

No.

IN THE SUPREME COURT OF THE UNITED STATES

---

CLARENCE F. STEPHENSON, 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*

Benjamin Hunter Eisenberg  
*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  
beisenberg@pd15.state.fl.us  
appeals@pd15.org

368 So.3d 5

District Court of Appeal of Florida, Fourth District.

Clarence F. STEPHENSON, Appellant,

v.

STATE of Florida, Appellee.

No.

4D22

-

291

|

[July 12, 2023]

### Synopsis

**Background:** Defendant was convicted in the Circuit Court, 15th Judicial Circuit, Palm Beach County, *Caroline Shepherd*, J., of possession and trafficking in several different drugs, including amphetamines, phenethylamines, and morphine. Defendant appealed.

**Holdings:** The District Court of Appeal held that:

defendant's conviction by six-person jury did not violate his constitutional rights;

assessment of mandatory statutory fines was not unconstitutionally excessive; but

remand was required for trial court to correct scrivener's error.

Affirmed, but remanded.

**Procedural Posture(s):** Appellate Review; Pre-Trial Hearing Motion.

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; *Caroline C. Shepherd*, Judge; L.T. Case No. 50-2019-CF-005431-AXXXX-MB.

### Attorneys and Law Firms

*Carey Haughwout*, Public Defender, and *Cynthia L. Anderson*, 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.

### Opinion

Per Curiam.

We affirm appellant's convictions and sentences for various counts of possession and trafficking in several different drugs. Appellant contends that the trial court erred in denying his motion to suppress the evidence and statements obtained during the traffic stop which led to the discovery of drugs. We find competent substantial evidence to support the trial court's conclusions that the stop was valid, the officer observed a container containing illicit drugs in plain view after approaching the vehicle, and appellant's incriminating statements were obtained after he was \*6 read his *Miranda* rights. While one admission was obtained before appellant was read his *Miranda* rights, its introduction into evidence was harmless error.

Appellant also claims that he was unconstitutionally tried by a six-member jury instead of a twelve-member jury. We have previously rejected this argument in *Guzman v. State*, 350 So. 3d 72, 73 (Fla. 4th DCA 2022), *rev. denied*, No. SC22-1597, 2023 WL 3830251 (Fla. June 6, 2023). We likewise reject the claim in this case.

Additionally, Appellant challenges the \$210,000 in mandatory statutory fines assessed against him as unconstitutionally excessive.<sup>1</sup> We conclude that the fines are not unconstitutional. See *Gordon v. State*, 139 So. 3d 958, 964 (Fla. 2d DCA 2014). We do agree with appellant's claim that the order assessing costs and fines incorrectly lists \$52,500 as a discretionary fine when this was a mandatory fine. We remand for the trial court to correct this scrivener's error. See *Bryant v. State*, 301 So. 3d 352, 353 (Fla. 2d DCA 2020). Appellant need not be present for the correction. *Id.*

*Affirmed, but remanded to correct a scrivener's error in sentence.*

*Warner, May and Gerber, JJ., concur.*

### All Citations

368 So.3d 5, 48 Fla. L. Weekly D1393

## Footnotes

<sup>1</sup> See § 893.135(1)(f)1.a., Fla. Stat. (2018) (a person who traffics between fourteen and twenty-eight grams of amphetamines “shall be ordered to pay a fine of \$50,000”); § 893.135(1)(k)2.a., Fla. Stat. (2018) (a person who traffics between ten and two-hundred grams of phenethylamines “shall be ordered to pay a fine of \$50,000”); § 893.135(1)(c)1.b., Fla. Stat. (2018) (a person who traffics between fourteen and twenty-eight grams of morphine “shall be ordered to pay a fine of \$100,000”); and [§ 938.04, Fla. Stat. \(2018\)](#) (“In addition to any fine for any criminal offense prescribed by law, including a criminal traffic offense ... there is hereby established and created as a court cost an additional 5-percent surcharge thereon which shall be imposed[.]”)

---

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.

2023 WL 8361303

Only the Westlaw citation is currently available.  
Supreme Court of Florida.

Clarence F. STEPHENSON, Petitioner(s)

v.

State of FLORIDA, Respondent(s)

SC2023-1200

|

November 21, 2023

Lower           Tribunal           No(s).:           **4D22-0291**  
502019CF005431AXXXXMB

CORRECTED ORDER <sup>1</sup>

\***1** The original petition seeking belated discretionary review is hereby granted and a new case styled *Stephenson v. State of Florida*, Case No. SC2023-1608, has been set up as a notice to invoke discretionary jurisdiction which is seeking review of the order of the Fourth District Court of Appeal dated July 12, 2023. Case No. SC2023-1200 is closed.

**CANADY, LABARGA, GROSSHANS, FRANCIS, and SASSO, JJ., concur.**

**All Citations**

Not Reported in So. Rptr., 2023 WL 8361303

**Footnotes**

**1** Corrected the new case number from SC2023-1588 to SC2023-1608 on December 4, 2023.

A True Copy

2024 WL 1366348

Only the Westlaw citation is currently available.

Supreme Court of Florida.

Clarence F. Stephenson, Petitioner(s)

v.

State of Florida, Respondent(s)

SC2023

-

1608

|

APRIL 1, 2024

Lower Tribunal No(s).: 4D2022-0291;  
502019CF005431AXXXMB

**Opinion**

\*1 This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. *See* Fla. R. App. P. 9.330(d)(2).

Test:

DL

Served:

CYNTHIA LORRAINE ANDERSON

CRIM APP WPB ATTORNEY GENERAL

4DCA CLERK

PALM BEACH CLERK

JESSENIA J CONCEPCION

JONATHAN P PICARD

HON. CAROLINE CAHILL SHEPHERD

CANADY, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

**All Citations**

Not Reported in So. Rptr., 2024 WL 1366348

---

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.

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

Stephenson was convicted by a jury comprised of six people. T 238. The Sixth and Fourteenth Amendments guarantee the right to a twelve-person jury when the defendant is charged with a felony.

***A. Standard of review and preservation***

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).

Stephenson did not personally waive his right to a twelve person jury.

***B. The Constitution requires a twelve-person jury.***

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

Prior to 1970, subjecting Stephenson to a trial with only six

jurors would have indisputably violated his Sixth Amendment rights. As the *Ramos* Court observed, even Blackstone recognized that under the common law, “no person could be found guilty of a serious crime unless ‘the truth of every accusation … should … be confirmed by the unanimous suffrage of twelve of his equals and neighbors[.]’” *Ramos*, 140 S. Ct. at 1395. “A ‘verdict, taken from eleven, was no verdict’ at all.” *Id.*

After the Sixth Amendment was enacted, a bevy of state courts—ranging from Alabama to Missouri to New Hampshire—interpreted it to require a twelve-person jury. *See Miller, Comment, Six of One Is Not A Dozen of the Other*, 146 U. PA. L. REV. 621, 643 n.133 (1998) (collecting cases from the late 1700s to the 1860s). In 1898, the U.S. Supreme Court added its voice to the chorus, noting that the Sixth Amendment protects a defendant’s right to be tried by a twelve-person jury. *Thompson v. Utah*, 170 U.S. 343, 349-350 (1898) *overruled on other grounds* by *Collins v. Youngblood*, 497 U.S. 37, 51-52 (1990). As the *Thompson* Court explained, since the time of the Magna Carta, the word “jury” had been understood to mean a body of twelve people. *Id.* Given that understanding had been accepted since 1215, the Court reasoned, “[i]t must” have been “that

the word “jury” in the Sixth Amendment was “placed in the constitution of the United States with reference to [that] meaning affixed to [it].” *Id.* at 350.

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

such as the necessary inclusion of twelve members. *Duncan v. Louisiana*, 391 U.S. 145, 151-152 (1968).<sup>1</sup>

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, 122-24 (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

---

<sup>1</sup> See also, e.g., *Capital Traction Co v. Hof*, 174 U.S. 1, 13 (1899) (“Trial by jury,’ in the primary and usual sense of the term at the common law and in the American constitutions, is not merely a trial by a jury of 12 men” but also contains other requirements); *Rassmussen v. United States*, 197 U.S. 516, 529 (1905) (“The constitutional requirement that ‘the trial of all crimes, except in cases of impeachment, shall be by jury,’ means, as this court has adjudged, a trial by the historical, common-law jury of twelve persons”).

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; *cf. Burch v. Louisiana*, 441 U.S. 130, 137 (1979) (acknowledging that *Williams* and its progeny “departed from the strictly historical requirements of jury trial”).

*Williams*’s ruling that the Sixth Amendment (as incorporated to the States by the Fourteenth) permits a six-person jury cannot stand in light of *Ramos*. There, the Supreme Court held that the Sixth Amendment requires a unanimous verdict to convict a defendant of a serious offense. In reaching that conclusion, the *Ramos* Court overturned *Apodaca v. Oregon*, 406 U.S. 404 (1972), a decision that it faulted for “subject[ing] the ancient guarantee of a unanimous jury verdict to its own functionalist assessment.” *Ramos*, 140 S. Ct. at 1401-02.

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.’” *Ramos*, 140 S. Ct. at 1400-01. Ultimately, the *Ramos* Court explained, the question is whether “at the time of the Sixth Amendment’s adoption, the right to trial by jury included” the particular feature at issue. *Id.* at 1402. As the history summarized above establishes, there can be no serious doubt that the common understanding of the jury trial during the Revolutionary War era was that twelve jurors were required—a “verdict, taken from eleven, was no verdict at all.” *See id.* at 1395 (quotation marks omitted).

Even setting aside *Williams*’s now-disfavored functionalist logic, its ruling suffered from another significant flaw: it was based on research that was out of date shortly after the opinion issued.

Specifically, the *Williams* Court “f[ou]nd little reason to think” that the goals of the jury guarantee—including, among others, “to provide a fair possibility for obtaining a representative[] cross-section

of the community”—“are in any meaningful sense less likely to be achieved when the jury numbers six, than when it numbers 12.” *Williams*, 399 U.S. at 100. The Court theorized that “in practice the difference between the 12-man and the six-man jury in terms of the cross-section of the community represented seems likely to be negligible.” *Id.* at 102.

In the time since *Williams*, that determination has proven incorrect. Indeed, the Court acknowledged as much just eight years later in *Ballew v. Georgia*, 435 U.S. 223 (1978), when it concluded that the Sixth Amendment barred the use of a five-person jury. Although *Ballew* did not overturn *Williams*, the *Ballew* Court observed that empirical studies conducted in the handful of intervening years highlighted several problems with *Williams'* assumptions. For example, *Ballew* noted that more recent research showed that (1) “smaller juries are less likely to foster effective group deliberation,” *id.* at 232, (2) smaller juries may be less accurate and cause “increasing inconsistency” in verdict results, *id.* at 234, (3) the chance for hung juries decreases with smaller juries, disproportionately harming the defendant, *id.* at 236; and (4) decreasing jury sizes “foretell[] problems … for the representation of

minority groups in the community,” undermining a jury’s likelihood of being “truly representative of the community,” *id.* at 236-37.

Moreover, the *Ballew* Court “admit[ted]” that it “d[id] not pretend to discern a clear line between six members and five,” effectively acknowledging that the studies it relied on also cast doubt on the effectiveness of the six-member jury. *Id.* at 239; *see also id.* at 245-46 (Powell, J., concurring) (agreeing that five-member juries are unconstitutional, while acknowledging that “the line between five- and six-member juries is difficult to justify”).

Post-*Ballew* research has further undermined *Williams*. Current empirical evidence indicates that “reducing jury size inevitably has a drastic effect on the representation of minority group members on the jury.” Diamond et al., *Achieving Diversity on the Jury: Jury Size and the Peremptory Challenge*, 6 J. OF EMPIRICAL LEGAL STUD. 425, 427 (Sept. 2009); *see also* Higginbotham et al., *Better by the Dozen: Bringing Back the Twelve-Person Civil Jury*, 104 JUDICATURE 47, 52 (Summer 2020) (“Larger juries are also more inclusive and more representative of the community. ... In reality, cutting the size of the jury dramatically increases the chance of excluding minorities.”). Because “the 12-member jury produces

significantly greater heterogeneity than does the six-member jury,” Diamond et al., at 449, it increases “the opportunity for meaningful and appropriate representation” and helps ensure that juries “represent adequately a cross-section of the community.” *Ballew*, 435 U.S. at 237.

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

Stephenson recognizes that the state constitution provides:

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

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

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

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

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

The Legislature enacted chapter 3010 with the jury-of-six provision on February 17, 1877. *Gibson*, 16 Fla. at 294. This was less than a month after the last federal troops were withdrawn from Florida in January 1877. *See JERRELL H. SHOFNER, Reconstruction and Renewal, 1865-1877*, in THE HISTORY OF FLORIDA 273 (Michael Gannon, ed., first paperback edition 2018) (“there were [no] federal troops” in Florida after 23 January 1877”).

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

On its face the 1868 constitution extended the franchise to Black men. But the historical context shows that that it was part of the overall resistance to Reconstruction efforts to protect the rights of Black citizens. The constitution was the product of a remarkable series of events including a coup in which leaders of the white southern (or native) faction took possession of the assembly hall in the middle of the night, excluding Radical Republican delegates from the proceedings. *See Richard L. Hume, Membership of the Florida Constitutional Convention of 1868: A Case Study of Republican*

*Factionalism in the Reconstruction South*, 51 Fla. Hist. Q. 1, 5-6 (1972); SHOFNER, at 266. A reconciliation was effected as the “outside” whites “united with the majority of the body’s native whites to frame a constitution designed to continue white dominance.” Hume at 15.

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

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

Hume, at 15-16. *See also* SHOFNER, at 266.

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

In view of the foregoing, a jury of six at a criminal trial is unconstitutional under the Sixth and Fourteenth Amendments of the United States Constitution. *See* U.S. Const. amend. VI, U.S. Const. amend. XIV.

Finally, Stephenson did not waive his Sixth Amendment right to a twelve-person jury. A defendant may waive his right to a constitutional jury, but the “express and intelligent consent of the defendant” is required. *Patton*, 281 U.S. at 312. Stephenson’s claim is of “constitutional dimension” not statutory right, which is fundamental error and can be raised for the first time on appeal. *See e.g.*, *Johnson v. State*, 994 So. 2d 960, 964 (Fla. 2008) (holding Johnson’s general silence “did not constitute a valid waiver” of “his right to a jury trial”); *Smith v. State*, 857 So. 2d 268, 270 (Fla. 5th DCA 2003) (reasoning the constitutional right to a jury trial is fundamental in nature).

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

**C. Stephenson acknowledges pending cases on identical issue and requests cite to Guzman**

This Court recently affirmed the issue based *Williams* but undersigned counsel has an obligation to keep Stephenson's claim in the pipeline. *Perez v. Dep't. Corr.*, 227 F. Supp. 2d 1298, 1308 (S.D. Fla. 2002). The concurrence indicated that "the originalist analysis in *Ramos* would undercut *Williams*'s functionalist underpinnings. At a minimum, *Ramos*—which relied on the original meaning of the Sixth Amendment rather than an analysis of the jury's role in contemporary society—suggests that *Williams* was wrongly decided."

*Guzman v. State*, No. 4D22-0148, 2022 WL 14688085, \*5 (Fla. 4th DCA Oct. 26, 2022) (Gross, J., concurring). Therefore, Stephenson respectfully request that, if the Court is inclined to affirm his conviction on this ground, it include a citation to *Guzman* so that he may be kept in the pipeline for this important issue.

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

CASE NO: 2019CF005431AMB

DIV: R

OBTS NUMBER:

STATE OF FLORIDA

v.

SINERO CLARENCE FRANK MYERS STEPHENSON,  
B/M,  
09/05/1971, 261-71-4343

PROBATION VIOLATOR  
 COMMUNITY CONTROL VIOLATOR  
 RETRIAL  
 RESENTENCE

**JUDGMENT**

The above defendant, being personally before this Court represented by DAVID CASALS ESQ  
(attorney)

<input checked="" type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
---	---	--

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
1	Possession of Cocaine with Intent to Sell	893.13(1)(a)1	2f
2	Trafficking in Amphetamine (14-28g)	893.135(1)(f)1a	1f
3	Trafficking in Phenethylamines (MDMA) (10-200g)	893.135(1)(k)1, (1)(k)2a	1f
4	Trafficking in Heroin (14-28g)	893.135(1)(c)1b	1f
5	Possession of Morphine with Intent to Sell	893.13(1)(a)1	2f

and the Court having made a factual finding, the above crime(s) qualify as a crime of domestic violence pursuant to s. 741.28.

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and being a qualified offender pursuant to s. 943.325, the Defendant shall be required to submit DNA samples as required by law.

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

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 19 day of Nov, 2021.

  
CIRCUIT COURT JUDGE

**FILED**  
Circuit Criminal Department

NOV 19 2021

JOSEPH ABRUZZO  
Clerk of the Circuit Court & Comptroller  
Palm Beach County

pg 1 of 2

IN THE CRIMINAL DIVISION OF THE CIRCUIT/COUNTY COURT OF THE  
FIFTEENTH JUDICAL CIRCUIT OF FLORIDA,  
IN AND FOR PALM BEACH COUNTY

CASE NO. 50-2019-CF-005431-AXXX-MB DIV. R: Felony - R (Circuit)

OBTS NUMBER: 5003439950

STATE OF FLORIDA

V

SINERO CLARENCE FRANK MYERS  
STEPHENSON  
DEFENDANT

[  ] COMMUNITY  
CONTROL  
VIOLATOR

[  ] PROBATION  
VIOLATION

September 5, 1971

Black

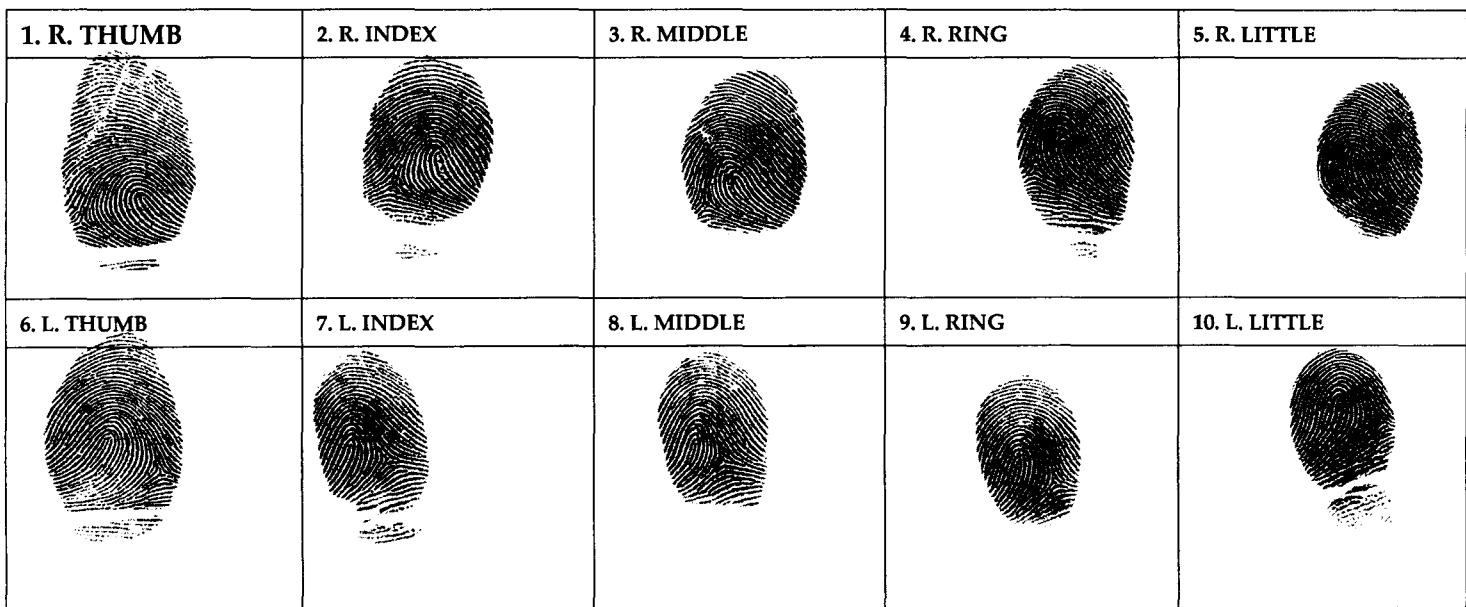
Male

DATE OF BIRTH

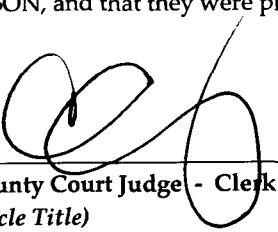
RACE

GENDER

The fingerprints below are those of said Defendant taken by Deputy Sheriff D/S Torres 4823



I hereby certify that the above and foregoing fingerprints are the fingerprints of the defendant, SINERO CLARENCE FRANK MYERS STEPHENSON, and that they were placed thereon by said defendant in my presence this 19 day of Nov, 2021

  
Circuit/County Court Judge - Clerk - Deputy Sheriff  
(Please Circle Title)

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

SENTENCE  
(As to Count(s) 1,5)

Defendant: Clarence Stephenson

Case Number: 19CF005431AMB

OBTS Number: \_\_\_\_\_

The Defendant, being personally before this Court, accompanied by the defendant's attorney of record, \_\_\_\_\_, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why Defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ \_\_\_\_\_ pursuant to § \_\_\_\_\_, Florida Statutes, plus all costs and additional charges as outlined in the Order assessing additional charges, costs and fines as set forth in a separate order entered herein

The Defendant is hereby committed to the custody of the

Department of Corrections  
 Sheriff of Palm Beach County, Florida  
 Department of Corrections as a youthful offender

For a term of 15 years. It is further ordered that the Defendant shall be allowed a total of 896 days as credit for time incarcerated prior to imposition of this sentence. It is further ordered that the composite term of all sentences imposed for the counts specified in the order shall run

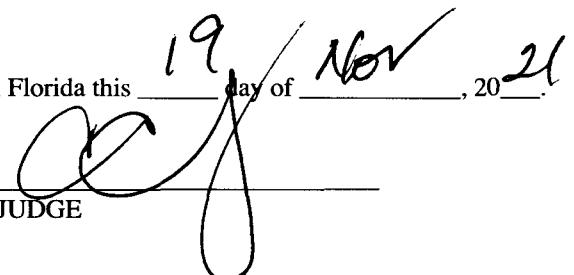
consecutive to  concurrent with (check one) the following:  
 Any active sentence being served.  
 Specific sentences: Concurrent with but not co-terminous with  
cts 1,2,3,4,5  
 The instant sentence is based upon the Court having previously placed the Defendant on probation and having subsequently revoked the Defendant's probation for violation(s) of condition(s) \_\_\_\_\_.

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

The Sentencing Court objects to the Defendant being placed into the Youthful Offender Basic Training Program pursuant to Florida Statute §958.045.

Pursuant to §322.055, 322.056, 322.26, 322.274, Florida Statutes, The Department of Highway Safety and Motor Vehicles is directed to revoke the Defendant's privilege to drive. The Clerk of the Court is Ordered to report the conviction and revocation to the Department of Highway Safety and Motor Vehicles.

DONE AND ORDERED in Open Court at West Palm Beach, Palm Beach County, Florida this 19 day of Nov, 2021.

  
CIRCUIT JUDGE

**FILED**  
Circuit Criminal Department

NOV 19 2021

August, 2013

JOSEPH ABRUZZO  
Clerk of the Circuit Court & Comptroller  
Palm Beach County

Form # 14

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

**SENTENCE**

(As to Count(s) 2, 3, 4)

Defendant: Clarence Stephenson

Case Number: 19CF005481AMB

OBTS Number: \_\_\_\_\_

The Defendant, being personally before this Court, accompanied by the defendant's attorney of record, \_\_\_\_\_, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why Defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ \_\_\_\_\_ pursuant to § \_\_\_\_\_, Florida Statutes, plus all costs and additional charges as outlined in the Order assessing additional charges, costs and fines as set forth in a separate order entered herein

The Defendant is hereby committed to the custody of the

Department of Corrections  
 Sheriff of Palm Beach County, Florida  
 Department of Corrections as a youthful offender

For a term of 25 years. It is further ordered that the Defendant shall be allowed a total of 896 days as credit for time incarcerated prior to imposition of this sentence. It is further ordered that the composite term of all sentences imposed for the counts specified in the order shall run

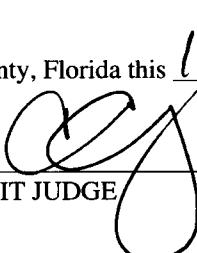
consecutive to  concurrent with (check one) the following:  
 Any active sentence being served.  
 Specific sentences: concurrent with but not coterminous with  
cts 1, 2, 3, 4, 5  
 The instant sentence is based upon the Court having previously placed the Defendant on probation and having subsequently revoked the Defendant's probation for violation(s) of condition(s) \_\_\_\_\_.

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

The Sentencing Court objects to the Defendant being placed into the Youthful Offender Basic Training Program pursuant to Florida Statute §958.045.

Pursuant to §322.055, 322.056, 322.26, 322.274, Florida Statutes, The Department of Highway Safety and Motor Vehicles is directed to revoke the Defendant's privilege to drive. The Clerk of the Court is Ordered to report the conviction and revocation to the Department of Highway Safety and Motor Vehicles.

DONE AND ORDERED in Open Court at West Palm Beach, Palm Beach County, Florida this 19 day of Nov, 2021

  
CIRCUIT JUDGE

**FILED**  
Circuit Criminal Department

NOV 19 2021

August, 2013

JOSEPH ABRUZZO  
Clerk of the Circuit Court & Comptroller  
Palm Beach County

Form # 14

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

**SENTENCE WITH  
SPECIAL PROVISIONS**

(As to Count(s) 2,3)

Defendant: Clarence Stephenson

Case Number: 2019CF005431AXX

OBTS Number: \_\_\_\_\_

The Defendant, being personally before this Court, accompanied by the defendant's attorney of record, \_\_\_\_\_, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why Defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

**FILED**  
Circuit Criminal Department

By reference to count, the following additional provisions apply to the sentence imposed:

**NOV 19 2021**

Count

\_\_\_\_\_

**FIREARM**

It is further ordered that the \_\_\_\_\_ ( ) year minimum imprisonment provision of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

**JOSEPH ABRUZZO**  
Clerk of the Circuit Court & Comptroller  
Palm Beach County

**PRISON RELEASEE RE-OFFENDER**

The Defendant is adjudicated a prison release re-offender and has been sentenced in accordance with the provisions of Florida Statute 775.082(9). The Defendant shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Additionally, the Defendant must serve 100 percent of the statutory maximum. The requisite findings by the Court are set forth in a separate order or stated in the record in Open Court.

*CTS 2/3*

**DRUG TRAFFICKING**

It is further ordered that the 3 year mandatory minimum imprisonment provision of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

\_\_\_\_\_

**CONTROLLED SUBSTANCE WITHIN 1,000 FEET OF SCHOOL**

It is further ordered that the 3-year minimum imprisonment provision of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

**HABITUAL FELONY OFFENDER**

The Defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the Court are set forth in a separate order or stated on the record in Open Court.

**HABITUAL VIOLENT FELONY OFFENDER**

The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings by the Court are set forth in a separate order or stated on the record in Open Court.

**THREE TIME VIOLENT FELONY OFFENDER**

The Defendant is adjudicated a three-time violent felony offender and has been sentenced in accordance with the provisions of Florida Statute 775.084(4)(c). The requisite findings by the Court are set forth in a separate order or stated in the record in Open Court.

**VIOLENT CAREER CRIMINAL**

The Defendant is adjudicated a habitual violent offender and has been sentenced to an extended term in accordance with the provisions of Florida Statute 775.084(4)(d). A minimum term of \_\_\_\_\_ years must be served prior to release. The requisite findings by the Court are set forth in a separate order or stated in the record in Open Court.

**DUI MANSLAUGHTER**

It is further ordered that the Defendant shall serve a mandatory minimum of four (4) years before release in accordance with Florida Statute 316.193.

**LAW ENFORCEMENT PROTECTION ACT**

It is further ordered that the Defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with section 775.0823, Florida Statutes. (Offenses committed before January 1, 1994)

**CRIMES AGAINST LAW ENFORCEMENT OFFICERS (check one)**

- The Defendant having been convicted of Aggravated Assault on a Law Enforcement Officer, it is further ordered that the Defendant shall serve a minimum of 3 years before release in accordance with Florida Statute 784.07(2)(c).
- The Defendant having been convicted of Aggravated Battery on a Law Enforcement Officer, it is further ordered that the Defendant shall serve a minimum of 5 years before release in accordance with Florida Statute 784.07(2)(d).
- The Defendant having been convicted of Battery on a Law Enforcement Officer and having possessed a firearm or destructive device during the commission of said offense, it is further ordered that the Defendant shall serve a minimum of 3 years before release in accordance with Florida Statute 784.07(3)(a).

**CAPITAL OFFENSE**

It is further ordered that the Defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes. (Offenses committed before October 1, 1995)

**SHORT-BARRELED RIFLE, SHOTGUN, MACHINE GUN**

It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994)

**TAKING A LAW ENFORCEMENT OFFICER'S FIREARM**

It is further ordered that the 3-year mandatory minimum imprisonment provision of section 775.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994)

**SEXUAL OFFENDER/SEXUAL PREDATOR DETERMINATIONS:**

**SEXUAL PREDATOR**

The Defendant is adjudicated a sexual predator as set forth in section 775.21, Florida Statutes.

**SEXUAL OFFENDER**

The Defendant meets the criteria for a sexual offender as set forth in section 943.0435(1)(a)1a., b., c., or d.

**AGE OF VICTIM**

The victim was \_\_\_\_\_ years of age at the time of the offense.

**AGE OF DEFENDANT**

The Defendant was \_\_\_\_\_ years of age at the time of the offense.

Case No 1ACF605431  
Defendant: Clarence Stephenson

**RELATIONSHIP TO VICTIM**

The Defendant is not the victim's parent or guardian.

**SEXUAL ACTIVITY [F.S. 800.04(4)]**

The offense \_\_\_\_\_ did \_\_\_\_\_ did not involve sexual activity.

**USE OF FORCE OR COERCION [F.S. 800.04(4)]**

The sexual activity described herein \_\_\_\_\_ did \_\_\_\_\_ did not involve the use of force or coercion.

**USE OF FORCE OR COERCION/UNCLOTHED GENITALS [F.S. 800.04(5)]**

The molestation \_\_\_\_\_ did \_\_\_\_\_ did not involve unclothed genitals or genital area.

The molestation \_\_\_\_\_ did \_\_\_\_\_ did not involve the use of force or coercion.

**OTHER PROVISIONS:**

**CRIMINAL GANG ACTIVITY**

The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

**RETENTION OF JURISDICTION**

The Court retains jurisdiction over the Defendant pursuant to section 947.16(4), Florida Statutes.

**SUSPENDED AND/OR SPLIT SENTENCES:**

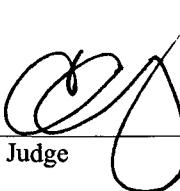
Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ imprisonment the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections, according to the terms and conditions of probation as set forth in a separate order entered herein.

Followed by a period of \_\_\_\_\_ on probation under the supervision of the Department of Corrections, according to the terms and conditions of probation as set forth in a separate order entered herein.

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

20 21 **DONE AND ORDERED** in Open Court at Palm Beach County, Florida on this 19 day of Nov,

  
Circuit Judge

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

**SENTENCE WITH  
SPECIAL PROVISIONS**

(As to Count(s) 4)

Defendant: Clarence Stephenson

Case Number: 19CF00543AMB

OBTS Number: \_\_\_\_\_

The Defendant, being personally before this Court, accompanied by the defendant's attorney of record, \_\_\_\_\_, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why Defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

**FILED**  
Circuit Criminal Department

By reference to count, the following additional provisions apply to the sentence imposed:

**NOV 19 2021**

Count

**JOSEPH ABRUZZO**  
Clerk of the Circuit Court & Comptroller  
Palm Beach County

**FIREARM**

It is further ordered that the \_\_\_\_\_ ( ) year minimum imprisonment provision of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

**PRISON RELEASEE RE-OFFENDER**

The Defendant is adjudicated a prison release re-offender and has been sentenced in accordance with the provisions of Florida Statute 775.082(9). The Defendant shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Additionally, the Defendant must serve 100 percent of the statutory maximum. The requisite findings by the Court are set forth in a separate order or stated in the record in Open Court.

GT 4

**DRUG TRAFFICKING**

It is further ordered that the 15 years mandatory minimum imprisonment provision of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

**CONTROLLED SUBSTANCE WITHIN 1,000 FEET OF SCHOOL**

It is further ordered that the 3-year minimum imprisonment provision of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

**HABITUAL FELONY OFFENDER**

The Defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the Court are set forth in a separate order or stated on the record in Open Court.

**HABITUAL VIOLENT FELONY OFFENDER**

The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings by the Court are set forth in a separate order or stated on the record in Open Court.

**THREE TIME VIOLENT FELONY OFFENDER**

The Defendant is adjudicated a three-time violent felony offender and has been sentenced in accordance with the provisions of Florida Statute 775.084(4)(c). The requisite findings by the Court are set forth in a separate order or stated in the record in Open Court.

**VIOLENT CAREER CRIMINAL**

The Defendant is adjudicated a habitual violent offender and has been sentenced to an extended term in accordance with the provisions of Florida Statute 775.084(4)(d). A minimum term of \_\_\_\_\_ years must be served prior to release. The requisite findings by the Court are set forth in a separate order or stated in the record in Open Court.

**DUI MANSLAUGHTER**

It is further ordered that the Defendant shall serve a mandatory minimum of four (4) years before release in accordance with Florida Statute 316.193.

**LAW ENFORCEMENT PROTECTION ACT**

It is further ordered that the Defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with section 775.0823, Florida Statutes. (Offenses committed before January 1, 1994)

**CRIMES AGAINST LAW ENFORCEMENT OFFICERS (check one)**

- The Defendant having been convicted of Aggravated Assault on a Law Enforcement Officer, it is further ordered that the Defendant shall serve a minimum of 3 years before release in accordance with Florida Statute 784.07(2)(c).
- The Defendant having been convicted of Aggravated Battery on a Law Enforcement Officer, it is further ordered that the Defendant shall serve a minimum of 5 years before release in accordance with Florida Statute 784.07(2)(d).
- The Defendant having been convicted of Battery on a Law Enforcement Officer and having possessed a firearm or destructive device during the commission of said offense, it is further ordered that the Defendant shall serve a minimum of 3 years before release in accordance with Florida Statute 784.07(3)(a).

**CAPITAL OFFENSE**

It is further ordered that the Defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes. (Offenses committed before October 1, 1995)

**SHORT-BARRELED RIFLE, SHOTGUN, MACHINE GUN**

It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994)

**TAKING A LAW ENFORCEMENT OFFICER'S FIREARM**

It is further ordered that the 3-year mandatory minimum imprisonment provision of section 775.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994)

**SEXUAL OFFENDER/SEXUAL PREDATOR DETERMINATIONS:**

**SEXUAL PREDATOR**

The Defendant is adjudicated a sexual predator as set forth in section 775.21, Florida Statutes.

**SEXUAL OFFENDER**

The Defendant meets the criteria for a sexual offender as set forth in section 943.0435(1)(a)1a., b., c., or d.

**AGE OF VICTIM**

The victim was \_\_\_\_\_ years of age at the time of the offense.

**AGE OF DEFENDANT**

The Defendant was \_\_\_\_\_ years of age at the time of the offense.

Case No 19CF00543AMB  
Defendant: Clarence Stephenson

**RELATIONSHIP TO VICTIM**

The Defendant is not the victim's parent or guardian.

**SEXUAL ACTIVITY [F.S. 800.04(4)]**

The offense \_\_\_\_\_ did \_\_\_\_\_ did not involve sexual activity.

**USE OF FORCE OR COERCION [F.S. 800.04(4)]**

The sexual activity described herein \_\_\_\_\_ did \_\_\_\_\_ did not involve the use of force or coercion.

**USE OF FORCE OR COERCION/UNCLOTHED GENITALS [F.S. 800.04(5)]**

The molestation \_\_\_\_\_ did \_\_\_\_\_ did not involve unclothed genitals or genital area.

The molestation \_\_\_\_\_ did \_\_\_\_\_ did not involve the use of force or coercion.

**OTHER PROVISIONS:**

**CRIMINAL GANG ACTIVITY**

The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

**RETENTION OF JURISDICTION**

The Court retains jurisdiction over the Defendant pursuant to section 947.16(4), Florida Statutes.

**SUSPENDED AND/OR SPLIT SENTENCES:**

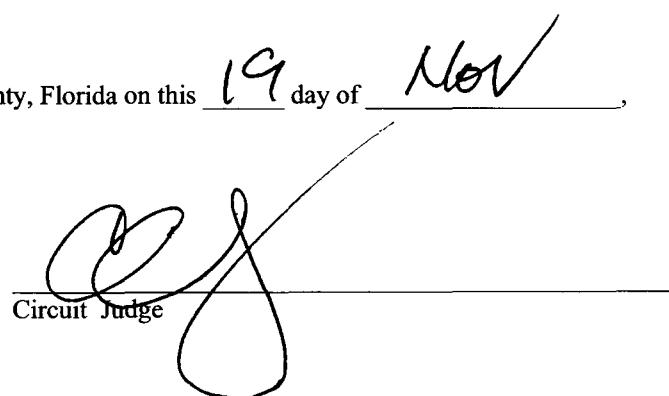
Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ imprisonment the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections, according to the terms and conditions of probation as set forth in a separate order entered herein.

Followed by a period of \_\_\_\_\_ on probation under the supervision of the Department of Corrections, according to the terms and conditions of probation as set forth in a separate order entered herein.

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

20 2 DONE AND ORDERED in Open Court at Palm Beach County, Florida on this 19 day of Nov,

  
Circuit Judge