

APPENDIX

APPENDIX A: FEDERAL & STATE STATUTES

FEDERAL STATUTES

18 U.S. Code § 922 - Unlawful acts

* * *

- (g) It shall be unlawful for any person—
- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
 - (2) who is a fugitive from justice;
 - (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
 - (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
 - (5) who, being an alien—
 - (A) is illegally or unlawfully in the United States; or
 - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
 - (6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)

(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has

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been shipped or transported in interstate or foreign commerce.

* * *

18 U.S. Code § 924 - Penalties

(a)

* * *

(2) Whoever knowingly violates subsection . . . (g) . . . of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both.

* * *

(e)

(1) In the case of a person who violates section 922(g) of this title and has three previous convictions by any court referred to in section 922(g)(1) of this title for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined under this title and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).

(2) As used in this subsection—

* * *

(B) the term “violent felony” means any crime punishable by imprisonment for a

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term exceeding one year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(i) has as an element the use, attempted use, or threatened use of physical force against the person of another; or

(ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another[.]

* * *

FLORIDA STATUTE

FLA. STAT. § 812.13 ROBBERY.—

(1) “Robbery” means the taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear.

(2)(a) If in the course of committing the robbery the offender carried a firearm or other deadly weapon, then the robbery is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, s. 775.083, or s. 775.084.

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(b) If in the course of committing the robbery the offender carried a weapon, then the robbery is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If in the course of committing the robbery the offender carried no firearm, deadly weapon, or other weapon, then the robbery is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) An act shall be deemed “in the course of committing the robbery” if it occurs in an attempt to commit robbery or in flight after the attempt or commission.

(b) An act shall be deemed “in the course of the taking” if it occurs either prior to, contemporaneous with, or subsequent to the taking of the property and if it and the act of taking constitute a continuous series of acts or events.

APPENDIX B:
State of Florida v. Damian Dawkins

OBTS NUMBER 1306239402				COMPLAINT/ARREST AFFIDAVIT				POLICE CASE NO. 1702150031						
SPECIAL OPERATION:		<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF				JAIL NO. 170127252		PMHD NO	COURT CASE NO. F17003199					
<input type="checkbox"/> WARRANT		FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State												
IDS NO. 2719410		AGENCY CODE 010		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO. 1079353		STUDENT ID NO.		GANG RELAT-ED NO		FRAUD RELATED NO		
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) DAWKINS, DAMIAN DEWAYNE							ALIAS and/or STREET NAME:				SIGNAL:			
DOB (MM/DD/YYYY) [REDACTED]	AGE 23	RACE B	SEX M	HISPANIC: NO ETHNICITY: AFR		HEIGHT 5'11	WEIGHT 150	HAIR COLOR BLK	HAIR LENGTH MED	HAIR STYLE DRE	EYES BLK	GLASSES NO	FACIAL HAIR GOT	TEETH NOR
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description) TATTOO: LEFT ARM, MISC TATTOO; TATTOO: RIGHT ARM, MISC TATTOO								PLACE OF BIRTH (City, State/Country) MIAMI FL US						
LOCAL ADDRESS								PHONE		CITIZENSHIP US				
PERMANENT ADDRESS (Street, Apt. Number) (City) (State) (Country) (Zip) [REDACTED] FLORIDA CITY FL US 33034								PHONE		OCCUPATION UNEMPLOYED				
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number) (City) (State) (Country) (Zip)								PHONE		ADDRESS SOURCE VERBAL				
DRIVER'S LICENSE NUMBER/STATE [REDACTED]			SOCIAL SECURITY NO. [REDACTED]			WEAPON SEIZED NO		Defendant/CONCEALED WEAPON PERMIT NONE		INDICATION OF: Alcohol Influence: N Drug Influence: N				
ARREST DATE 02/16/2017		ARREST TIME 17:11		ARREST LOCATION: 130 NE 8TH ST HOMESTEAD, FL 33030						GRID				
CO-DEFENDANT NAME			DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR					
CO-DEFENDANT NAME			DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR					
CO-DEFENDANT NAME			DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR					
JUV only	Relation Name		Street				Zip		Phone		Contacted?			

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
1. F/2-ROBBERY/STRONGARM	F.S.	1	812.13(2)(C)				N	
2.								
3.								
4.								
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 15 day of FEBRUARY, 2017, at 17:10 at 886 N. KROME AVE HOMESTEAD, FL 33030								
THE OFFENDER WAS LOCATED AND IDENTIFIED AS A SUSPECT OF AN UNRELATED STRONG ARM ROBBERY UNDER H.P.D. CASE # 1702160022 THAT OCCURRED ON TODAY'S DATE (02/16/2017), SEE DET. R. MORRIS' (CID # 0705) A-FORM FOR FURTHER. THE OFFENDER WAS TRANSPORTED TO H.P.D. AND WAS READ MIRANDA PER FORM BY DET. MORRIS AT WHICH TIME THE OFFENDER WAIVED HIS RIGHTS AND AGREED TO SPEAK WITH DET. MORRIS AND I WITHOUT HAVING AN ATTORNEY BEING PRESENT. DURING THE INTERVIEW, THE OFFENDER ADMITTED HAVING AN ALTERCATION WITH A FEMALE WITH LONG HAIR (VICTIM) AT A MEXICAN RESTAURANT OFF OF KROME AVE ON YESTERDAY'S DATE (WEDNESDAY 02/15/2017). THE OFFENDER FURTHER . . . [Continue on Next Page]								
HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).		<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes.				[Photo Omitted]	
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. /s/ [Signature] ZAVELETA, L: Court ID: 010-00671	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 17 DAY OF FEBRUARY, 2017 /s/ [Signature] GARCIA, J: Court ID: 010-00647		<input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.					

* * *

STATED THAT HE WALKED IN THE RESTAURANT TO MEET WITH SOMEONE WHO OWED HIM RENT MONEY. THE OFFENDER SAID WHILE INSIDE THE RESTAURANT, HE CONFRONTED THE VICTIM ABOUT THE RENT MONEY AT WHICH TIME THE VICTIM ATTEMPTED TO HANDLE HIM SOME MONEY AS HE GRABBED A HOLD OF THE MONEY AS THE VICTIM PULLED BACK AS SHE HELD ON TO THE MONEY, NOT LETTING GO OF THE MONEY. THE OFFENDER FURTHER STATED THAT GRABBED A HOLD OF THE MONEY AS ONE BILL RIPPED DURING THE ALTERCATION. THE OFFENDER SAID THAT HE JUST GRABBED THE MONEY, APPROXIMATELY SEVENTY DOLLARS IN CASH THAT WAS GIVEN TO HIM. THE OFFENDER FURTHER STATED THE HE LEFT THE RESTAURANT TO AVOID FURTHER INCIDENT. THE OFFENDER COMPLETED A WRITTEN MIRANDA PER FORM. SEE DET. L. ZAVALETA'S SUPPLEMENT FOR FURTHER. THE OFFENDER WAS ARRESTED UNDER THIS STRONG ARM ROBBERY CASE NUMBER 1702150031.

FURTHER INVESTIGATION REVEALED THAT OFFENDER WAS WANTED FOR ANOTHER UNRELATED ROBBERY CASE BY MIAMI-DADE POLICE DEPARTMENT UNDER CASE # PD170206049784 WHICH DET. S. MOHAMMED (R322) HAD PROBABLE CAUSE TO ARREST. DET. MOHAMMED WAS CONTACTED AND INFORMED OF LOCATING THE OFFENDER.

A FELONY PREFILE WAS SET ON FEBRUARY 28, 2017, AT 1530 HOURS WITH STATE ATTORNEY EDRI AT THE SOUTH DADE JUSTICE BUILDING
HOMESTEAD POLICY BOOKING NUMBER #17-02-097

ARMBAND #1100330113

* * *

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[LOGO] F173199

**IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA FALL TERM, 2016**

THE STATE OF FLORIDA	INFORMATION
v.	FOR
DAMIAN DEWAYNE DAWKINS	1. ROBBERY/ STRONGARM
<u>Defendant(s)</u>	812.13(2)(c) FEL. 2D

[Stamped as filed Mar. 20, 2017]

**IN THE NAME AND BY THE AUTHORITY OF
THE STATE OF FLORIDA:**

KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit, prosecuting for the State of Florida, in the County of Miami-Dade, by and through her undersigned Assistant State Attorney, under oath, Information makes that:

EDER,AMY JOSEFSBERG :JD 03/15/2017

Circuit Court Direct File

Jail No. 170128965 ,Bkd: 2/17/2017, CIN: 1079353,
B/M, DOB: XXXXXXXXXX

F17003199

Glick, Stacy (F012)

(Defendant:)

COUNT 1

DAMIAN DEWAYNE DAWKINS, on or about February 15, 2017, in the County and State aforesaid, did unlawfully, by force, violence, assault, or putting in fear, take certain property, to wit: U.S. currency and/or coins, said property being the subject of larceny, and of the value of less than one hundred dollars (\$100.00), the property of Camelia Elias, as owner or custodian, from the person or custody of Camelia Elias, with the intent to temporarily or permanently deprive the above-named owner(s) or custodian(s) of the said property, in violation of s. 812.13(2)(c), Fla. Stat., contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

(CC#: F17003199)

STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

Personally known to me and appeared before me, the Assistant State Attorney of the Eleventh Judicial Circuit of Florida whose signature appears below, being first duly sworn, says that the allegations set forth in this Information are based upon facts which have been sworn to as true by a material witness or witnesses, and which if true, would constitute the offenses therein charged, and that this prosecution is instituted in good faith.

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/s/ [Signature]
Assistant State Attorney/
Bar #: [564291]
1350 NW 12th Ave.,
Miami, FL (305) 547-0100

Sworn to and subscribed before me this 17th day of
March, 2017.

By /s/ [Signature]
~~Deputy Clerk for Clerk of~~
~~the Courts, or~~
Notary Public

[Notary Stamp]

[SEAL]

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA 153	CLOCK IN [FILED 2017 JUL 27 PM 4:11 CLERK CIRCUIT & COUNTY COURTS MIAMI-DADE COUNTY, FL CIRCUIT OF MIAMI #26]
CRIMINAL JUDGMENT DIVISION	
THE STATE OF FLORIDA PLAINTIFF VS. DAMIAN DEWAYNE DAWKINS DEFENDANT	
CASE NUMBER: F17003199	
Damian Dawkins, Damian D Dawkins	
The Defendant, DAMIAN DEWAYNE DAWKINS, being personally before this Court represented by ADAM SAPER, PD, his/her attorney of record. The State represented by KELLY HARTMAN, Assistant State's Attorney, and having: <ul style="list-style-type: none"> • entered a plea of guilty • DNA taken pursuant to Florida Statute 943.325 to the following crime(s): 	

COUNT	CRIME	DEGREE	OFFENSE STATUTE NO.
1	ROBBERY/ STRONGARM	2/F	812.13(2)(C)

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).

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA		
CRIMINAL DIVISION	CHARGES/ COSTS/ FEES	CASE NUMBER: F17003199
THE STATE OF FLORIDA PLAINTIFF		
VS.		
DAMIAN DEWAYNE DAWKINS DEFENDANT		
Damian Dawkins, Damian D Dawkins		

The Defendant is hereby ordered to pay the following sum indicated:

- \$50.00 Pursuant to Florida Statute 938.03(4) (Crimes Compensation Trust Fund).
- \$3.00 Three dollars as a court cost pursuant to Florida Statute 938.01(1) \$3.00 (Criminal Justice Trust & Education Funds).
- \$50.00 Pursuant to Florida Statute 27.52(2) (Public Defender Application Fee).
- \$20.00 Pursuant to Florida Statute 938.06 (Crime Stopper's Programs).
- \$3.00 Pursuant to Florida Statute 938.19 (Teen Courts).
- \$50.00 Pursuant to Florida Statute 775.083(2) (Crime Prevention Programs).
- \$2.00 Two dollars as a court cost pursuant to Florida Statute 938.15 \$2.00 (Criminal Justice Trust & Education Funds).
- \$65.00 Pursuant to Florida Statute 939.185(1)(a) (Assessment of Additional Court Costs as Adopted by Ordinance 04-116).
- \$100.00 Cost of prosecution Florida Statute 938.27(8)

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\$225.00 Additional cost fine and forfeiture Florida
Statute 938.05
\$100.00 Cost of defense Florida Statute 938.29
\$668.00 TOTAL

STAY DUE DATE: 7/30/2018

OTHER

COMMENTS: Restitution in accordance with a separate order entered herein.

DONE AND ORDERED in Open Court in Miami-Dade County, Florida this 29th day of June, 2017.

/s/ [Signature]
JUDGE STACY D GLICK
DIV. F012

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA 258	CLOCK IN [2017 JUL 27 PM 4:11 CLERK CIRCUIT & COUNTY COURTS MIAMI-DADE COUNTY, FL CIRCUIT OF MIAMI #26]
CRIMINAL SENTENCE DIVISION	
AS TO COUNT: 1	
THE STATE OF FLORIDA PLAINTIFF <p style="text-align: center;">VS.</p> DAMIAN DEWAYNE DAWKINS DEFENDANT	
CASE NUMBER: F17003199	Damian Dawkins, Damian D Dawkins
The Defendant, being personally before this Court, accompanied by his/her attorney: ADAM SAPER, PD and having been adjudicated guilty herein, and the Court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he/she should not be sentenced as provided by law, and no cause having been shown:	

IT IS THE SENTENCE OF THE COURT that the defendant:

Is hereby committed to the custody of the Dade County Jail.

TO BE IMPRISONED:

For a term of 364.00 Day(s).

IN REF: Defendant DAMIAN DEWAYNE DAWKINS OTHER PROVISIONS
CASE NUMBER: F17003199

CATEGORY	OTHER PROVISION DESCRIPTION	SPECIFICATION
Jail Credit	It is further ordered that the Defendant shall be allowed a total of the specified time as credit for time incarcerated prior to imposition of this sentence.	NO CREDIT TIME SERVED

In the event the above sentence is to the Department of Corrections, the Sheriff of Miami-Dade County, Florida, is hereby orderded [sic] and directed to deliver the defendant to the Department of Corrections at the facility designated by the Department together with a copy of this Judgment and Sentence and any other documents specified by Florida Statutes.

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

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In imposing the above sentence, the Court further,

Orders:

Criminal order of restitution in the amount of \$68.00
PAYABLE TO CAMELIA ELAS AT 153 N.W 6th
STREET HOMESTEAD, FL 33030.

DONE AND ORDERED in Open Court in Miami-Dade
County, Florida, this 29th day June, 2017.

/s/ [Signature]
JUDGE STACY D GLICK
DIV. F012
