

No.

IN THE SUPREME COURT OF THE UNITED STATES

JUSTIN LUIS SANCHEZ, PETITIONER

v.

STATE OF FLORIDA, RESPONDENT.

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

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

CAREY HAUGHWOUT

Public Defender

Paul Edward Petillo

Assistant Public Defender

Counsel of Record

Office of the Public Defender

Fifteenth Judicial Circuit of Florida

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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JUSTIN LUIS SANCHEZ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2022-3103

[December 28, 2023]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Lawrence Mirman, Judge; L.T. Case No. 562018CF001314A.

Carey Haughwout, Public Defender, and Timothy Wang, Assistant Public Defender, West Palm Beach, for appellant.

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

PER CURIAM.

Affirmed.

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

* * *

Not final until disposition of timely filed motion for rehearing.

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

JUSTIN LUIS SANCHEZ,
Appellant,

CASE NO.: 4D22-3103

v.

STATE OF FLORIDA,
Appellee.

_____/

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

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

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

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

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

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

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

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

Respectfully submitted

CAREY HAUGHWOUT
Public Defender, 15th Judicial Circuit

/s/ TIMOTHY WANG
Timothy Wang
Assistant Public Defender
15th Judicial Circuit of Florida
421 Third Street
West Palm Beach, Florida 33401
(561) 355-7600
Florida Bar No.: 0112269

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this motion has been furnished to Kimberly Acuña, Assistant Attorney General, 1515 N. Flagler Dr., Suite 900, West Palm Beach, FL 33401 by e-service at CrimAppWPB@MyFloridaLegal.com; this 16th day of January, 2024.

/s/ TIMOTHY WANG
Timothy Wang
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

February 7, 2024

JUSTIN LUIS SANCHEZ,
Appellant(s)

v.

STATE OF FLORIDA,
Appellee(s).

CASE NO. - 4D2022-3103
L.T. No. - 562018CF001314A

BY ORDER OF THE COURT:


ORDERED that Appellant's January 16, 2024 *pro se* motion for rehearing and certification is denied.

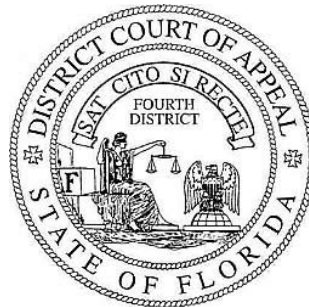
Served:

Kimberly Tollett Acuna
Attorney General-W.P.B.
Palm Beach Public Defender
Justin Luis Sanchez
Timothy Wang

KR

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


LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2022-3103 February 7, 2024



POINT IV

Appellant was entitled to a twelve-person jury under the Sixth and Fourteenth Amendments

Appellant was convicted of felonies by a jury comprised of six people. He argues that 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

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).

Moreover, Appellant can raise this issue for the first time on appeal because the issue isn't whether he preserved this issue by objecting in the trial court; the issue is whether he personally waived his constitutional right to a twelve-person jury, and he did not. See *Johnson v. State*, 994 So. 2d 960, 963-64 (Fla. 2008) (holding that defendant must personally waive constitutional right to have jury decide prior-convictions element in felony DUI case; defense counsel's stipulation that trial court act as factfinder is insufficient).

B. The twelve-person jury requirement

The Supreme Court held in *Williams v. Florida*, 399 U.S. 78, 86 (1970), that juries as small as six were constitutionally permissible. But

Williams is impossible to square with the Court's ruling in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), which concluded that the Sixth Amendment's "trial by an impartial jury" requirement encompasses what the term "meant at the Sixth Amendment's adoption." *Id.* at 1395. Appellant's conviction by a six-person jury violated the Sixth and Fourteenth Amendments to the United States Constitution.

Appellant acknowledges that this Court rejected this argument in *Guzman v. State*, 350 So. 3d 72 (Fla. 4th DCA 2022).⁵ In rejecting Guzman's argument, this Court cited *State v. Khorrami*, 1 CA-CR 20-0088, 2021 WL 3197499 (Ariz. Ct. App. July 29, 2021). *Guzman*, 350 So. 3d at 73. At the time of this Court's decision, Khorrami's petition for writ of certiorari in the United States Supreme Court was pending. The petition was subsequently denied, over dissents by Justices Kavanaugh and Gorsuch. *Khorrami v. Arizona*, 21-1553, 2022 WL 16726030 (U.S. Nov. 7, 2022).

⁵ The Florida Supreme Court recently denied review. *Guzman v. State*, SC2022-1597, 2023 WL 3830251, at *1 (Fla. June 6, 2023).

Although there is no legal significance to the denial of a petition for writ of certiorari,⁶ there are differences between Florida's and Arizona's systems that may account for the denial of the writ.

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

And the origin of Florida's rule is disturbing. In his dissent, Justice Gorsuch observed: “During the Jim Crow era, some States restricted the size of juries and abandoned the demand for a unanimous verdict as part of a deliberate and systematic effort to suppress minority voices in public affairs.” *Khorrami v. Arizona*, 2022 WL 16726030, at *5 (Gorsuch, J., dissenting) (citations omitted). He noted, however, that Arizona's law was likely motivated by costs not race. *Id.* But Florida's jury of six did arise in

⁶ See *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020) at n.56 (“The significance of a denial of a petition for certiorari ought no longer require discussion. This Court has said again and again and again that such a denial has no legal significance whatever bearing on the merits of the claim.”) (cleaned up).

that Jim Crow era context of a “deliberate and systematic effort to suppress minority voices in public affairs.” *Id.* The historical background is as follows:

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

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

The Legislature enacted chapter 3010 with the jury-of-six provision on February 17, 1877. *Gibson*, 16 Fla. 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) (“[T]here were [no federal troops] in Florida after 23 January 1877”).

The jury-of-six thus first saw light at the birth of the Jim Crow era as former Confederates regained power in southern states and state

prosecutors made a concerted effort to prevent blacks from serving on jurors.

On its face the 1868 constitution extended the franchise to black men. But the historical context shows that that it was part of the overall resistance to Reconstruction efforts to protect the rights of black citizens. The constitution was the product of a remarkable series of events including a coup in which leaders of the white southern (or native) faction took possession of the assembly hall in the middle of the night, excluding Radical Republican delegates from the proceedings. See Richard L. Hume, *Membership of the Florida Constitutional Convention of 1868: A Case Study of Republican Factionalism in the Reconstruction South*, 51 Fla. Hist. Q. 1, 5-6 (1972); Shofner at 266. A reconciliation was effected as the “outside” whites “united with the majority of the body’s native whites to frame a constitution designed to continue white dominance.” Hume at 15.

The purpose of the resulting constitution was spelled out by Harrison Reed, a leader of the prevailing faction and the first governor elected under the 1868 constitution, who wrote to Senator Yulee that the new constitution was constructed to bar blacks from legislative office: “Under our Constitution the Judiciary & State officers will be appointed & the

apportionment will prevent a negro legislature.” Hume, 15-16. See *also* Shofner 266.

Smaller juries and non-unanimous verdicts were part of a Jim Crow era effort “to suppress minority voices in public affairs.” *Khorrami v. Arizona*, 2022 WL 16726030, at *5 (Gorsuch, J., dissenting); see *also Ramos*, 140 S. Ct. at 1417 (Kavanaugh, J., concurring) (non-unanimity was enacted “as one pillar of a comprehensive and brutal program of racist Jim Crow measures against African-Americans, especially in voting and jury service.”). The history of Florida’s jury of six arises from the same historical context.

While Appellant recognizes this Court’s opinion in *Guzman*, Appellant raises this issue to seek further review.

IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST LUCIE COUNTY, FLORIDA

☐ Modified
☐ Resentence
☐ Amended
☐ Corrected
☐ Mitigated
☐ Community Control Violator
☐ Probation Violator

Case Number: 562018CF001314AXXXX

STATE OF FLORIDA

- vs -

JUSTIN LUIS SANCHEZ AKA JUSTIN LOUIS SANCHEZ

Defendant

☐ Sexual Predator

☐ Sex Offender

☐ Minor Victim

☐ Sentenced in Absentia

J U D G M E N T

The Defendant, JUSTIN LUIS SANCHEZ being personally before this Court represented by Attorney ANDREW BERNARD ELSNER, the Attorney of record, and the State represented by KATY ELIZABETH REID, and having:

☒ been tried and found guilty by Jury 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)

☐ Admitted Violation of Probation

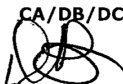
☐ Found Guilty of Violation of Probation

☐ Admitted a Violation of Community Control

☐ Found Guilty of Violation of Community Control

Count	Crime	Offense Statute Number(s)	Level / Degree	OBTS Number
1	AGGRAVATED BATTERY ON LAW ENFORCEMENT OFFICER OR FIREFIGHTER-DEADLY WEAPON	784.045 AND 784.07(2)(D), 775.0823	F-1	5601241877
2	RESISTING OFFICER WITHOUT VIOLENCE	843.02	M-1	5601241877
4	FLEEING OR ELUDING - LIGHTS AND SIREN	316.1935(2)	F-3	5601241877
5	LSOA-CAUSING PROPERTY DAMAGE	316.061(1)	M-2	5601241877
6	DRIVING WITH LICENSE SUSPENDED - FORCIBLE FELON OR SUSPENSIONS NOT SPECIFIED IN 322.34(10)(A)	322.34(2)	M-2	5601241877
7	SALE, MANUFACTURE, DELIVERY, OR POSSESSION WITH INTENT TO SELL, MANUFACTURE, OR DELIVER CANNABIS	893.13(1)(A)	F-3	5601241877

CA/DB/DC DOC



Page 1 of 2

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT
the defendant is hereby ADJUDICATED GUILTY of the above crime(s). : AS TO COUNT(s) 1, 2, 4, 5, 6, 7

— and being a qualified offender pursuant to Florida Statute 943.325 - defendant shall be required to submit DNA
samples as required by law

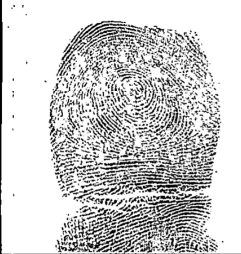


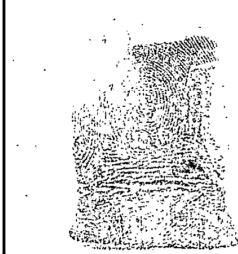
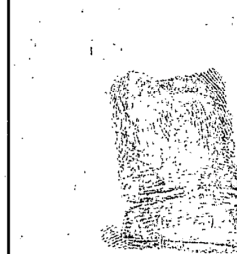


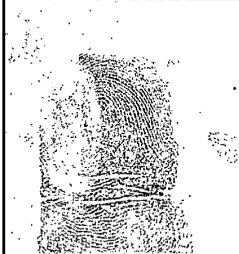
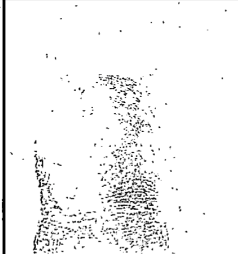
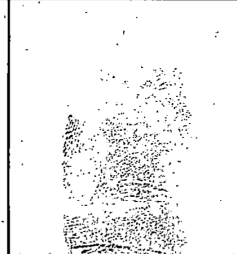
— and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

CASE NUMBER 2018CF001314 A

The Defendant in open Court was advised of the right to appeal from this Sentence by filing notice of appeal within 30 days from this date with the Clerk of this Court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

Circuit Judge LAWRENCE MIRMAN

FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by:

M. K. P. #1012
Name

Dante
Title

I HEARBY CERTIFY that the above and forgoing fingerprints are the fingerprints of the Defendant _____

JUSTIN LUIS SANCHEZ _____ and that they were placed thereon by said Defendant in my presence in open Court this date.

DONE AND ORDERED in Open Court at St. Lucie County, Florida, on Tuesday, October 25, 2022

Nunc Pro Tunc To:

Circuit Judge LAWRENCE MIRMAN

☐ Violation of Probation, Previously Adjudged Guilty
☐ Violation of Community Control, Previously Adjudged Guilty
☐ Resentenced
☐ Modified
☐ Amended
☐ Mitigated
☐ Corrected

Case Number 562018CF001314AXXXXX

OBTS Number 5601241877

**Defendant JUSTIN LUIS SANCHEZ AKA JUSTIN
LOUIS SANCHEZ**

SENTENCE

(As to Count 1)

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

☐ and the Court having on _____ deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on _____ now resentence the Defendant.

☐ and the Court having placed the Defendant on _____ and having subsequently revoked the Defendant's _____.

It Is The Sentence Of Court that:

☐ The defendant pay a fine of _____ pursuant to section 775.083, Florida Statutes, plus _____ as the 5% surcharge required on 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 St. Lucie County Florida.

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

To Be Imprisoned (check one; unmarked sections are inapplicable.):

☐ For a term of Natural Life.

☐ For a term of Natural Life with a 25 year mandatory minimum

☒ **For a term of 30.00 YEAR(S)**

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

If 'split' sentence complete the appropriate Paragraph.

☐ Followed by a period of _____ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ Followed by a period of _____ probation under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ However, after serving a period of imprisonment in PRISON, the balance of the sentence will be suspended and the Defendant will be on Probation/Community Control under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control as set forth in a separate order.

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

562018CF001314AXXXX

SPECIAL PROVISIONS
(As to Count 1)

By appropriate notation, the following provisions apply to the sentence imposed
Mandatory/ Minimum Provisions:

<i>Firearm</i>	_____	It is further ordered that the _____ minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.
<i>Drug Trafficking</i>	_____	It is further ordered that the _____ minimum imprisonment provisions of section 893.135, Florida Statutes, is hereby imposed for the sentence specified in this count, and that the Defendant pay a fine of \$ _____, pursuant to section 893.135, Florida Statutes, plus \$ _____ as a 5% surcharge.
<i>Law Enforcement</i>	<u>X</u> _____	<u>It is further ordered that the 5 YEARS minimum mandatory imprisonment provision of section 784.07, Florida Statutes, is hereby imposed for the sentence specified in this count.</u>
<i>Controlled Substance Within 1,000 Feet of</i>	_____	It is further ordered that the 3 year minimum imprisonment provision of section 893.13(1)(c), Florida Statutes, is hereby imposed for the sentence in this count.
<i>Habitual Felony Offender</i>	_____	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.
<i>Habitual Violent Felony</i>	_____	The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of sections 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the Court are set forth in a separate order as stated on the record in open court.
<i>Violent Career Criminal</i>	_____	The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes. A minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997.)
<i>Capital Offense</i>	_____	It is further that the Defendant shall serve no less than 25 years in accordance with provisions of section 775.082(1), Florida Statutes. (For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995.)
<i>Prison Releasee</i>	_____	Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.
<i>Sexual Predator</i>	_____	Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.
Other Provisions:	<u>X</u> _____	<u>It is further ordered that the Defendant shall be allowed a total of 1,525 DAY(S) as credit for time incarcerated before imposition of this sentence.</u>
Jail Credit		
<i>Credit for Time Served in Resentencing After Violation of Probation or Community Control</i>		It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following Release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)
		It is further ordered that the Defendant be allowed _____ days time served between date or arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count _____ (Offenses committed between October 1, 1989, and December 31, 1993)
	—	The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(6), Florida Statutes.
	—	The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1)), Florida Statutes.
<i>Consecutive/ Concurrent As To Other Counts</i>	_____	It is further ordered that the Defendant be allowed _____ time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/ count _____. (Offenses committed on or after January 1, 1994)
	_____	It is further ordered that the sentence imposed for this count shall run _____ with the sentence set forth in count _____ of this case.

☐ Violation of Probation, Previously Adjudged Guilty
☐ Violation of Community Control, Previously Adjudged Guilty
☐ Resentenced
☐ Modified
☐ Amended
☐ Mitigated
☐ Corrected

Case Number 562018CF001314AXXXX

OBTS Number 5601241877

**Defendant JUSTIN LUIS SANCHEZ AKA JUSTIN
LOUIS SANCHEZ**

SENTENCE

(As to Count 2)

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

☐ and the Court having on _____ deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on _____ now resentence the Defendant.

☐ and the Court having placed the Defendant on _____ and having subsequently revoked the Defendant's _____.

It Is The Sentence Of Court that:

☐ The defendant pay a fine of _____ pursuant to section 775.083, Florida Statutes, plus _____ as the 5% surcharge required on 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 St. Lucie County Florida.**

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

To Be Imprisoned (check one; unmarked sections are inapplicable.):

☐ For a term of Natural Life.

☐ For a term of Natural Life with a 25 year mandatory minimum

☒ **For a term of 365.00 DAY(S)**

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

If 'split' sentence complete the appropriate Paragraph.

☐ Followed by a period of _____ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ Followed by a period of _____ probation under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ However, after serving a period of imprisonment in CNTY JAIL, the balance of the sentence will be suspended and the Defendant will be on Probation/Community Control under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control as set forth in a separate order.

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

562018CF001314AXXXXX

SPECIAL PROVISIONS
(As to Count 2)

By appropriate notation, the following provisions apply to the sentence imposed
Mandatory/ Minimum Provisions:

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

Drug Trafficking _____ It is further ordered that the _____ minimum imprisonment provisions of section 893.135, Florida Statutes, is hereby imposed for the sentence specified in this count, and that the Defendant pay a fine of \$____, pursuant to section 893.135, Florida Statutes, plus \$____ as a 5% surcharge.

Law Enforcement _____ It is further ordered that the _____ minimum mandatory imprisonment provision of section 784.07, Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of _____ It is further ordered that the 3 year minimum imprisonment provision of section 893.13(1)(c), Florida Statutes, is hereby imposed for the sentence 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 _____ The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of sections 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the Court are set forth in a separate order as stated on the record in open court.

Violent Career Criminal _____ The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes. A minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997.)

Capital Offense _____ It is further that the Defendant shall serve no less than 25 years in accordance with provisions of section 775.082(1), Florida Statutes. (For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995.)

Prison Releasee _____ Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.

Sexual Predator _____ Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.

**Other Provisions:
Jail Credit**

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

X It is further ordered that the Defendant shall be allowed a total of 365 DAY(S) as credit for time incarcerated before imposition of this sentence.

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following Release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)

It is further ordered that the Defendant be allowed _____ days time served between date or arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count _____ (Offenses committed between October 1, 1989, and December 31, 1993)

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

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

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

*Consecutive/ Concurrent
As To Other Counts*

X

It is further ordered that the sentence imposed for this count shall run CONCURRENT with the sentence set forth in count 1 of this case.

☐ Violation of Probation, Previously Adjudged Guilty
☐ Violation of Community Control, Previously Adjudged Guilty
☐ Resentenced
☐ Modified
☐ Amended
☐ Mitigated
☐ Corrected

Case Number 562018CF001314AXXXXX

OBTS Number 5601241877

Defendant **JUSTIN LUIS SANCHEZ AKA JUSTIN
LOUIS SANCHEZ**

SENTENCE

(As to Count 4)

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

☐ and the Court having on ☐ deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on ☐ now resentence the Defendant.

☐ and the Court having placed the Defendant on ☐ and having subsequently revoked the Defendant's ☐.

It Is The Sentence Of Court that:

☐ The defendant pay a fine of ☐ pursuant to section 775.083, Florida Statutes, plus ☐ as the 5% surcharge required on 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 St. Lucie County Florida.

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

To Be Imprisoned (check one; unmarked sections are inapplicable.):

☐ For a term of Natural Life.

☐ For a term of Natural Life with a 25 year mandatory minimum

☒ **For a term of 5.00 YEAR(S)**

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

If 'split' sentence complete the appropriate Paragraph.

☐ Followed by a period of ☐ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ Followed by a period of ☐ probation under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ However, after serving a period of imprisonment in OTHER DIV, the balance of the sentence will be suspended and the Defendant will be on Probation/Community Control under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control as set forth in a separate order.

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

562018CF001314AXXXXX

SPECIAL PROVISIONS
(As to Count 4)

By appropriate notation, the following provisions apply to the sentence imposed
Mandatory/ Minimum Provisions:

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

Drug Trafficking _____ It is further ordered that the _____ minimum imprisonment provisions of section 893.135, Florida Statutes, is hereby imposed for the sentence specified in this count, and that the Defendant pay a fine of \$____, pursuant to section 893.135, Florida Statutes, plus \$____ as a 5% surcharge.

Law Enforcement _____ It is further ordered that the _____ minimum mandatory imprisonment provision of section 784.07, Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of _____ It is further ordered that the 3 year minimum imprisonment provision of section 893.13(1)(c), Florida Statutes, is hereby imposed for the sentence 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 _____ The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of sections 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the Court are set forth in a separate order as stated on the record in open court.

Violent Career Criminal _____ The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes. A minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997.)

Capital Offense _____ It is further that the Defendant shall serve no less than 25 years in accordance with provisions of section 775.082(1), Florida Statutes. (For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995.)

Prison Releasee _____ Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.

Sexual Predator _____ Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.

**Other Provisions:
Jail Credit**

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

X **It is further ordered that the Defendant shall be allowed a total of 1,525 DAY(S)
as credit for time incarcerated before imposition of this sentence.**

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following Release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)

It is further ordered that the Defendant be allowed _____ days time served between date or arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count _____ (Offenses committed between October 1, 1989, and December 31, 1993)

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

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

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

*Consecutive/ Concurrent
As To Other Counts*

X **It is further ordered that the sentence imposed for this count shall run CONCURRENT with the sentence set forth in count 1 of this case.**

☐ Violation of Probation, Previously Adjudged Guilty
☐ Violation of Community Control, Previously Adjudged Guilty
☐ Resentenced
☐ Modified
☐ Amended
☐ Mitigated
☐ Corrected

Case Number 562018CF001314AXXXXX

OBTS Number 5601241877

**Defendant JUSTIN LUIS SANCHEZ AKA JUSTIN
LOUIS SANCHEZ**

SENTENCE

(As to Count 5)

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

☐ and the Court having on ☐ deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on ☐ now resentence the Defendant.

☐ and the Court having placed the Defendant on ☐ and having subsequently revoked the Defendant's ☐.

It Is The Sentence Of Court that:

☐ The defendant pay a fine of ☐ pursuant to section 775.083, Florida Statutes, plus ☐ as the 5% surcharge required on 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 St. Lucie County Florida.**

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

To Be Imprisoned (check one; unmarked sections are inapplicable.):

☐ For a term of Natural Life.

☐ For a term of Natural Life with a 25 year mandatory minimum

☒ **For a term of 60.00 DAY(S)**

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

If 'split' sentence complete the appropriate Paragraph.

☐ Followed by a period of ☐ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ Followed by a period of ☐ probation under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ However, after serving a period of imprisonment in CNTY JAIL, the balance of the sentence will be suspended and the Defendant will be on Probation/Community Control under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control as set forth in a separate order.

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

562018CF001314AXXXX

SPECIAL PROVISIONS
(As to Count 5)

By appropriate notation, the following provisions apply to the sentence imposed
Mandatory/ Minimum Provisions:

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

Drug Trafficking _____ It is further ordered that the _____ minimum imprisonment provisions of section 893.135, Florida Statutes, is hereby imposed for the sentence specified in this count, and that the Defendant pay a fine of \$____, pursuant to section 893.135, Florida Statutes, plus \$____ as a 5% surcharge.

Law Enforcement _____ It is further ordered that the _____ minimum mandatory imprisonment provision of section 784.07, Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of _____ It is further ordered that the 3 year minimum imprisonment provision of section 893.13(1)(c), Florida Statutes, is hereby imposed for the sentence 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 _____ The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of sections 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the Court are set forth in a separate order as stated on the record in open court.

Violent Career Criminal _____ The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes. A minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997.)

Capital Offense _____ It is further that the Defendant shall serve no less than 25 years in accordance with provisions of section 775.082(1), Florida Statutes. (For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995.)

Prison Releasee _____ Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.

Sexual Predator _____ Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.

**Other Provisions:
Jail Credit**

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

X It is further ordered that the Defendant shall be allowed a total of 60 DAY(S) as credit for time incarcerated before imposition of this sentence.

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following Release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count _____ (Offenses committed between October 1, 1989, and December 31, 1993)

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

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

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

*Consecutive/ Concurrent
As To Other Counts*

X It is further ordered that the sentence imposed for this count shall run CONCURRENT with the sentence set forth in count 1 of this case.

☐ Violation of Probation, Previously Adjudged Guilty
☐ Violation of Community Control, Previously Adjudged Guilty
☐ Resentenced
☐ Modified
☐ Amended
☐ Mitigated
☐ Corrected

Case Number 562018CF001314AXXXXX

OBTS Number 5601241877

Defendant **JUSTIN LUIS SANCHEZ AKA JUSTIN
LOUIS SANCHEZ**

SENTENCE

(As to Count 6)

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

☐ and the Court having on ☐ deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on ☐ now resentence the Defendant.

☐ and the Court having placed the Defendant on ☐ and having subsequently revoked the Defendant's ☐.

It Is The Sentence Of Court that:

☐ The defendant pay a fine of ☐ pursuant to section 775.083, Florida Statutes, plus ☐ as the 5% surcharge required on 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 St. Lucie County Florida.**

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

To Be Imprisoned (check one; unmarked sections are inapplicable.):

☐ For a term of Natural Life.

☐ For a term of Natural Life with a 25 year mandatory minimum

☒ **For a term of 60.00 DAY(S)**

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

If 'split' sentence complete the appropriate Paragraph.

☐ Followed by a period of ☐ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ Followed by a period of ☐ probation under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ However, after serving a period of imprisonment in CNTY JAIL, the balance of the sentence will be suspended and the Defendant will be on Probation/Community Control under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control as set forth in a separate order.

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

562018CF001314AXXXX

SPECIAL PROVISIONS
(As to Count 6)

By appropriate notation, the following provisions apply to the sentence imposed
Mandatory/ Minimum Provisions:

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

Drug Trafficking _____ It is further ordered that the _____ minimum imprisonment provisions of section 893.135, Florida Statutes, is hereby imposed for the sentence specified in this count, and that the Defendant pay a fine of \$____ pursuant to section 893.135, Florida Statutes, plus \$____ as a 5% surcharge.

Law Enforcement _____ It is further ordered that the _____ minimum mandatory imprisonment provision of section 784.07, Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of _____ It is further ordered that the 3 year minimum imprisonment provision of section 893.13(1)(c), Florida Statutes, is hereby imposed for the sentence 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 _____ The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of sections 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the Court are set forth in a separate order as stated on the record in open court.

Violent Career Criminal _____ The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes. A minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997.)

Capital Offense _____ It is further that the Defendant shall serve no less than 25 years in accordance with provisions of section 775.082(1), Florida Statutes. (For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995.)

Prison Releasee _____ Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.

Sexual Predator _____ Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.

**Other Provisions:
Jail Credit**

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

X It is further ordered that the Defendant shall be allowed a total of 60 DAY(S)
as credit for time incarcerated before imposition of this sentence.

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following Release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)

It is further ordered that the Defendant be allowed _____ days time served between date or arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count _____ (Offenses committed between October 1, 1989, and December 31, 1993)

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

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

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

*Consecutive/ Concurrent
As To Other Counts*

X It is further ordered that the sentence imposed for this count shall run CONCURRENT with the sentence set forth in count 1 of this case.

☐ Violation of Probation, Previously Adjudged Guilty
☐ Violation of Community Control, Previously Adjudged Guilty
☐ Resentenced
☐ Modified
☐ Amended
☐ Mitigated
☐ Corrected

Case Number 562018CF001314AXXXX

OBTS Number 5601241877

**Defendant JUSTIN LUIS SANCHEZ AKA JUSTIN
LOUIS SANCHEZ**

SENTENCE

(As to Count 7)

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

☐ and the Court having on _____ deferred imposition of sentence until this date.

☐ and the Court having previously entered a judgment in this case on _____ now resentence the Defendant.

☐ and the Court having placed the Defendant on _____ and having subsequently revoked the Defendant's _____.

It Is The Sentence Of Court that:

☐ The defendant pay a fine of _____ pursuant to section 775.083, Florida Statutes, plus _____ as the 5% surcharge required on 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 St. Lucie County Florida.**

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

To Be Imprisoned (check one; unmarked sections are inapplicable.):

☐ For a term of Natural Life.

☐ For a term of Natural Life with a 25 year mandatory minimum

☒ **For a term of 365.00 DAY(S)**

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

If 'split' sentence complete the appropriate Paragraph.

☐ Followed by a period of _____ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ Followed by a period of _____ probation under the supervision of the Department of Corrections according to the terms and conditions of supervision as set forth in a separate order.

☐ However, after serving a period of imprisonment in CNTY JAIL, the balance of the sentence will be suspended and the Defendant will be on Probation/Community Control under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control as set forth in a separate order.

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

562018CF001314AXXXXX

SPECIAL PROVISIONS
(As to Count 7)

By appropriate notation, the following provisions apply to the sentence imposed
Mandatory/ Minimum Provisions:

<i>Firearm</i>	_____	It is further ordered that the _____ minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.
<i>Drug Trafficking</i>	_____	It is further ordered that the _____ minimum imprisonment provisions of section 893.135, Florida Statutes, is hereby imposed for the sentence specified in this count, and that the Defendant pay a fine of \$____, pursuant to section 893.135, Florida Statutes, plus \$____ as a 5% surcharge.
<i>Law Enforcement</i>	_____	It is further ordered that the _____ minimum mandatory imprisonment provision of section 784.07, Florida Statutes, is hereby imposed for the sentence specified in this count.
<i>Controlled Substance Within 1,000 Feet of</i>	_____	It is further ordered that the 3 year minimum imprisonment provision of section 893.13(1)(c), Florida Statutes, is hereby imposed for the sentence in this count.
<i>Habitual Felony Offender</i>	_____	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.
<i>Habitual Violent Felony</i>	_____	The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of sections 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the Court are set forth in a separate order as stated on the record in open court.
<i>Violent Career Criminal</i>	_____	The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes. A minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997.)
<i>Capital Offense</i>	_____	It is further that the Defendant shall serve no less than 25 years in accordance with provisions of section 775.082(1), Florida Statutes. (For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995.)
<i>Prison Releasee</i>	_____	Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.
<i>Sexual Predator</i>	_____	Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.
Other Provisions:	X	<u>It is further ordered that the Defendant shall be allowed a total of 365 DAY(S) as credit for time incarcerated before imposition of this sentence.</u>
Jail Credit	X	
<i>Credit for Time Served in Resentencing After Violation of Probation or Community Control</i>		It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following Release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)
		It is further ordered that the Defendant be allowed _____ days time served between date or arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count _____ (Offenses committed between October 1, 1989, and December 31, 1993)
		— The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(6), Florida Statutes.
		— The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1)), Florida Statutes.
<i>Consecutive/ Concurrent As To Other Counts</i>	X	<u>It is further ordered that the sentence imposed for this count shall run CONCURRENT with the sentence set forth in count 1 of this case.</u>

____ Violation of Probation, Previously Adjudged Guilty
____ Violation of Community Control, Previously Adjudged Guilty
____ Resentenced
____ Modified
____ Amended
____ Mitigated
____ Corrected

Case Number: 562018CF001314AXXXXX

Defendant: JUSTIN LUIS SANCHEZ AKA JUSTIN LOUIS SANCHEZ

Other provisions, continued:

Consecutive/Concurrent
To Other Convictions

It is further ordered that the composite term of all sentences imposed for the counts specified in this order will run

(check one) ☐ Consecutive To ☐ Concurrent To

Concurrent with the following:

(check one)

☐ any active sentence being served.

☐ specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of St. Lucie County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections and the facility designated by the department together with a copy of this Judgment and Sentence and any other documents specified by Florida Statute.

The Defendant in open court was advised of the right to appeal from this Sentence by filing notice of appeal within 30 days from this date with the Clerk of this Court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the state upon a showing of indigency.

In imposing the above sentence, the Court further recommends / orders

DONE AND ORDERED in Open Court at St. Lucie County, Florida, on October, 28 2022.

Nunc Pro Tunc to: _____

Circuit/County Judge LAWRENCE MIRMAN

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