct. 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.

Appellant’s conviction by a six-person jury violates the Sixth and Fourteenth Amendments. As Justice Gorsuch stated:

For almost all of this Nation’s history and centuries before that, the right to trial by jury for serious criminal offenses meant the right to a trial before 12 members of the community. In 1970, this Court abandoned that ancient promise and enshrined in its place bad social science parading as law. That mistake continues to undermine the integrity of the Nation’s judicial proceedings and deny the American people a liberty their predecessors long and justly considered inviolable.

Khorrami v. Arizona, 2022 WL 16726030, at *5 (Gorsuch, J., dissenting).

There are divergent views on this issue. *Compare Brown*, 359 So. 3d at 410 n.1 (issue is “nearly frivolous”), *with State v. West*. 30 Fla. L. Weekly Supp. 607a (Fla. 11th Cir. Dec. 2, 2022) (but for *Guzman* court would rule that Sixth Amendment requires twelve-person jury in noncapital felony), *with Guzman*, 350 So. 3d at 78 (Gross, J., concurring) (“*Guzman* has a credible argument that the original public meaning of the Sixth Amendment right to a “trial by an impartial jury” *included* the right to a 12-person jury.”) (emphasis in original). Therefore, this Court should certify the following question as one of great public importance:

DOES THE SIXTH AMENDMENT REQUIRE A TWELVE-
PERSON JURY IN ALL FELONY CASES?

UCN NO: 062017CF013831A88810 **CLOCK IN**

☒ 17th Judicial Circuit in and for Broward County

DIVISION:
Criminal

SENTENCE

as to Count

I

THE STATE OF FLORIDA VS.

Mahmoud Abdelrazzag Almuhtaseb
DEFENDANT

CASE NUMBER

17013831 CF/10A

The Defendant, being personally before this court, accompanied by his attorney, P. Curry 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 he sentenced as provided by law, and cause shown,

Check One

☒ and the Court having on June 24, 22 deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on the defendant now resentsences 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 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 committed to the custody of the Sheriff of Broward County, Florida.

☐ The Defendant is hereby sentenced as a youthful offender in accordance with F.S. 958.04.

TO BE IMPRISONED (check one: unmarked sections are inapplicable)

☐ For a term of Natural Life.

☒ For a term of Five (5) years

☐ Said SENTENCE IS SUSPENDED for a period of _____ subject to conditions set forth in this Order.

If "split" sentence, complete either paragraph

☐

Followed by a period of _____ on Probation/Community Control under the supervision of the Department of Correction according to the terms and conditions of supervision set forth in separate order entered herein.

☐

However, after serving a period of _____ imprisonment in _____ the balance of such 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 the Probation/ Community Control set forth in a separate order entered herein.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was served on the State Attorney by ☒ Hand delivery ☐ U.S. Mail and to the Defense Attorney by: ☐ Hand delivery ☒ U.S. Mail this 15 day of July, 2022

DIVISION: CRIMINAL	SENTENCE (AS TO COUNT <u>I</u>)	UCN NO: 062017CF013831A8810 CASE NUMBER <u>170138 31 CF 10A</u>
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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 term.

SPECIAL PROVISIONS
(As to Count I)

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

MANDATORY/MINIMUM PROVISIONS:

- | | | |
|---|--------------------------|---|
| BATTERY ON THE ELDERLY | <input type="checkbox"/> | It is further ordered that the three (3) year mandatory minimum imprisonment provisions of F.S. 784.08(1) are hereby imposed for the sentence specified in this court. |
| DRUG TRAFFICKING | <input type="checkbox"/> | It is further ordered that the _____ mandatory minimum imprisonment provisions of Florida Statute 893.135(1) are hereby imposed for the sentence specified in this court. |
| CONTROLLED SUBSTANCE WITHIN 1000 FEET OF SCHOOL | <input type="checkbox"/> | It is further ordered that the three (3) year minimum imprisonment provision of Florida Statute 893.13(1)(e)1, are hereby imposed for the sentence specified in this court. |
| HABITUAL FELONY OFFENDER | <input type="checkbox"/> | The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in this sentence in accordance to the provisions of Florida Statute 775.084(4). The requisite findings by the court are set forth in a separate order or stated on the record in open court. |
| HABITUAL VIOLENT OFFENDER | <input type="checkbox"/> | The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in this sentence in accordance to the provision of Florida Statute 775.084(4). A minimum term of _____ year(s) must be served prior to release. The requisite findings by the court are set forth in a separate order or stated on the record in open court. |
| LAW ENFORCEMENT PROTECTION ACT | <input type="checkbox"/> | It is further ordered that the Defendant shall serve a minimum of _____ years before release in accordance with Florida Statute 775.0823. |
| CAPITAL OFFENSE | <input type="checkbox"/> | It is further ordered that the Defendant shall serve no less than 25 years in accordance with the provisions of Florida Statute 775.082(1). |
| VIOLENT CAREER CRIMINAL | <input type="checkbox"/> | The defendant is adjudicated a violent career criminal offender and has been sentenced to a term in accordance with the provision of Florida Statute <u>775.084(4)(c)</u> . A minimum term of _____ year(s) must be served prior to release. The requisite findings by the court are set forth in a separate order or stated on the record in open court. |
| PRISON RELEASEE REOFFENDER | <input type="checkbox"/> | The defendant is sentenced as a prison releasee reoffender and must serve a term of imprisonment of _____ years in accordance with the provisions of Florida Statute 775.082(8)(a)2. |

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was served on the State Attorney by: Hand delivery
 [] U.S. Mail and to the Defense Attorney by: [] Hand delivery [] U.S. Mail this 15 day of July, 2022

UCN NO: 062017CF013831A88810

DIVISION: CRIMINAL	SENTENCE (AS TO COUNT <u>I</u>)	CASE NUMBER <u>17013831 CF10A</u>
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OTHER PROVISIONS

- FIREARM/DESTRUCTIVE DEVICE [] It is further ordered that the _____ year mandatory minimum imprisonment provision of Florida Statute 775.087(2) and (3) is hereby imposed for the sentence specified in this count
- THREE-TIME VIOLENT FELONY OFFENDER [] The Defendant is adjudicated a three-time violent felony offender and has been sentenced to an extended term in accordance with the provisions of Florida Statute 775.084. The requisite findings by the court are set forth in a separate order or as stated on the record in open court.
- SHORT-BARRELED RIFLE, SHOTGUN, MACHINE GUN [] It is further ordered that the five-year minimum provisions of Florida Statute 790.22(2) are hereby imposed for the sentence specified in this count.
- CONTINUING CRIMINAL ENTERPRISE [] It is further ordered that the 25 year mandatory minimum sentence provisions of Florida Statute 893.20 are hereby imposed for the sentence specified in this count.
- RETENTION OF JURISDICTION [] The court retains jurisdiction over the defendant pursuant to Florida Statutes 947.16 (3).
- JAIL CREDIT [☒] It is further ordered that the defendant shall be allowed a total of 35 days as credit for time incarcerated prior to imposition of this sentence.
- 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 prior to re-sentencing.
- CONSECUTIVE CONCURRENT AS TO OTHER COUNTS [] It is further ordered that the sentence imposed by this court shall run _____ consecutive to _____ concurrent with (check one) the sentence set forth in count _____ of this case.
- CONSECUTIVE CONCURRENT AS TO OTHER CONVICTIONS [] It is further ordered that the composite term of all sentences imposed for the courts specified in this order shall run _____ consecutive to _____ concurrent with (check one) the following:
 _____ Any active sentence being served.
 _____ Specific Sentences: _____

PSI ORDERED

YES [☒] NO []

In the event the above sentence is to the Department of Corrections, the Sheriff of Broward 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 Statutes.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filling notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to assistance of counsel in taking said appeal at the expense of the State upon showing of indigence.

In imposing the above sentence, the court further recommends _____

DONE AND ORDERED in Open Court at Broward County, Florida, this 15 day of July, 2022

JUDGE Holden

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was served on the State Attorney by: [☒] Hand Delivery

[] U.S. Mail and to the Defense Attorney by: [] Hand Delivery [☒] U.S. Mail this 15 day of July 2022

Michelle Dykes

*** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 6/24/2022 9:00:38 AM.***

17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY

DIVISION:
CRIMINAL

DIVISION: FV

JUDGMENT

THE STATE OF FLORIDA VS.

CASE NUMBER

Mahmoud Abdelrazzag Almuhtaseb

17013831 CF10A

DEFENDANT

Probation Violator

State Attorney

J. Bodner

Court Reporter

Electronic

The Defendant, Mahmoud Abdelrazzag Almuhtaseb being personally before this Court represented by

P. Curry

, his attorney of record, and having:

(Check applicable provision)

- ☒ Been tried and found guilty 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	ADD'L MONIES IMPOSED
<u>001</u>	<u>Felony Battery</u>	<u>784.041(1)(a)(b)</u>	<u>3rd</u>	
<u>002</u>	<u>Petit Theft</u>	<u>812.014(1)(a)</u>	<u>Misd 2nd</u>	
		<u>812.014(1)(b)</u>		
		<u>812.014(3)(a)</u>		

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).

The Defendant is hereby ordered to pay the sum of Fifty dollars (\$50.00) pursuant to F.S. 938.03 (Crimes Comp. Trust Fund). The Defendant is further ordered to pay the sum of Five Dollars (\$5.00) as court costs pursuant to F.S. 938.03(1) and 938.15 Fines imposed as part of a sentence pursuant to F.S. 777.083(1) are to be recorded on the Sentence page(s).

(Check if applicable)

- Stayed & Withheld Imposition of Sentence () The court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation for a period of _____ under the supervision of the Department of Corrections (conditions of probation set forth in a separate order)
Sentence Deferred Until Later Date ☒ The court hereby defers imposition of sentence until July 15, 2022 (Date)
() Pay \$225.00 Trust Fund pursuant to F.S. 938.05(1)(a)

Count(s) _____: _____ DAYS/MONTHS BROWARD COUNTY JAIL W/CREDIT _____ DAYS TIME SERVED.

The Defendant in open court was advised of his right to appeal from this 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 indigence.

Holden
JUDGE

I hereby certify that a true and correct copy of the above and foregoing was served on the State Attorney by: ☒ hand delivery () U.S. mail and to the Defense Attorney by: () hand delivery () U.S. mail this 24 day of June 2022

Michelle Dylkes

Deputy Clerk

ICC 112-65 JUDGMENT

Revised 7-2-08

**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 6/24/2022 9:00:38 AM.****

DIVISION:	<input type="checkbox"/> ADJUDICATION WITHHELD	CASE NUMBER
CRIMINAL	<input checked="" type="checkbox"/> ADJUDICATED GUILTY	17013831 CF 10A

ALMUHTASEB MAHMOUD
FINGERPRINTS OF DEFENDANT

1 R THUMB	2 R INDEX	3 R MIDDLE	4 R RING	5 R LITTLE
				

Fingerprints taken by:

VARGAS, J 13269

Court Deputy

Name & Title

DONE AND ORDERED in Open Court at Broward County, Florida this 24 day of June 2022
 I HEREBY CERTIFY that the above and foregoing fingerprints are of the Defendant

Mahmoud Abdelrazzag Almuhtaseb

, and that they were placed thereon by said defendant in my presence

in Open court this date.



JUDGE Holden