

No.

IN THE SUPREME COURT OF THE UNITED STATES

JAMES HODGE, 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

421 Third Street

West Palm Beach, Florida 33401

(561) 355-7600

ppetillo@pd15.state.fl.us

appeals@pd15.org

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JAMES HODGE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2022-0859

[November 30, 2023]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit,
Broward County; Timothy L. Bailey, Judge; L.T. Case No.
17011832CF10A.

Carey Haughwout, Public Defender, and Nancy Jack, Assistant Public
Defender, West Palm Beach, for appellant.

Ashley Moody, Attorney General, Tallahassee, and Jonathan P. Picard,
Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed.

KLINGENSMITH, C.J., FORST and KUNTZ, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

IN THE FOURTH DISTRICT COURT OF APPEAL OF FLORIDA

JAMES HODGE,
Appellant,

CASE NO.: 4D22-859

v.

STATE OF FLORIDA,
Appellee.

_____/

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

Appellant James Hodge, through counsel, moves for rehearing and to certify a question of great public importance. These are the grounds:

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. 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 pending cases in the United States

Supreme Court that the petitioners' failure to move to certify a question of great public importance 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, e.g., 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 rehearing 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/ NANCY JACK
Nancy Jack
Assistant Public Defender
15th Judicial Circuit of Florida 421
Third Street
West Palm Beach, Florida 33401
(561) 355-7600
Florida Bar No. 986445

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this motion has been furnished to Jonathan Picard, Assistant Attorney General, 1515 N. Flagler Dr., Suite 900, West Palm Beach, FL 33401 by e-service at CrimAppWPB@MyFloridaLegal.com; and electronically filed with this court on this 15th day of December, 2023.

Nancy Jack
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 11, 2024

JAMES HODGE,
Appellant(s)

v.

STATE OF FLORIDA,
Appellee(s).

CASE NO. - 4D2022-0859
L.T. No. - 17011832CF10A


BY ORDER OF THE COURT:

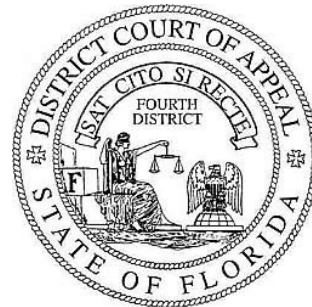
ORDERED that Appellant's December 15, 2023 motion for rehearing and certification is denied.

Served:
Attorney General-W.P.B.
Nancy Barbara Jack
Logan Tanner Mohs
Jonathan P Picard
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
4D2022-0859 January 11, 2024



So. 3d at 498–99, where the evidence was sufficient for the jury to have found the elements for the lesser-included offense of sexual battery upon a person 12 years of age or older, the district court of appeal remanded to the trial court to adjudicate Bight guilty of sexual battery. Citing § 924.34, Fla. Stat. (2014) and *State v. Sigler*, 967 So.2d 835, 844 (Fla.2007) (“[W]hen all of the elements of a lesser offense have been determined by the jury, section 924.34 is a valid exercise of the legislative prerogative allowing appellate courts to direct a judgment for such an offense.”).

This Court violated Appellant’s due process protections under the Fifth, Sixth and Fourteenth Amendments of the United States Constitution, and Article 1, section 9 of the Florida Constitution when it denied Appellant’s motion for judgment of acquittal. This Court must reverse Appellant’s convictions on Counts Three through Seven and remand for resentencing on those counts for the lesser-included offense of sexual battery under 794.011(5) with a correct scoresheet.

IV. Appellant was entitled to a twelve-person jury under the Sixth and Fourteenth Amendments and he did not waive that right.

A. Standard of review

Construction of a constitutional provision is a pure question of law that is reviewed de novo. *State v. Horwitz*, 191 So. 3d 429 (Fla. 2016).

B. The Sixth and Fourteenth Amendments guarantee the right to a twelve-person jury when the defendant is charged with a felony.

Appellant was convicted of felonies by a jury comprised of a mere six people. In particular, the charges Appellant faced carried a maximum sentence of life imprisonment without parole. He argues that the Sixth and Fourteenth Amendments guarantee the right to a twelve-person jury when the defendant is charged with a felony.

Appellant notes that this Court recently decided *Guzman v. State*, 350 So. 3d 72 (Fla. 4th DCA 2022), which rejected a defendant's argument "that his convictions by a six-person jury violated the Sixth and Fourteenth Amendments to the United States Constitution." The majority opinion in *Guzman* found this Court was bound by the United States Supreme Court's holding in *Williams v. Florida*, 399 U.S. 78 (1970), that six-person juries are constitutionally permissible until the high court expressly revisited that holding. *Id.*

In a concurring opinion, Judge Gross "explain[ed] that [the defendant's] legal argument on jury composition present[ed] a classic example of how the law navigates the shifting sands of constitutional analysis." *Id.* at 75 (Gross,

J., concurring) concurring specially. Although disagreeing with the defendant that *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), had overturned *Williams*, Judge Gross wrote that, “if applied to the issue of jury size, the originalist analysis in *Ramos* would undercut *Williams*’s functionalist underpinnings.” *Id.* at *5 (Gross, J, concurring). “At a minimum, *Ramos* . . . suggests that *Williams* was wrongly decided.” (Gross, J., concurring). Furthermore, the defendant “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. *Id.* (Gross, J., concurring).

Appellate attorneys have the obligation to “zealously assert[] the client’s position under the rules of the adversary system.” R. Regulating Fla. Bar prmb. As part of this obligation, “[c]ounsel has the responsibility to make such [arguments] as may be necessary to keep the defendant’s case in an appellate ‘pipeline.’” *Sandoval v. State*, 884 So. 2d 214, 217 n. 1 (Fla. 2d DCA 2004). Therefore, although acknowledging this Court is bound by *Guzman*, Appellant seeks to preserve this argument for further review.

On the merits, although the United States Supreme Court held in *Williams*, 399 U.S. at 86, that juries as small as six were constitutionally permissible, *Williams* is impossible to square with the Supreme Court’s ruling in *Ramos*, 140 S. Ct. 1390, 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.

After the Sixth Amendment was enacted, a bevy of state courts 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 United States 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). 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. See, e.g., *Maxwell v. Dow*, 176 U.S. 581, 586 (1900); *Patton v. United States*, 281 U.S. 276, 288 (1930); *Duncan v. Louisiana*, 391 U.S. 145, 151-152 (1968).

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 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.

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. See 140 S. Ct. at 1395.

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.” *Id.* 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. 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.

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). 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.

Appellant recognizes that Article 1, Section 22, of the Florida Constitution provides that “[t]he qualifications and the number of jurors, not fewer than six, shall be fixed by law.” He also recognizes that section 913.10, Florida Statutes, provides for six jurors except in capital cases. See *also* Fla. R. Crim. P. 3.270. But in *Ramos*, Justice Gorsuch noted that the Louisiana non-unanimity rule arose from Jim Crow era efforts to enforce white supremacy. *Id.* 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.

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. 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. 15 241.

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). 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.

C. Harm and relief

In view of the foregoing, a jury of six at a criminal trial for any felony offense, particularly a crime punishable by up to life imprisonment, is unconstitutional under the Sixth and Fourteenth Amendments of the United States Constitution. This Court must reverse Appellant’s convictions and remand for a new trial before a twelve-person jury.

*** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 3/4/2022 1:16:20 PM.***

17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY

DIVISION:
CRIMINAL

DIVISION: FH.

JUDGMENT

THE STATE OF FLORIDA VS.

CASE NUMBER

DEFENDANT

Probation Violator

James Craig Hodge.

17-11832 CF 10A.

State Attorney

K. Harper.

Court Reporter

S. Sugden.

The Defendant,

James Craig Hodge.

being personally before this Court represented by

R. Hurst.

, 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

1-7

Sexual Battery - Special
Circumstances

794.011(4)(b)
794.011(4)(e)

1st F.

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

() 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

Imposition of Sentence

supervision of the Department of Corrections (conditions of probation set forth in a separate order)

Sentence Deferred

(☒) The court hereby defers imposition of sentence until JA to set future date.

Until Later Date

(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.

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 4 day of March 2022.

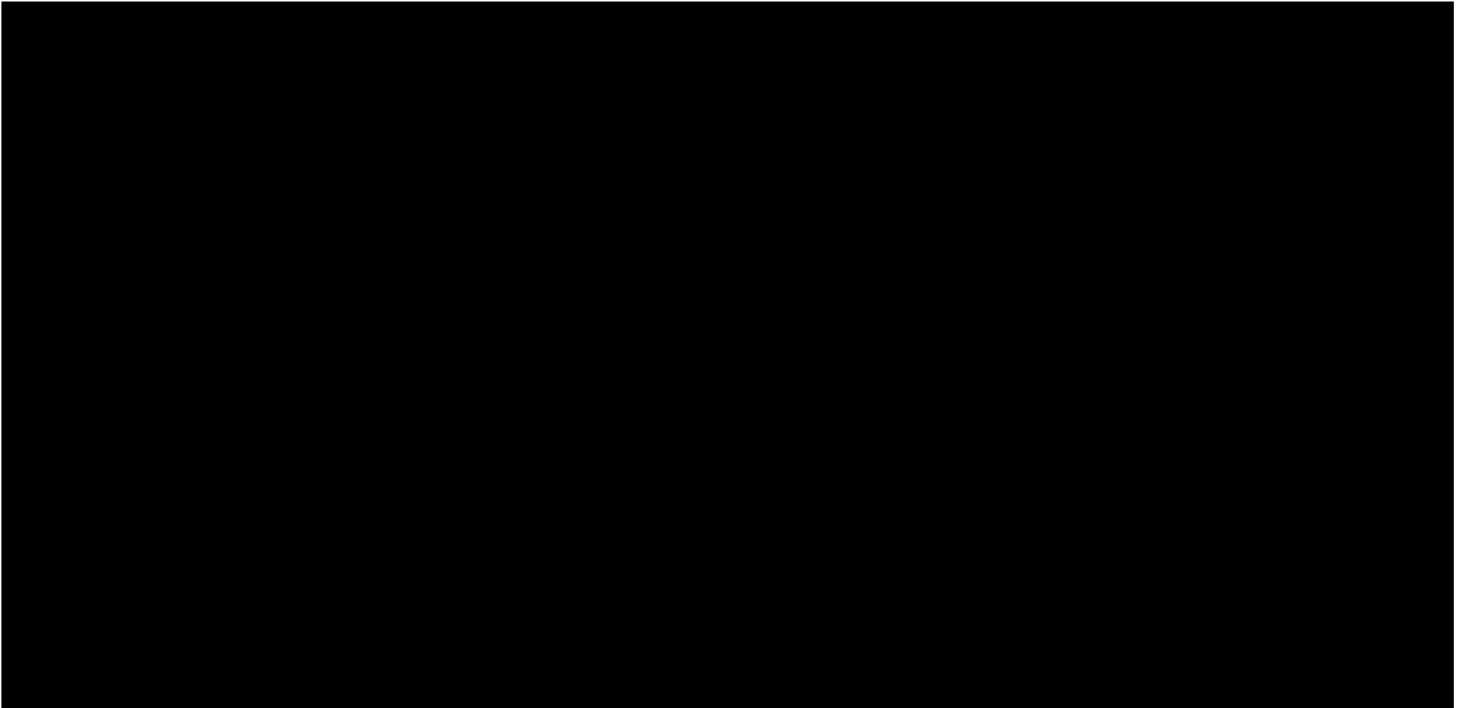
Deputy Clerk

ICC 112-65 JUDGMENT

**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 3/4/2022 1:16:20 PM.****

DIVISION: CRIMINAL FH	<input type="checkbox"/> ADJUDICATION WITHHELD <input checked="" type="checkbox"/> ADJUDICATED GUILTY	CASE NUMBER 17-11832 CF 10 A -
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HODGE C JAMES
FINGERPRINTS OF DEFENDANT



Fingerprints taken by:

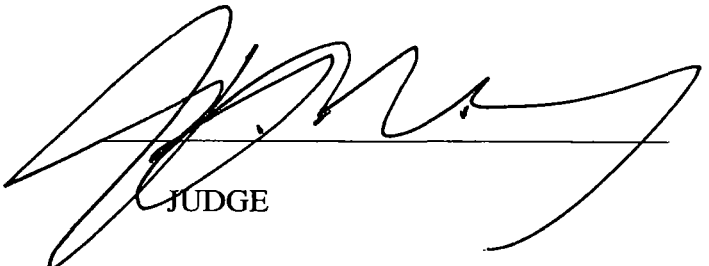
VARGAS J13259 Court Deputy

Name & Title

DONE AND ORDERED in Open Court at Broward County, Florida this 4 day of March 2022
I HEREBY CERTIFY that the above and foregoing fingerprints are of the Defendant

James Craig Hodge and that they were placed thereon by said defendant in my
presence

in Open court this date.


JUDGE

UCN: 062017CF011832A88810

CLOCK IN

☒ 17th Judicial Circuit in and for Broward County

"Sexual Predator"

DIVISION:

Criminal

FH

as to Count

SENTENCE

1

THE STATE OF FLORIDA VS.

CASE NUMBER

DEFENDANT

James Craig Hodge

17-11832CF10A

The Defendant, being personally before this court, accompanied by his attorney, R. Hurst, 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 3/4/22 deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on the defendant now resents 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 56.81 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 _____ day of _____, 20_____

MAR 16 2022

UCN: 062017CF011832A88810

DIVISION:
CRIMINAL

FH

SENTENCE
(AS TO COUNT 1)

CASE NUMBER

17-11832CF10A

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 1)

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

MANDATORY/MINIMUM PROVISIONS:

- BATTERY ON THE ELDERLY** ☐ 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** ☐ 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** ☐ 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** ☐ 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** ☐ 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** ☐ It is further ordered that the Defendant shall serve a minimum of _____ years before release in accordance with Florida Statute 775.0823.
- CAPITAL OFFENSE** ☐ 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** ☐ The defendant is adjudicated a violent career criminal offender and has been sentenced to a term in accordance with the provision of Florida Statute 775.084(4)(c). 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** ☐ 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 _____ day of _____, 20____.

DIVISION: CRIMINAL FH	SENTENCE (AS TO COUNT <u>1</u>)	CASE NUMBER 17-11832 CF10A
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OTHER PROVISIONSFIREARM/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 in this court.

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 790.221 (2) are hereby imposed for the sentence specified in this court.

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 court.

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 1,611 days as credit for the 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 1 of this case.

DANGEROUS SEXUAL
FELONY OFFENDER☐

The Defendant is sentenced as a dangerous sexual felony offender and must serve a mandatory minimum term of 25 years imprisonment in accordance with the provisions of Florida Statute 794.0115(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 _____ day of _____, 20

MAR 16 2022

UGN: 062017CF011832A88810

CLOCK IN

[✓] 17th Judicial Circuit in and for Broward County

"Sexual Predator"

DIVISION:

Criminal FH

SENTENCE

as to Count

2

THE STATE OF FLORIDA VS.

CASE NUMBER

DEFENDANT

James Craig Hodge

17-11832CF/MA

The Defendant, being personally before this court, accompanied by his attorney, R. Hurst, 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 3/4/22 deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on the defendant now resents the defendant.

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

☐ For a term of Natural Life.

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☐ 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 _____ day of _____, 20____

MAR 16 2022

DIVISION:
CRIMINAL

FH

SENTENCE
(AS TO COUNT 2)

CASE NUMBER

17-11832 CF104

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 2)

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

MANDATORY/MINIMUM PROVISIONS:

- BATTERY ON THE ELDERLY** ☐ 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** ☐ 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** ☐ 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** ☐ 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** ☐ 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** ☐ It is further ordered that the Defendant shall serve a minimum of _____ years before release in accordance with Florida Statute 775.0823.
- CAPITAL OFFENSE** ☐ 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** ☐ The defendant is adjudicated a violent career criminal offender and has been sentenced to a term in accordance with the provision of Florida Statute 775.084(4)(c). 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** ☐ 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 _____ day of _____, 20____.

DIVISION: CRIMINAL FH	SENTENCE <u>2</u> (AS TO COUNT _____)	CASE NUMBER <u>17-11832 CF/0A</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 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 790.221 (2) are hereby imposed for the sentence specified in this court.

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 court.

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 1,611 days as credit for the 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 1 concurrent with (check one) the sentence set forth in count _____ of this case.

DANGEROUS SEXUAL
FELONY OFFENDER

☐

The Defendant is sentenced as a dangerous sexual felony offender and must serve a mandatory minimum term of 25 years imprisonment in accordance with the provisions of Florida Statute 794.0115(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 _____ day of _____, 20____.

MAR 16 2022

UCN: 062017CF011832A88810

[✓] 17th Judicial Circuit in and for Broward County <i>"Sexual Predator"</i>		CLOCK IN
DIVISION: Criminal <i>FK</i>	SENTENCE as to Count <i>3</i>	
THE STATE OF FLORIDA VS.		CASE NUMBER
DEFENDANT <i>James Craig Hodge</i>		<i>17-11832 CF/10A</i>

The Defendant, being personally before this court, accompanied by his attorney, *R. Hurst*, 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 *3/4/22* 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 *56.81 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 _____ day of _____, 20____.

MAR 16 2022

DIVISION: CRIMINAL FH	SENTENCE (AS TO COUNT <u>3</u>)	CASE NUMBER <u>17-11832 CF/DA.</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 3)

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 MAR 16 day of 2022, 20__.

DIVISION: CRIMINAL FH	SENTENCE (AS TO COUNT <u>3</u>)	CASE NUMBER <u>17-11832 CF/04</u>
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OTHER PROVISIONSFIREARM/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 in this court.

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 790.221 (2) are hereby imposed for the sentence specified in this court.

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 court.

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 1,611 days as credit for the 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 2 concurrent with (check one) the sentence set forth in count _____ of this case.

DANGEROUS SEXUAL
FELONY OFFENDER☐

The Defendant is sentenced as a dangerous sexual felony offender and must serve a mandatory minimum term of 25 years imprisonment in accordance with the provisions of Florida Statute 794.0115(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 _____ day of _____, 20

[<input checked="" type="checkbox"/> 17th Judicial Circuit in and for Broward County <i>"Sexual Predator"</i>		CLOCK IN
DIVISION: Criminal <i>FA</i>	SENTENCE as to Count <u>4</u>	
THE STATE OF FLORIDA VS. DEFENDANT <i>James Craig Hodge</i>		CASE NUMBER <i>17-11832-CF10A</i>

The Defendant, being personally before this court, accompanied by his attorney, R. Hurst, 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,



☒ and the Court having on 3/4/22 deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on the defendant now resents 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 56.81 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 _____ day of _____, 20_____

MAR 16 2022 354

DIVISION:
CRIMINAL

SENTENCE
(AS TO COUNT 4)

CASE NUMBER

17-11832-CF/07

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 4)

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

MANDATORY/MINIMUM PROVISIONS:

- BATTERY ON THE ELDERLY** ☐ 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** ☐ 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** ☐ 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** ☐ 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** ☐ 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** ☐ It is further ordered that the Defendant shall serve a minimum of _____ years before release in accordance with Florida Statute 775.0823.
- CAPITAL OFFENSE** ☐ 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** ☐ The defendant is adjudicated a violent career criminal offender and has been sentenced to a term in accordance with the provision of Florida Statute 775.084(4)(c). 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** ☐ 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 _____ day of _____, 20____.

DIVISION: CRIMINAL FH	SENTENCE (AS TO COUNT <u>4</u>)	CASE NUMBER 17-11832 CF10A
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OTHER PROVISIONSFIREARM/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 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 790.221 (2) are hereby imposed for the sentence specified in this court.

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 court.

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 1,611 days as credit for the 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 3 concurrent with (check one) the sentence set forth in count _____ of this case.

DANGEROUS SEXUAL
FELONY OFFENDER☐

The Defendant is sentenced as a dangerous sexual felony offender and must serve a mandatory minimum term of 25 years imprisonment in accordance with the provisions of Florida Statute 794.0115(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 _____ day of _____, 20____

MAR 16 2022

CLOCK IN

☒ 17th Judicial Circuit in and for Broward County

"Sexual Predator"

DIVISION:

Criminal *PH*

SENTENCE

as to Count

5

THE STATE OF FLORIDA VS.

CASE NUMBER

DEFENDANT

James Craig Hodge

17-11832 CF004

The Defendant, being personally before this court, accompanied by his attorney, *R. Hurst*, 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 *3/4/22* deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on the defendant now resents 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 *56.81 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 _____ day of _____, 20____.

MAR 13 2022

DIVISION:
CRIMINAL

SENTENCE
(AS TO COUNT 5)

CASE NUMBER

17-1832 CF107

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 5)

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

MANDATORY/MINIMUM PROVISIONS:

- BATTERY ON THE ELDERLY** ☐ 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** ☐ 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** ☐ 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** ☐ 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** ☐ 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** ☐ It is further ordered that the Defendant shall serve a minimum of _____ years before release in accordance with Florida Statute 775.0823.
- CAPITAL OFFENSE** ☐ 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** ☐ The defendant is adjudicated a violent career criminal offender and has been sentenced to a term in accordance with the provision of Florida Statute 775.084(4)(c). 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** ☐ 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 _____ day of _____, 20____.

DIVISION: CRIMINAL FH	SENTENCE (AS TO COUNT <u>5</u>)	CASE NUMBER <u>17-11832 CF104</u>
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OTHER PROVISIONSFIREARM/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 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 790.221 (2) are hereby imposed for the sentence specified in this court.

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 court.

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 1,611 days as credit for the 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 4 concurrent with (check one) the sentence set forth in count _____ of this case.

DANGEROUS SEXUAL
FELONY OFFENDER☐

The Defendant is sentenced as a dangerous sexual felony offender and must serve a mandatory minimum term of 25 years imprisonment in accordance with the provisions of Florida Statute 794.0115(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 _____ day of _____, 20

MAR 16 2022

<input checked="" type="checkbox"/> 17th Judicial Circuit in and for Broward County <p style="text-align: center;"><i>"Sexual Predator"</i></p>		<p style="text-align: center;">CLOCK IN</p>
DIVISION: Criminal <i>FT</i>	SENTENCE as to Count <u>6</u>	
THE STATE OF FLORIDA VS. DEFENDANT <i>James Craig Hodge</i>		CASE NUMBER <i>17-11832 CF10A</i>

The Defendant, being personally before this court, accompanied by his attorney, R. Hurst, 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 3/4/22 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 56.81 Year.
- ☐ 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 _____ day of _____, 20____.

DIVISION: CRIMINAL FH	SENTENCE (AS TO COUNT <u>6</u>)	CASE NUMBER <u>17-11832 CF/0A</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 6)

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 _____ day of _____, 20____.

DIVISION: CRIMINAL FH	SENTENCE (AS TO COUNT <u>6</u>)	CASE NUMBER <u>17-11832</u> CF/DA
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OTHER PROVISIONSFIREARM/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 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 790.221 (2) are hereby imposed for the sentence specified in this court.

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 court.

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 1,611 days as credit for the 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 5 concurrent with (check one) the sentence set forth in count _____ of this case.

DANGEROUS SEXUAL
FELONY OFFENDER☐

The Defendant is sentenced as a dangerous sexual felony offender and must serve a mandatory minimum term of 25 years imprisonment in accordance with the provisions of Florida Statute 794.0115(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 _____ day of _____, 20

UCN: 062017CF011832A88810

CLOCK IN

☒ 17th Judicial Circuit in and for Broward County

DIVISION:

Criminal *PH*

SENTENCE

as to Count

7

THE STATE OF FLORIDA VS.

CASE NUMBER

DEFENDANT

James Craig Hodge

17-11832 CF/MA

The Defendant, being personally before this court, accompanied by his attorney, *R. HUBB* 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 *3/4/22* 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 *56.81* *Ylors*

☐ 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 _____ day of _____, 20____.

MAR 16 2022

DIVISION: CRIMINAL <div style="font-size: 1.5em; margin-top: 5px;">FH</div>	SENTENCE (AS TO COUNT <u>7</u>)	CASE NUMBER <div style="font-size: 1.2em; margin-top: 5px;">17-11832 CF/DA</div>
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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 7)

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 _____ day of _____, 20____.

Hodge

DIVISION: CRIMINAL <i>FH</i>	SENTENCE (AS TO COUNT <u>7</u>)	CASE NUMBER <u>17-11832 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 1,611 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 6 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~~ Ordered the Defendant to be a Sexual Predator.

DONE AND ORDERED in Open Court at Broward County, Florida, this 16 day of March, 2022.

JUDGE

Bailey

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 16 day of March, 2022