

## **APPENDIX**

### **INDEX TO APPENDIX**

- A. *Order Denying Motion for Postconviction Relief* filed November 16, 2023
- B. First District Court of Appeal, State of Florida, *PCA* dated November 27, 2024
- C. First District Court of Appeal, State of Florida, *Order* dated January 28, 2025, denying rehearing

# Exhibit A

IN THE CIRCUIT COURT OF  
THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 01-2017-CF-003014-A

Plaintiff,  
vs.

ISAAC LEE WILLIAM GREEN,

Defendant.

**ORDER DENYING MOTION FOR POSTCONVICTION RELIEF**

THIS CAUSE comes before the Court upon Defendant's "Motion for Post Conviction Relief" filed January 10, 2023 pursuant to Fla. R. Crim. P. 3.850. Upon consideration of the motion and the record, this Court finds and concludes as follows:

1. On June 29, 2018, Defendant was found guilty after a jury trial of Trespass with a Human Being in Structure(Count I), a lesser included offense, and Attempted Sexual Battery with Special Circumstances (Count II). Disposition was continued until a later date. On August 23, 2018, Defendant was sentenced to fifteen (15) years in the Department of Corrections. Defendant filed an appeal. On June 20, 2020, the First District Court of Appeal *per curiam* affirmed the judgment and sentence.<sup>1</sup> *Green v. State*, 295 So. 3d 1164 (Fla. 1st DCA 2020).

2. On January 10, 2023, postconviction counsel filed a "Motion for Leave to File Belated Motion for Postconviction Relief" citing counsel neglect for failing to timely file the instant motion prior to the two-year deadline. *See* Defendant Motion for Leave to File. This Court granted the motion. *See* Order Granting Filing of Belated Motion. As a result, the instant postconviction motion is considered timely filed.

<sup>1</sup> The mandate was issued on June 23, 2020. *See* Mandate.



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3. In the instant motion, Defendant alleges that trial counsel, Robert Rush, rendered ineffective assistance of counsel based on the following claims:

(Ground One)	Failing to file a motion to suppress the Galaxy S5 cell phone;
(Ground Two)	Failing to object to the jury instructions and verdict form as to Count [II];
(Ground Three)	Failing to address and move for mistrial due to a sleeping juror; and
(Ground Four)	Failing to file a post-verdict motion for new trial.

4. To make out a *prima facie* case for ineffective assistance of counsel, Defendant must assert that trial counsel's performance did not comply with prevailing standards of professionalism which proved detrimental to the defendant. *Strickland v. Washington*, 466 U.S. 668, 691-92 (1984). If the movant does not point to prejudice, the court need not make a ruling on the performance component, and vice versa. *Johnson v. State*, 593 So. 2d 206, 209 (Fla. 1992). Furthermore, when alleging ineffective assistance of counsel, a defendant must plead unprofessional error and prejudice with specificity. *See Smith v. State*, 445 So. 2d 323, 325 (Fla. 1983); *see also Cunningham v. State*, 748 So. 2d 328, 330 (Fla. 4th DCA 2000) (citing *Knight v. State*, 394 So. 2d 997, 1001 (Fla. 1981))(when claiming deficient performance, "the specific omission or overt act upon which the claim of ineffective assistance of counsel is based must be detailed in the appropriate pleading"). It is not enough for the defendant to show that the errors had some conceivable effect on the outcome of the proceeding. *Strickland*, 466 U.S. at 693. The defendant must show that there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. *Id.* at 698.

5. As to Ground One, Defendant alleges that counsel was ineffective for failing to file a motion to suppress the Samsung Galaxy S5 cell phone seized during the traffic stop. According to Defendant, law enforcement did not have probable cause to initiate a stop, thereby rendering both the stop and seizure illegal. Defendant grossly misstates the facts and circumstances of his case. This claim is conclusively refuted by the record.

Officer Warren Meek of the Gainesville Police Department (“GPD”) lawfully initiated a traffic stop after observing Defendant’s speed and failure to stop at a stop sign. *See* 3014 Sworn Complaint; § 316.183, 316.123(2), Florida Statutes (2023); *B.H. v. State*, 958 So. 2d 536, 537 (Fla. 4th DCA 2007)(“The stopping of a motorist is reasonable where a police officer has probable cause to believe a traffic violation has occurred.”)(citing *Whren v. United States*, 517 U.S. 806, 819, 116 S.Ct. 1769, 135 L.Ed.2d 89 (1996); *Holland v. State*, 696 So.2d 757, 759 (Fla.1997)); *see also Petrel v. State*, 675 So.2d 1049, 1050 (Fla. 4th DCA 1996)(“[T]he test adopted by the United States Supreme Court is whether an officer *could* have stopped the vehicle for a traffic infraction.”). After observing both traffic violations, Officer Meek had probable cause to initiate a traffic stop.

During the stop, Officer Meek then developed probable cause to believe that Defendant was the suspect described in a 911 call placed just hours earlier reporting a suspicious person wearing a towel over his head while peeping into a neighbor’s windows and masturbating (case no. 01-2017-CF-002874-A). *See* 2874 Sworn Complaint. The witnesses reported the suspicious person on August 3, 2017 at 1:27 a.m.; Officer Meek stopped Defendant shortly thereafter. *See id.* During the traffic stop, Officer Meek observed that Defendant appeared nervous, had a visible erection, and possessed a similar towel. *See id.* He also observed that Defendant’s

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STATE VS. ISAAC LEE WILLIAM GREEN

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shoes were wet and had grass on them; notable because the reported location contained a grass yard wet from rain. *See id.* Defendant was questioned about his whereabouts prior to the traffic stop and claimed to have just dropped off a man at a home nearby. Defendant led officers to an address directly next door to the location reported by the 911 caller. *See id.* Defendant's identification as a suspect in case number 01-2017-CF-002874-A was confirmed by the 911 callers via "show-up" identification. *See id.* As a result, officers arrested the Defendant in case number 01-2017-CF-002874-A. Incident to his arrest, Defendant's person was searched. As the Third District Court of Appeal explained in *Sands v. State*,

[g]iven a valid arrest, a police officer is authorized to conduct a search incident to effecting that arrest. *Gustafson v. Florida*, 414 U.S. 260, 94 S.Ct. 488, 38 L.Ed.2d 456 (1973), *affirming*, *State v. Gustafson*, 258 So.2d 1 (Fla.1972); *Chimel v. California*, 395 U.S. 752, 89 S.Ct. 2034, 23 L.Ed.2d 365 (1969); § 905.21, Fla.Stat. (1977). This means that subsequent to such an arrest, "the police have an automatic right, without any further evidentiary showing, to conduct a full-blown search of the person arrested and the physical area into which he might reach in order to grab a weapon or destroy evidentiary items." *State v. Ramos*, 378 So.2d 1294, 1297 (Fla. 3d DCA 1979). "It is the fact of the lawful arrest which establishes the authority to search, and we hold that in the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a 'reasonable' search under that Amendment." *United States v. Robinson*, 414 U.S. 218, 235, 94 S.Ct. 467, 477, 38 L.Ed.2d 427 (1973).

414 So. 2d 611, 615 (Fla. 3d DCA 1982). Thus, officers legally searched Defendant. Further, Officer Meek obtained Defendant's consent to search his vehicle. *See* Trial Transcript at 210 (lines 7-17). During the search, officers recovered a Samsung Galaxy S5 cell phone which Defendant identified as his personal cell phone. *See id.* at 211 (lines 7-12), 214 (lines 7-24).

After his arrest in case number 01-2017-CF-002874-A, officers obtained a warrant to search the contents of the cell phone. *See id.* at 232 (lines 21-25) – 234 (lines 1-4). The search of the cell phone revealed a hidden video of a woman's vagina, later identified as the victim in this

case. *See id.* at 233 (lines 14-25) – 238 (lines 1-15). GPD Forensics Investigator Matthew Goeckel learned that the video file was timestamped July 29, 2017, 3:43 a.m. and then moved to a “Calculator Vault” app at 3:54:27 a.m., just minutes after the victim reported the incident. *See id.* at 241 (lines 4-25) – 243 (lines 1-9). Investigator Goeckel then confirmed the location of the video’s origin by comparing the video to crime scene photographs taken at the victim’s home. *See id.* at 246 (lines 21-25) – 250 (lines 1-5). Ultimately, this investigation led to the charges in the instant case (case number 01-2017-CF-3014-A).

Based on the reasoning outlined above, the traffic stop and cell phone seizure were legal and there is no fourth amendment violation. For these reasons, this claim is without merit.

6. As to Ground Two, Defendant alleges that counsel was ineffective for failing to object to the jury instructions and verdict form as they relate to Count II. “[T]rial counsel’s failure to object to standard jury instructions that have not been invalidated by this Court does not render counsel’s performance deficient.” *Thompson v. State*, 759 So. 2d 650, 665 (Fla. 2000). Here, there is no error in the jury instructions given for Count II, *compare* Jury Instructions at 7 with Fla. Std. Jury Instr. (Crim.) 11.3, and there is no error in the verdict form. *See* Verdict Form. Defendant has failed to demonstrate either error by counsel or prejudice.

Additionally, Defendant claims his conviction and sentence to Count II were illegal when the court improperly sentenced him to Count II as a first-degree felony. This claim is not cognizable under Fla. R. Crim. P. 3.850. Based on the claim raised, this ground is instead considered under Fla. R. Crim. P. 3.800(b). Considered under rule 3.800, this claim is conclusively refuted by the record. The trial court properly sentenced Defendant to Count II as a second-degree

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felony. *See* Sentencing Transcript at 18 (lines 19-25) – 19 (lines 1-5); Judgement and Sentence.

For these reasons, this claim is without merit.

7. As to Ground Three, Defendant alleges that counsel was ineffective for failing to move for a mistrial due to a sleeping juror. The trial transcript indicates that it was the trial court that brought this issue to light. But contrary to Defendant's argument, his counsel was not deficient and he was not prejudiced because there was no basis to remove the juror or move for a mistrial. The State's witness was offering inculpatory evidence when the trial court initially noticed the sleeping juror and immediately called for a bench conference. *See* Trial Transcript at 286 (lines 6-25) – 287 (lines 1-18); *see also Footman v. State*, 332 So. 3d 1116, 1119 (Fla. 1st DCA 2022). Further, upon this Court's review of the relevant portion of the audio-visual recording of Defendant's trial, the specific juror could only have been asleep for a maximum of one minute and twenty-six seconds, an immaterial amount of time considering the length of this trial. Outside these 86 seconds, the juror was attentive and observant throughout trial. *See* Trial Transcript at 448 (lines 15-20). If anything, Defendant may have benefitted from the juror missing part of the inculpatory testimony of the State's witness. *See Footman*, 332 So. 3d at 1119; *see also Reynolds v. State*, 99 So. 3d 459, 480-81 (Fla. 2012). Because Defendant failed to establish deficient performance or prejudice, this claim is without merit.

8. As to Ground Four, Defendant alleges that counsel was ineffective for failing to file a post-verdict motion for new trial based on the weight of the evidence. Once again, Defendant grossly misstates the facts of his case. Counsel filed written motions for a new trial and judgment of acquittal on July 2, 2018. *See* Defense Motions. Both were denied by the trial court. *See* Orders Denying Defense Motions.

Even if counsel had challenged the verdict exactly as Defendant argues here, the motion would not have been successful. Contrary to Defendant's inaccurate factual assertions, the State presented an abundance of evidence against Defendant through eleven different witnesses over two days of trial. Regardless, witness credibility is an issue reserved for the jury. Here, Defendant merely disagrees with the jury's determination and is essentially challenging the sufficiency of the evidence used to convict him. A defendant cannot challenge the sufficiency of the evidence underlying his conviction through a rule 3.850 motion, especially where there has been a direct appeal. *Betts v. State*, 792 So. 2d 589, 590 (Fla. 1st DCA 2001); *see also Johnson v. State*, 593 So. 2d 206, 208 (Fla. 1992); *Jones v. State*, 446 So. 2d 1059, 1061-62 (Fla. 1984). Based on the foregoing reasons, this claim is without merit.

9. Defendant and postconviction counsel are hereby advised that the filing of false or frivolous claims may subject them to sanctions by the Court. *See* Fla. R. Crim. P. 3.850(n). In addition, the filing of false or frivolous claims may subject Defendant to discipline by the Department of Corrections. *See* § 944.28(2)(a), Fla. Stat. (2021); Fla. R. Crim. P. 3.850(n). Section 944.279(1), Florida Statutes, specifically provides that a court may "at any time" determine whether a collateral criminal proceeding is filed in good faith. This statute equates a lack of "good faith" with a determination that the collateral action was "frivolous." *See* § 944.279(1), Fla. Stat. (stating that when a court finds that an inmate files a "frivolous or malicious collateral criminal proceeding," the inmate is subject to "disciplinary procedures pursuant to the rules of the Department of Corrections"); § 944.28(2)(a), Fla. Stat. (authorizing the Department of Corrections to forfeit gain-time when an inmate files a "frivolous suit, action, claim, proceeding, or appeal"); *Smith v. State*, 41 So. 3d 1037 (Fla. 1st DCA 2010).

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Based on the foregoing, it is **ORDERED AND ADJUDGED** that:

Defendant's motion is hereby **DENIED**. Defendant may appeal this decision to the First District Court of Appeal within thirty (30) days of this Order's effective date.

**DONE AND ORDERED** in Chambers at Gainesville, Alachua County, Florida, on this 16th day of November 2023.



JAMES M. COLAW,  
CIRCUIT JUDGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Order was furnished by U.S. Mail delivery or via filing with the Florida Courts E-Filing Portal on this 16th day of November 2023, to the following:

RACHAEL E. REESE, ESQ.  
Florida Bar No. 0111396  
O'Brien Hatfield Reese, P.A.  
511 West Bay Street  
Third Floor-Suite 330  
Tampa, Florida 33606  
[rer@markjobrien.com](mailto:rer@markjobrien.com)

HEATHER JONES  
Chief Asst. State Attorney  
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*WT*  
W. Thurow, Judicial Assistant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, STATE OF FLORIDA

STATE OF FLORIDA

CASE NUMBER: 2017-CF-3014

v.

ISAAC GREEN

**MOTION FOR LEAVE TO FILE**  
**BELATED MOTION FOR POST CONVICTION RELIEF**

COMES NOW, the Defendant, ISAAC GREEN, by and through the undersigned counsel, pursuant to Rule 3.850, Florida Rules of Criminal Procedure, hereby files this Motion for Leave to File Belated Motion for Postconviction Relief, and in support states as follows:

**Rule 3.850 Procedural Statement**

1. The Defendant was charged with Count (1) Burglary with Assault or Battery and Count (2) Attempted Sexual Battery with Special Circumstances.
2. On June 28-29, 2018, Defendant proceeded to jury trial, and was found guilty of the lesser included offense of trespass with a human being in the structure as to Count (1) and as to Count (2) the Defendant was found guilty as charged.
3. On August 23, 2018, Defendant appeared for sentencing.
4. The court imposed the following sentences: As to Count (1) trespass with a human being in the structure 364 days in the County jail and as to Count (2) Attempted Sexual Battery with Special Circumstances 15 years. The sentences were imposed to run consecutively.

5. Thereafter, the Defendant filed his notice of appeal with the First District Court of Appeal (case number 1D18-3927).
6. On June 20, 2020, the Court affirmed the Defendant's judgment and sentence without a written opinion. The mandate was issued on June 23, 2020.
7. The Defendant had a second case before this Court – 2017-CF-4651 – that has had postconviction motions pending in the meantime.
8. The undersigned counsel was retained prior to the close of the two-year deadline provided in Florida Rule of Criminal Procedure 3.850 to file the Defendant's postconviction motion in the instant case. However, due to counsel's negligence, which will be explained below, counsel is filing the instant motion. Counsel hopes and prays that the Court will grant the instant motion and accept the attached Motion for Postconviction Relief for consideration on the merits.

**Argument and Memorandum of Law**

Under Rule 3.850(b), Florida Rules of Criminal Procedure, "No other motion shall be filed or considered pursuant to this rule if filed more than 2 years after the judgement and sentence becomes final[.]" However, an exception is provided under subsection (b)(3) if "the defendant retained counsel to timely file a 3.850 motion and counsel, through neglect, failed to file the motion."

The Defendant's judgment and sentence became final, for purposes of Rule 3.850, on June 23, 2020 (the date of his mandate). As a result, the Defendant had until June 23, 2022 to file his Motion for Postconviction Relief under Rule 3.850. The undersigned counsel was retained by the Defendant to represent him on both of the above-mentioned cases in June of 2021. Initially, counsel's representation was focused on the appeal of the Defendant's 3.850 motion that was

denied in case number 2017-CF-4651. The Court's denial was not affirmed by the First DCA until July 7, 2022 (case number 1D21-1567). As of that date, the Defendant's time in the instant case had already passed the two-year mark. Due to counsel's neglect when originally retained, counsel failed to calendar the deadline in this case and did not recognize the issue until the unrelated case had concluded. This was of no fault to the Defendant and counsel's own negligent act.

It has been consistently held that when a defendant retained counsel to file a 3.850 motion within the two years, and counsel fails to do so, the Court should consider the merits of the motion. *See, Schwagler v. State*, 118 So.3d 923 (Fla. 2d DCA 2013) (finding that defendant was entitled to consideration of the merits of his **successive motion**, where his initial motion had been dismissed as untimely due to counsel's actions, as per the exception recognized in Rule 3.850(b)(3) because to deny relief to the defendant would be inconsistent with due process of law); *Denard v. State*, 152 So.3d 1257 (Fla. 5th DCA 2014) (a defendant's motion for postconviction relief shall be heard on the merits if the record shows a valid ground for timeliness under rule 3.850(b)(3), because this is exactly why rule 3.850(b)(3) was adopted). This is clearly the situation in the instant case. As a result, counsel hopes that this Court will accept these sworn allegations of counsel and grant the Defendant's motion for leave to file his motion and consider it timely.

**Conclusion**

The Defendant, by and through counsel, hopes that this Court will grant the instant motion, or alternatively, grant any relief that the Court deems appropriate.

Respectfully Submitted,

O'Brien Hatfield Reese, P.A.  
Bayshore Center  
511 West Bay Street  
Third Floor – Suite 330  
Tampa, Florida 33606  
Direct: (813) 228-6988  
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By: /s/ Rachael E. Reese  
Rachael E. Reese, Esquire  
Florida Bar No.: 0111396

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with the Clerk of Court and mailed to the Office of the State Attorney on this the 10th day of January 2023.

By: /s/ Rachael E. Reese  
Rachael E. Reese, Esquire  
Florida Bar No.: 0111396

**IN THE CIRCUIT COURT OF  
THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA**

**STATE OF FLORIDA,**

**CASE NO.: 01-2017-CF-003014-A**

Plaintiff,

**DIVISION: II**

vs.

**ISAAC LEE GREEN,**

Defendant.

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**ORDER GRANTING MOTION FOR LEAVE TO FILE BELATED MOTION FOR  
POSTCONVICTION RELIEF**

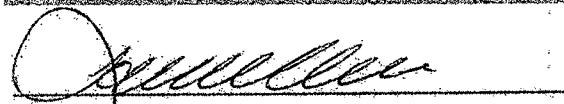
**THIS ACTION** comes before the Court upon Defendant's "Motion for Leave to File Belated Motion for Post Conviction [sic] Relief," filed January 10, 2023, pursuant to Fla. R. Crim. P. 3.850. Defendant moves the Court to accept his belatedly file rule 3.850 motion. Upon consideration of the motion and the record, and being otherwise fully advised in the premises, it is

**ORDERED AND ADJUDGED** that:

- I. Defendant's motion for leave to file belated motion for postconviction relief is hereby **GRANTED**.
- II. Defendant's motion for postconviction relief is hereby accepted as timely filed.

**DONE AND ORDERED** on Tuesday, January 10, 2023

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James M. Colaw, Circuit Judge  
01-2017-CF-003014-A 01/10/2023 08:51:04 PM

**CERTIFICATE OF SERVICE**

ORDER GRANTING MOTION FOR LEAVE TO FILE BELATED MOTION FOR POSTCONVICTION  
RELIEF

STATE VS. ISAAC LEE GREEN  
CASE No. 01-2017-CF-003014-A  
PAGE 2

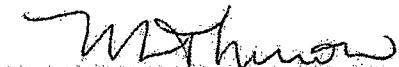
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I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Wednesday, January 11, 2023.

Rachael Elizabeth Reese  
rer@markjobrien.com  
kr@markjobrien.com  
omg@markjobrien.com

State Attorney 8th Circuit  
eservice@sao8.org

[REDACTED] 01-2017-CF-003014-A 01/11/2023 09:49:06 AM [REDACTED]



Wendy Thurow, Judicial Assistant  
01-2017-CF-003014-A 01/11/2023 09:49:06 AM

# M A N D A T E

from

## FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA

This case having been brought to the Court, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with the opinion of this Court, and with the rules of procedure, and laws of the State of Florida.

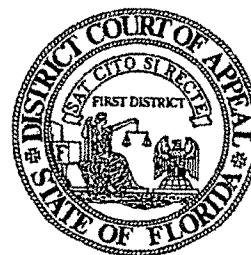
WITNESS the Honorable Stephanie W. Ray, Chief Judge, of the District Court of Appeal of Florida, First District, and the seal of said Court at Tallahassee, Florida, on this day.

June 23, 2020

Isaac Lee William Green v.  
State of Florida

DCA Case No.: 1D18-3927  
Lower Tribunal Case No.: 01-2017-CF-003014-A

*Kristina Samuels*  
KRISTINA SAMUELS, CLERK  
District Court of Appeal of Florida, First District



gl

Mandate and opinion to: Hon. J. K. "Jess" Irby, Clerk

cc: (without attached opinion)

Hon. Ashley Moody, AG

Steven G. Frisco

Julian E. Markham, AAG

2020 JUN 23 AM 11:14  
J. K. "JESS" IRBY  
CLERK OF THE DISTRICT COURT  
ALACHUA COUNTY, FL

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FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D18-3927

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ISAAC LEE WILLIAM GREEN,

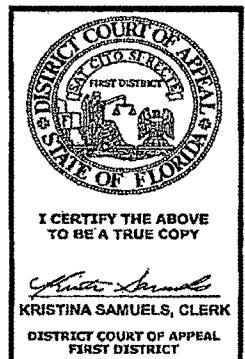
Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Alachua County.  
James M. Colaw, Judge.

June 2, 2020

PER CURIAM.

AFFIRMED.

MAKAR, BILBREY, and JAY, JJ., concur.

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*Not final until disposition of any timely and  
authorized motion under Fla. R. App. P. 9.330 or  
9.331.*

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Steven G. Frisco of the Law Office of Robert A. Rush, PA,  
Gainesville, for Appellant.

Ashley Moody, Attorney General, and Julian E. Markham,  
Assistant Attorney General, Tallahassee, for Appellee.

OBTS NUMBER:	0108021897	EIGHTH JUDICIAL CIRCUIT				AGENCY CASE REPORT NUMBER:	02-17-013870		
NAME OF SUBJECT (LAST, FIRST, MI): <b>GREEN, ISAAC LEE WILLIAM</b>				ALIAS / MAIDEN NAME:					
911 HOME ADDRESS (STREET, APARTMENT NUMBER, ETC.): <b>1314 NE 31ST AVE</b>		CITY: <b>GAINESVILLE</b>		STATE: <b>FL</b>	ZIP CODE: <b>32609</b>	TELEPHONE NUMBER: <b>(352) 519-6616</b>			
BUSINESS / SCHOOL ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): <b>2017 AUG 14 PM 9:02</b>				TELEPHONE NUMBER:					
MAILING ADDRESS (PO BOX, ETC. IF DIFFERENT THAN 911 ADDRESS): <b>RE-ENTRY OF THE JAIL</b>				SCARS, MARKS, TATTOOS, FACIAL HAIR, UNIQUE PHYSICAL FEATURES (LOCATION, TYPE, DESCRIPTION):					
D E F E N D A N T	RACE: <input type="checkbox"/> WHITE <input type="checkbox"/> AMERICAN INDIAN <input checked="" type="checkbox"/> BLACK <input type="checkbox"/> ASIAN / ORIENTAL	SEX: <b>M</b>	DATE OF BIRTH: <b>07/01/1989</b>	HEIGHT: <b>6'03</b>	WEIGHT: <b>180</b>	HAIR COLOR: <b>BLACK</b>	EYE COLOR: <b>BROWN</b>	COMPLEXION: <b>MEDIUM</b>	BUILD: <b>LARGE</b>
	DRIVERS LICENSE / STATE ID NUMBER: <b>G650412892410</b>	STATE OF DL / ID: <b>FL</b>	SOCIAL SECURITY NUMBER: <b>██████████</b>	PHOTO NUMBER: <b>██████████</b>	PLACE OF BIRTH: <b>GAINESVILLE, FL.</b>	COUNTRY OF CITIZENSHIP: <b>UNITED STATES OF AMERICA</b>			
SUBJECT'S OCCUPATION: <b>ENVIRON SVCS</b>		SPN NUMBER: <b>██████████</b>	AGENCY ORI NUMBER: <b>0010100</b>	SO ID / AGENCY ID / NUMBER: <b>██████████</b>	BOOKING NUMBER:				
LOCATION OF ARREST: <b>545 NW 8TH AVE</b>				DATE OF ARREST: <b>08/14/2017</b>	TIME OF ARREST (MILITARY): <b>14:05</b>	DATE OF BOOKING: <b>08/14/2017</b>	TIME OF BOOKING (MILITARY): <b>17:50</b>		
SUBJECT IDENTIFIED BY WHOM (VICTIM, WITNESS, LEO, ETC.): <b>BYRD, NICHOLAS</b>				SUBJECT'S NAME VERIFIED BY (PHOTO ID, FAMILY MEMBER, KNOWN TO OFFICER, ETC.): <b>FL DL 17</b>					
C O D T I M E R E C H A R G E 1	#1 (NAME): <b>██████████</b>	DATE OF BIRTH: <b>██████████</b>	RACE: <b>██████████</b>	SEX: <b>██████████</b>	COURT NUMBER: <b>██████████</b>	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT <input type="checkbox"/> NTA	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC CASE	<input type="checkbox"/> JUVENILE <input type="checkbox"/> YES <input type="checkbox"/> NO	
	#2 (NAME): <b>██████████</b>	DATE OF BIRTH: <b>██████████</b>	RACE: <b>██████████</b>	SEX: <b>██████████</b>	COURT NUMBER: <b>██████████</b>	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT <input type="checkbox"/> NTA	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC CASE	<input type="checkbox"/> JUVENILE <input type="checkbox"/> YES <input type="checkbox"/> NO	
W I T H S O N 2	JUVENILE DISPOSITION: <input type="checkbox"/> RELEASED TO JAC <input type="checkbox"/> ISSUED NTA AND RELEASED	NAME OF PARENT / GUARDIAN (NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO): <b>012017CF003D014A</b>				WORK TELEPHONE NUMBER: <b>██████████</b>			
	PARENT / GUARDIAN HOME ADDRESS (STREET, APARTMENT #, PO BOX, ETC.): <b>██████████</b>	CITY: <b>██████████</b>	STATE: <b>██████████</b>	ZIP CODE: <b>██████████</b>	HOME TELEPHONE NUMBER: <b>██████████</b>				
C H A R G E 1	#1 (NAME): <b>██████████</b>	ADDRESS: <b>██████████</b>				TELEPHONE NUMBER: <b>██████████</b>			
	#2 (NAME): <b>██████████</b>	ADDRESS: <b>██████████</b>				TELEPHONE NUMBER: <b>██████████</b>			
C H A R G E 2	OFFENSE DESCRIPTION: <b>ATTEMPTED - SEXUAL BATTERY - VICTIM 18 OR OLDER AND PHYSICALLY HELPLESS</b>	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE / ORDINANCE NUMBER: <b>794-011(4)(B)</b>			VICTIM NOTIFICATION: ARREST: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO RELEASE: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
	<input type="checkbox"/> WARRANT <input type="checkbox"/> JUVENILE PU ORDER <input type="checkbox"/> CIVIL ORDER <input type="checkbox"/> CITATION <input type="checkbox"/> CAPIAS NUMBER: <b>07/29/2017</b>	DATE OF OFFENSE: <b>07/29/2017</b>	TIME OF OFFENSE: <b>03:43</b>	BAIL AMOUNT: <b>██████████</b>			VICTIM'S TELEPHONE NUMBER: <b>██████████</b>		
P R O C E S S U M M A R Y 2	VICTIM (NAME): <b>██████████</b>	ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): <b>██████████</b>	CITY: <b>██████████</b>	STATE: <b>██████████</b>	ZIP CODE: <b>██████████</b>				
	OFFENSE DESCRIPTION: <b>BURGLARY OF OCCUPIED DWELLING</b>	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE / ORDINANCE NUMBER: <b>810-02/3A</b>			VICTIM NOTIFICATION: ARREST: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO RELEASE: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
N T A 3	<input type="checkbox"/> WARRANT <input type="checkbox"/> JUVENILE PU ORDER <input type="checkbox"/> CIVIL ORDER <input type="checkbox"/> CITATION <input type="checkbox"/> CAPIAS NUMBER: <b>07/29/2017</b>	DATE OF OFFENSE: <b>07/29/2017</b>	TIME OF OFFENSE: <b>03:30</b>	BAIL AMOUNT: <b>██████████</b>			VICTIM'S TELEPHONE NUMBER: <b>██████████</b>		
	VICTIM (NAME): <b>██████████</b>	ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): <b>██████████</b>	CITY: <b>██████████</b>	STATE: <b>██████████</b>	ZIP CODE: <b>██████████</b>				
J U R A T 4	On 7/29/17, at approximately 0330 hours, at 1605 NW 3RD PL, the DEF entered the Victim's residence without permission. The Victim does not know the DEF. The Victim was asleep and physically helpless when the DEF entered. The Victim was awakened by the DEF standing over her using what she believed to be a cellphone with a light source and videoing her vagina.								
	The DEF was arrested for a separate incident (GPD CR 17-14173) on 8/3/17 for Burglary of a Residence, Exposure of Sexual Organs, Voyeurism and Loitering and Prowling in the same area of the Victim's residence. A search warrant was obtained for the cellphone								
N T A 5	<input type="checkbox"/> MANDATORY APPEARANCE IN COURT AT:			DATE OF APPEARANCE:			TIME OF APPEARANCE:		
I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS NOTICE TO APPEAR. WILLFUL REFUSAL TO ACCEPT AND SIGN THIS NOTICE TO APPEAR MAY RESULT IN PHYSICAL ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF MY RIGHTS.						DEFENDANT (SIGNATURE):			
						DATE:			
I SWEAR TO AND SUBSCRIBED BEFORE ME THIS:						I SWEAR THE ABOVE, AND REVERSE AND ATTACHED PAGES AND STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.			
DAY OF <b>August 2017</b>						NAME (PRINT): <b>YOUNG, VICTORIA B.</b>			
SIGNATURE: <b>██████████</b>						SIGNATURE: <b>██████████</b>			
TITLE: <b>D/0</b>						AGENCY: <b>GAINESVILLE POLICE DEPARTMENT</b> LEO ID NUMBER: <b>0645</b>			

ARREST  SWORN COMPLAINT  HOLD

JUVENILE  NOTICE TO APPEAR

OBTS NUMBER:

AGENCY ORI NUMBER:

0010100

**SUPPLEMENT  
EIGHTH JUDICIAL CIRCUIT**

SPN NUMBER:

AGENCY CASE REPORT NUMBER:

02-17-013870

DEFENDANT WITNESSES CHARGE CHARGE CHARGE CHARGE PROSECUTIVE SUMMARY CONTINUED	NAME OF SUBJECT (LAST, FIRST, MI): <b>GREEN, ISAAC LEE WILLIAM</b>						ALIAS / MAIDEN:				
	RACE: <input type="checkbox"/> WHITE <input type="checkbox"/> AMERICAN INDIAN <input checked="" type="checkbox"/> BLACK <input type="checkbox"/> ASIAN / ORIENTAL	SEX: <b>M</b>	DATE OF BIRTH: <b>07/01/1989</b>	HEIGHT: <b>6'03</b>	WEIGHT: <b>180</b>	JAIL NUMBER:	SO ID / AGENCY ID / NUMBER:				
	#3 (NAME):			ADDRESS:				TELEPHONE NUMBER:			
	#4 (NAME):			ADDRESS:				TELEPHONE NUMBER:			
	OFFENSE DESCRIPTION:				<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE / ORDINANCE NUMBER:			VICTIM NOTIFICATION: ARREST: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO RELEASE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
	<input type="checkbox"/> WARRANT <input type="checkbox"/> JUVENILE PU ORDER <input type="checkbox"/> CIVIL ORDER <input type="checkbox"/> CITATION <input type="checkbox"/> CAPIAS NUMBER:			DATE OF OFFENSE:		TIME OF OFFENSE:		BAIL AMOUNT:		VICTIM'S TELEPHONE NUMBER:	
	VICTIM (NAME):			ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.):				CITY:		STATE:	ZIP CODE:
	OFFENSE DESCRIPTION:				<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE / ORDINANCE NUMBER:			VICTIM NOTIFICATION: ARREST: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO RELEASE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
	<input type="checkbox"/> WARRANT <input type="checkbox"/> JUVENILE PU ORDER <input type="checkbox"/> CIVIL ORDER <input type="checkbox"/> CITATION <input type="checkbox"/> CAPIAS NUMBER:			DATE OF OFFENSE:		TIME OF OFFENSE:		BAIL AMOUNT:		VICTIM'S TELEPHONE NUMBER:	
	VICTIM (NAME):			ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.):				CITY:		STATE:	ZIP CODE:
OFFENSE DESCRIPTION:				<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE / ORDINANCE NUMBER:			VICTIM NOTIFICATION: ARREST: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO RELEASE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<input type="checkbox"/> WARRANT <input type="checkbox"/> JUVENILE PU ORDER <input type="checkbox"/> CIVIL ORDER <input type="checkbox"/> CITATION <input type="checkbox"/> CAPIAS NUMBER:			DATE OF OFFENSE:		TIME OF OFFENSE:		BAIL AMOUNT:		VICTIM'S TELEPHONE NUMBER:		
VICTIM (NAME):			ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.):				CITY:		STATE:	ZIP CODE:	
located in the DEF's pocket. A search of the phone revealed the video of Victim's vagina. This is confirmed date/time of the video origin and a comparison to crime scene photographs. During the video, the DEF's fingers can be seen in close proximity to the Victim's vagina. The DEF's fingers appear to be moving closer to the Victim's vagina when the camera angle abruptly changes. It is believed this is when the victim awoke which interrupted the sexual battery. It is unknown what occurred prior to the video. Post Miranda, The DEF admitted that he made the video of the victim. The DEF stated that he attempted to touch the Victim's vagina during the video.											
17 AUG 15 AM 8:05 FILED J.W. "JESS" IRBY CLERK OF COURTS ALACHUA COUNTY, FL CK 24											

ARREST  SWORN COMPLAINT  HOLD

JUVENILE  NOTICE TO APPEAR

CRIMINAL NUMBER:

## EIGHTH JUDICIAL CIRCUIT

AGENCY CASE REPORT NUMBER:

02-17-014173

NAME OF SUBJECT (LAST, FIRST, M.I.):  
**GREEN, ISAAC LEE WILLIAM**

ALIAS/MAIDEN:

911 HOME ADDRESS (STREET, APARTMENT NUMBER, ETC.):

**1314 NE 31ST AVE**

CITY:  
**GAINESVILLE**

STATE:

**FL**

ZIP CODE:  
**32609**

TELEPHONE NUMBER:  
**(352) 519-6616**

BUSINESS/SCHOOL ADDRESS (STREET, APARTMENT NUMBER, PO BOX ETC.):

TELEPHONE NUMBER:

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ARREST  SWORN COMPLAINT  HOLD

JUVENILE  NOTICE TO APPEAR

OBTS NUMBER:	0010100
AGENCY CRIM NUMBER:	

**SUPPLEMENT  
EIGHTH JUDICIAL CIRCUIT**

SPN NUMBER:	02-17-014173
AGENCY CASE REPORT NUMBER:	

D E F G H I J K L M N O P Q R S T U V W X Y Z 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 229 230 231 232 233 234 235 236 237 238 239 239 240 241 242 243 244 245 246 247 248 249 249 250 251 252 253 254 255 256 257 258 259 259 260 261 262 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ARREST  SWORN COMPLAINT  HOLD

JUVENILE  NOTICE TO APPEAR

OBTS NUMBER:
AGENCY ORI NUMBER:

SPN NUMBER:
AGENCY CASE REPORT NUMBER:

**SUPPLEMENT  
EIGHTH JUDICIAL CIRCUIT**

0010100

02-17-014173

NAME OF SUBJECT (LAST, FIRST, MI): <b>GREEN, ISAAC LEE WILLIAM</b>		ALIAS/MAIDEN						
D E F	SEX: <input checked="" type="checkbox"/> MALE	DATE OF BIRTH: <input type="text"/> 07/01/1989	HEIGHT: <input type="text"/> 6'03	WEIGHT: <input type="text"/> 180	JAIL NUMBER: <input type="text"/>	SO ID / AGENCY ID / NUMBER: <input type="text"/>		
W I T N E S S	#3 (NAME): <input type="text"/>	ADDRESS: <input type="text"/>			TELEPHONE NUMBER: <input type="text"/>			
#4 (NAME): <input type="text"/>	ADDRESS: <input type="text"/>			TELEPHONE NUMBER: <input type="text"/>				
OFFENSE DESCRIPTION:				<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE/ORDINANCE NUMBER: <input type="text"/>		VICTIM NOTIFICATION: ARREST: <input type="checkbox"/> YES <input type="checkbox"/> NO RELEASE: <input type="checkbox"/> YES <input type="checkbox"/> NO	
CHARGE NUMBER:	<input type="checkbox"/> WARRANT <input type="checkbox"/> JUVENILE PU ORDER <input type="checkbox"/> CIVIL ORDER <input type="checkbox"/> CITATION	DATE OF OFFENSE: <input type="text"/>	TIME OF OFFENSE: <input type="text"/>	BAIL AMOUNT: <input type="text"/>		VICTIM'S TELEPHONE NUMBER: <input type="text"/>		
VICTIM (NAME): <input type="text"/>	ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): <input type="text"/>			CITY: <input type="text"/>		STATE: <input type="text"/> ZIP CODE: <input type="text"/>		
CHARGE NUMBER:	OFFENSE DESCRIPTION:				<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE/ORDINANCE NUMBER: <input type="text"/>		VICTIM NOTIFICATION: ARREST: <input type="checkbox"/> YES <input type="checkbox"/> NO RELEASE: <input type="checkbox"/> YES <input type="checkbox"/> NO
VICTIM (NAME): <input type="text"/>	ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): <input type="text"/>			CITY: <input type="text"/>		STATE: <input type="text"/> ZIP CODE: <input type="text"/>		
CHARGE NUMBER:	OFFENSE DESCRIPTION:				<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE/ORDINANCE NUMBER: <input type="text"/>		VICTIM NOTIFICATION: ARREST: <input type="checkbox"/> YES <input type="checkbox"/> NO RELEASE: <input type="checkbox"/> YES <input type="checkbox"/> NO
VICTIM (NAME): <input type="text"/>	ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): <input type="text"/>			CITY: <input type="text"/>		VICTIM'S TELEPHONE NUMBER: <input type="text"/>		
CHARGE NUMBER:	OFFENSE DESCRIPTION:				<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NTA	COMPLETE STATUTE/ORDINANCE NUMBER: <input type="text"/>		VICTIM NOTIFICATION: ARREST: <input type="checkbox"/> YES <input type="checkbox"/> NO RELEASE: <input type="checkbox"/> YES <input type="checkbox"/> NO
VICTIM (NAME): <input type="text"/>	ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): <input type="text"/>			CITY: <input type="text"/>		VICTIM'S TELEPHONE NUMBER: <input type="text"/>		
neighbor's window masturbating.								
PROSECUTIVE SUMMARY CONTINUED	The DEF agreed to retrace his path of travel with GPD and he was transported to where he claimed he picked up the random guy. The DEF directed LEO to 3000 W University Avenue as a starting point. Even though the DEF said that he did not know the area of where he dropped the guy off, the DEF directed LEO from 3000 W University to [REDACTED] twice. The DEF identified [REDACTED] as the location where the drunken guy lived. The home where WIT1 and WIT2 observed the DEF pacing back and forth naked and looking inside of their neighbor's window while he masturbated was directly next door at [REDACTED]							
Post Miranda the DEF denied that he was in the area of the incident.								

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO: 01-2017-CF-003014-A

vs.

DIVISION II

ISAAC LEE WILLIAM GREEN,  
Defendant.

FILED IN OPEN COURT  
June 29, 2018  
Karen Lewis  
D.C.

JURY INSTRUCTIONS

6-29-18  
Instructions as  
Given.  
One

COUNT II: ATTEMPTED SEXUAL BATTERY ON VICTIM 18 OR OLDER WITH  
SPECIAL CIRCUMSTANCES  
§ 794.011(4)(b) & 777.04, Fla. Stat.

To prove the crime of Attempted Sexual Battery on Victim 18 or Older with Special Circumstances, the State must prove the following five elements beyond a reasonable doubt:

1. ISAAC LEE WILLIAM GREEN committed an act upon [REDACTED] in which the Defendant attempted to penetrate the vagina of [REDACTED] with an object, and did any act toward the commission of that offense, but failed in the perpetration or was intercepted or prevented in the execution thereof.
2. [REDACTED] was physically helpless to resist.
3. ISAAC LEE WILLIAM GREEN'S act was committed without the consent of [REDACTED]
4. At the time of the offense, [REDACTED] was 18 years of age or older.
5. At the time of the offense, ISAAC LEE WILLIAM GREEN was 18 years of age or older.

“Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. Consent does not mean the failure by the alleged victim to offer physical resistance to the offender.

“An object” includes a finger.

“Physically helpless” means that a person is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act.

[REDACTED] lack of chastity is not a defense to the crime charged.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO: 01-2017-CF-003014-A

vs.

DIVISION II

ISAAC LEE WILLIAM GREEN,  
Defendant.

FILED IN OPEN COURT

June 29, 2018

Kimi Lewis

D.C.

VERDICT

WE THE JURY, find as follows as to Defendant ISAAC LEE WILLIAM GREEN in this case:

AS TO COUNT I:

       1. The Defendant is GUILTY of BURGLARY, as charged in Count I of the Information.

*If you find the Defendant guilty of BURGLARY, please check any of the following that have been proven beyond a reasonable doubt, and then proceed to Count II*

As to count 1, we the jury further find:

       A. During the commission of the crime, the Defendant committed a battery upon any person.  
       B. The structure entered was a dwelling.  
       C. In the course of committing the burglary, there was another human being in the structure at the time the Defendant entered the structure.

X 2. The Defendant is GUILTY of TRESPASS, as a lesser-included charge of Count I of the Information.

*If you find the Defendant guilty of TRESPASS, please check any of the following that have been proven beyond a reasonable doubt, and then proceed to Count II*

As to count 1, we the jury further find:

X A. In the course of committing the trespass, there was another human being in the structure at the time the Defendant entered the structure.  
       3. The Defendant is NOT guilty.

(2)

AS TO COUNT II:

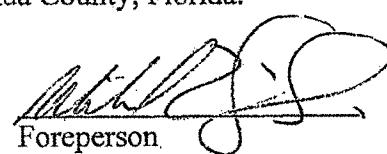
1. The Defendant is GUILTY of ATTEMPTED SEXUAL BATTERY ON VICTIM 18 OR OLDER WITH SPECIAL CIRCUMSTANCES, as charged in Count II of the Information.

2. The Defendant is GUILTY of ATTEMPTED SEXUAL BATTERY ON VICTIM 18 OR OLDER, a lesser-included charge of Count II of the Information.

3. The Defendant is GUILTY of BATTERY, a lesser-included charge of Count II of the Information.

4. The Defendant is NOT guilty.

So say we all, this 29 day of June, 2018 at Gainesville, Alachua County, Florida.



Foreperson

*Def*  
IN THE CIRCUIT COURT OF  
THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

Community Control Violator  
 Probation Violator

STATE OF FLORIDA  
vs

ISAAC LEE WILLIAM GREEN  
Defendant

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 3145383 5 PG(S)

8/31/2018 11:42 AM  
BOOK 4627 PAGE 319  
J.K. JESS IRBY, ESQ.  
Clerk of the Court, Alachua County, Florida  
ERECORDED Receipt # 848327  
Doc Stamp-Mort: \$0.00  
Doc Stamp-Deed: \$0.00  
Intang. Tax: \$0.00

Case: 01-2017-CF-003014-A  
Division: F2

JUDGMENT

The defendant, ISAAC LEE WILLIAM GREEN, being personally before this court represented by ROBERT A RUSH, the attorney of record, and the state represented by DAVID BYRON and having

been tried and found guilty by ~~jury~~ ~~by court~~ 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 to violating probation  
 been found in violation of probation at hearing

Count	Crime	Offense Statute Number(s)	Degree of Crime
1	<u>Trespass of an occupied Structure or Conveyance (Lesser included offense)</u>	<u>810.08(2)(B)</u>	<u>1M</u>
2	<u>Attempted Sexual Battery on victim 18 or older with Special circumstances</u>	<u>794.01(4)(B), 777.04</u>	<u>2F</u>

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).

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

The qualifying offender per F.S. 943.325(1)(b)(5) is required to submit an FDLE-approved blood or biological specimen, F.S. 943.325(7). Unless the defendant has been declared indigent by the court, he/she shall pay the actual costs of collecting the approved biological specimens required under F.S. 943.325.

DONE AND ORDERED in Open Court in Gainesville, Alachua County, Florida this 23rd day of August, 2018



JAMES M COLAW

Judge of the Circuit Court

Filed in Open Court August 23, 2018 by Hector Polanco D.C.

I HEREBY CERTIFY THAT A COPY OF THIS Judgment was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant pro se this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY Deputy Clerk: \_\_\_\_\_

(B)

Probation Violator       Resentence  
 Community Control Violator

Defendant: ISAAC LEE WILLIAM GREEN

Case: 01-2017-CF-003014-A  
Division: F2

SENTENCE  
(As to Count 001)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, ROBERT A RUSH, 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 the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable)

and the court having on (date) \_\_\_\_\_ deferred imposition of sentence until this date

and the court having previously entered a judgment in this case on (date) \_\_\_\_\_ now resents the defendant

and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control

It is the sentence of the court that:

The defendant pay a fine of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_, as the 5% surcharge required by section 960.25, 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 Alachua County Sheriff's Office, Department of the Jail.

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

The defendant is sentenced as a Prison Releasee Reoffender under the provisions of section 775.082(9)(a), Florida Statutes.

To be imprisoned (check one; unmarked sections are inapplicable)

For a term of natural life.

For a term of 364 days

Said SENTENCE 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 probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

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

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

Jail Credit - It is further ordered that the defendant shall be allowed a total of 364 days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent as to Other Counts - It is further ordered that the sentence imposed for this count shall run (check one)

consecutive to the sentence set forth in count \_\_\_\_\_ of this case.

concurrent with the sentence set forth in count \_\_\_\_\_ of this case.

Probation Violator       Resentence  
 Community Control Violator

Defendant: ISAAC LEE WILLIAM GREEN

Case: 01-2017-CF-003014-A  
Division: F2

SENTENCE  
(As to Count 002)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, ROBERT A RUSH, 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 the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable)

and the court having on (date) \_\_\_\_\_ deferred imposition of sentence until this date  
 and the court having previously entered a judgment in this case on (date) \_\_\_\_\_ now resents the defendant  
 and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control

It is the sentence of the court that:

The defendant pay a fine of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_, as the 5% surcharge required by section 960.25, 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 Alachua County Sheriff's Office, Department of the Jail.  
 The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.  
 The defendant is sentenced as a Prison Releasee Reoffender under the provisions of section 775.082(9)(a), Florida Statutes.

To be imprisoned (check one; unmarked sections are inapplicable)

For a term of natural life.  
 For a term of 15 years  
 Said SENTENCE 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 probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.  
 However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_ the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

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

Jail Credit - It is further ordered that the defendant shall be allowed a total of 11 days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent as to Other Counts - It is further ordered that the sentence imposed for this count shall run (check one)

consecutive to the sentence set forth in count 1 of this case.  
 concurrent with the sentence set forth in count \_\_\_\_\_ of this case.

Defendant: Isaac Lee William Green Case Number: 01-2017-CF-3014-A(As to Count 2)

## SPECIAL PROVISIONS

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

## Mandatory/Minimum Provisions:

- Firearm** - It is further ordered that the 3-year minimum imprisonment provision of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking** - It is further ordered that the \_\_\_\_\_ 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)(e), 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 provision 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 of the court are set forth in a separate order or stated on the record in open court.
- Law Enforcement Protection Act** - It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with section 775.0823, Florida Statutes.
- 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.
- 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 sentences specified in this count.
- Continuing Criminal Enterprise** - It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.
- 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.
- Prison Credit** - It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.
- Sexual Predatory** - It is further ordered that the defendant be designated sexual predator pursuant to 775.21, Florida Statutes. Factual findings consistent with this provision are by separate order.
- Sexual Offender** - It is further ordered that the Defendant be declared a sexual offender as defined in 943.0435, 944.606, and 944.607, Florida Statutes

Defendant: ISAAC LEE WILLIAM GREEN

Case: 01-2017-CF-003014-A

## OTHER PROVISIONS

Retention of Jurisdiction - The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Consecutive/Concurrent as to Other Convictions - It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run

(check one)

consecutive to  
 concurrent with

(check one) the following:

any active sentence being served.  
 specific sentences: \_\_\_\_\_

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

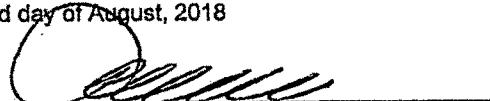
The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigence.

In imposing the above sentence, the Court further orders: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In imposing the above sentence; the Court further recommends: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond. If the bond is a blanket bond covering multiple cases, the surety is discharged from this case only and the bond shall remain viable and intact to secure the defendant's appearance in pending cases. Such cancellation and release of liability shall also apply to any bonds in effect and not forfeited in those cases listed below as a nolle prosequi.

DONE AND ORDERED in Open Court in Gainesville, Alachua County, Florida this 23rd day of August, 2018

  
 JAMES M COLAW  
 Judge of the Circuit Court

Filed in Open Court August 23, 2018 by Hector Polar D.C.  
 Hector Polar

I HEREBY CERTIFY THAT A COPY OF THIS Judgment was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant pro se this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

BY Deputy Clerk: \_\_\_\_\_

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 01-2017-CF-3014-A

Plaintiff,  
vs.

ISAAC GREEN,

Defendant.

**MOTION FOR NEW TRIAL**

Defendant, by and through his undersigned attorney, pursuant to Rule 3.590 and Rule 3.600, *Florida Rules of Criminal Procedure* moves this court for a new trial and as grounds therefor would state:

1. The court, as a matter of law, failed to grant Defendant's Motion to Suppress his alleged statements and confessions after he invoked his right to counsel. That confession became the feature and highlight of the case and was extensively used by the prosecution.
2. The court erred in failing to grant the Defendant's motion to allow testimony from the toxicologist relating to drugs found in the alleged victim's system. The alleged victim denied any drug use. The defense was prevented from impeaching her by introducing evidence that, in fact, a drug test showed that she had drugs in her system. In addition, there were clear issues as to the alleged victim's ability to remember facts, her drug use, and testimony relevant to the effects of drugs were not allowed to be presented to the jury based upon the court's exclusion of said evidence.
3. The court erroneously instructed the jury, as a matter of law, on the crime of "attempt". The standard jury instruction for Florida Statute §777.04 is Standard Instruction 5.1,

“Attempt to Commit a Crime”. This standard instruction was not given to the jury, but instead they received a hybrid instruction.

WHEREFORE the Defendant requests this Honorable Court to grant a new trial.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing MOTION FOR NEW TRIAL has been furnished by email to David Byron, Assistant State Attorney, 120 W. University Ave., Gainesville, FL 32601, via [eservice@sao8.org](mailto:eservice@sao8.org), this 2<sup>nd</sup> day of July, 2018.

*/s/ Robert A. Rush*

Robert A. Rush  
Florida Bar #: 0559512  
11 S.E. Second Avenue  
Gainesville, FL 32601  
(352) 373-7566  
[Robert@robertarushpa.com](mailto:Robert@robertarushpa.com)  
Attorney for Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 01-2017-CF-3014-A

Plaintiff,  
vs.

ISAAC GREEN,

Defendant.

/

**RENEWED MOTION FOR JUDGMENT OF ACQUITTAL**

Defendant, by and through his undersigned attorney, pursuant to Rule 3.380 *Florida Rules of Criminal Procedure* renews his Motion for Judgment of Acquittal and as grounds therefor would state:

1. At the close of the State's case the defense moved for a judgment of acquittal because the evidence was insufficient to warrant a conviction. The State's case failed to exclude reasonable hypothesis consistent with innocence.
2. The alleged victim was unsure in her testimony and could not affirmatively state that she failed to give consent due to the fact that she had numerous blackouts.

WHEREFORE the Defendant, based upon the grounds stated herein and the grounds stated on the record renew the prior Motion for Judgment of Acquittal.

/s/ Robert A. Rush

Robert A. Rush  
Florida Bar No.: 0559512  
11 S.E. Second Avenue  
Gainesville, FL 32601  
(352) 373-7566  
robert@robertarushpa.com  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing RENEWED MOTION FOR JUDGMENT OF ACQUITTAL has been furnished by email to David Byron, Assistant State Attorney, 120 W. University Ave., Gainesville, FL 32601, via [eservice@sao8.org](mailto:eservice@sao8.org), this 2<sup>nd</sup> day of July, 2018.

*/s/ Robert A. Rush* \_\_\_\_\_

Robert A. Rush  
Florida Bar #: 0559512

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

ISAAC LEE WILLIAM GREEN,  
Defendant.

CASE NO.: 01-2017-CF-003014-A

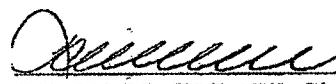
DIVISION: II

**ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL**

THIS CAUSE came before the Court upon Defendant's Motion for New Trial, filed on July 2, 2018. The Court reviewed, considered and denies the Motion. Therefore, it is

**ORDERED and ADJUDGED:** The Motion for New Trial is **denied**.

**DONE AND ORDERED** in Chambers, Alachua County, FL on 10 July 2018.

  
JAMES M. COLAW, Circuit Judge

J.K. "JESS" JONES  
CLERK OF COURTS  
ALACHUA COUNTY, FL

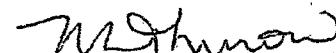
2018 JUL 10 PM 1:42  
CK 61  
FILED

**Certificate of Service**

I HEREBY CERTIFY that a copy of the foregoing has been furnished on 10 July 2018 by e-mail or inter-office delivery to:

David Byron, Esq.  
Office of the State Attorney  
120 West University Avenue  
Gainesville, FL 32601  
[eservice@sao8.org](mailto:eservice@sao8.org)  
[byrond@sao8.org](mailto:byrond@sao8.org)

Counsel for Defendant  
Robert A. Rush, Esq.  
11 SE Second Avenue  
Gainesville, FL 32601  
[robert@robertarushpa.com](mailto:robert@robertarushpa.com)

  
W. Thurow, Judicial Assistant

**ADA Notice**

**Under the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in a proceeding, you are entitled to be provided with certain assistance at no cost to you. Please contact the ADA Coordinator, Alachua County Family and Civil Justice Center, 201 East University Avenue, Gainesville, FL 32601 (352-337-6237) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice-impaired, call 1-800-955-8770 via Florida Relay Service. \***

2018  
IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

ISAAC LEE WILLIAM GREEN,  
Defendant.

CASE NO.: 01-2017-CF-003014-A

DIVISION: II

**ORDER DENYING DEFENDANT'S RENEWED MOTION FOR JUDGMENT  
OF ACQUITTAL**

THIS CAUSE came before the Court upon Defendant's Renewed Motion for Judgment of Acquittal, filed on July 2, 2018. Having reviewed the Motion and being fully advised in the premises, the Court denies the motion. Therefore, it is **ORDERED** and **ADJUDGED**:

The Renewed Motion for Judgment of Acquittal is denied.

**DONE AND ORDERED** in Chambers, Alachua County, FL on 20 July 2018.

  
JAMES M. COLAW, Circuit Judge

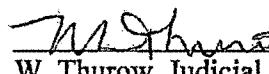
**Certificate of Service**

I HEREBY CERTIFY that a copy of the foregoing has been furnished on 20 July 2018 by e-mail or inter-office delivery to:

David Byron, Esq.  
Office of the State Attorney  
120 West University Avenue  
Gainesville, FL 32601  
[eservice@sao8.org](mailto:eservice@sao8.org)  
[byrond@sao8.org](mailto:byrond@sao8.org)

Counsel for Defendant  
Robert A. Rush, Esq.  
11 SE Second Avenue  
Gainesville, FL 32601  
[robert@robertarushpa.com](mailto:robert@robertarushpa.com)

J.K. "JESS" R.  
CLERK OF COURT  
ALACHUA COUNTY

  
W. Thurow, Judicial Assistant

FILED  
CK 61

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(6)

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 01-2017-CF-003014-A  
APPEAL NO. 1D18-3927

Plaintiff,

v.

ISAAC LEE WILLIAM GREEN,

Defendant.

Alachua County Criminal  
Justice Center  
Gainesville, Florida  
June 28 & 29, 2018  
Courtroom 3C, 8:33/9:05 A.M.

TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE JAMES M. COLAW  
CIRCUIT COURT JUDGE, and a jury

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1 Q How long have you worked for GPD?

2 A About seven years, sir.

3 Q And what is your current assignment?

4 A I'm assigned to the community action team.

5 Q And how long have you worked in that capacity?

6 A About a month.

7 Q Were you on duty and in uniform on August 3<sup>rd</sup>, 2017?

8 A Yes, sir.

9 Q And were you driving a marked patrol vehicle at that

10 time?

11 A Yes, sir.

12 Q On that date, did you conduct a traffic stop on a

13 person named Isaac Green?

14 A Yes, sir.

15 Q And during the course of that time, did you receive

16 consent from the defendant to search his vehicle?

17 A Yes, sir.

18 MR. BYRON: Your Honor, may I approach the clerk?

19 THE COURT: You may.

20 MR. BYRON: Your Honor, I am approaching defense

21 counsel with State's Exhibit G for identification.

22 May I approach the witness?

23 THE COURT: You may.

24 BY MR. BYRON:

25 Q I'm going to kind of shield you here.

1           Would you please take a look at this and let me know  
2 when you've had a chance to review it?

3           A     Yes, sir.

4                   Okay.

5           Q     Do you recognize this?

6           A     Yes, sir.

7           Q     And is it in the same or substantially similar  
8 condition as when you last saw it on August 3<sup>rd</sup>?

9           A     Yes, sir.

10          Q     And was this retrieved from the vehicle of the  
11 defendant in this case? Isaac Green.

12          A     Yes, sir.

13                   MR. BYRON: Your Honor, may I approach the clerk?

14                   THE COURT: You may.

15 BY MR. BYRON:

16          Q     After you located that cellphone -- or excuse me --  
17 that item, was it transported back to the Gainesville Police  
18 Department?

19          A     Yes, sir, to my knowledge.

20                   MR. BYRON: Okay. I don't have any further questions  
21 at this time, Your Honor.

22                   THE COURT: All right. Cross?

23                   MR. RUSH: No, Your Honor. Thank you.

24                   THE COURT: All right. May Officer Meek be excused?

25                   Or do you wish him to remain?

1 Cellebrite with their highest certification being Cellebrite  
2 Certified Mobile Examiner. And I'm also a certified  
3 telecommunications network specialist from a company called  
4 Teracom.

5 Q Are you currently tasked with any teaching  
6 responsibilities in the area of digital forensics?

7 A Yes. I am the course chairman and instructor for the  
8 International Association of Computer Investigative  
9 Specialists' Mobile Device Forensics course. So I'm  
10 responsible for the administration, maintenance, and curriculum  
11 development for that course.

12 Q Detective Goeckel, I want to direct your attention to  
13 August 3<sup>rd</sup> of 2017. Do you have a recollection of that date?

14 A Yes, I do.

15 Q And were you on duty on that date?

16 A Yes, I was.

17 Q Where were you working that -- I guess it would be  
18 the early morning hours of August 3<sup>rd</sup>?

19 A I was working in the -- I call it the neighborhood  
20 immediately north of Midtown area.

21 Q And at some point were you part of a traffic stop  
22 conducted of the defendant by Officer Warren Meek of the  
23 Gainesville Police Department?

24 A Yes.

25 Q During the course of that traffic stop, did you

1 receive a cellphone from Officer Meek that came from the  
2 defendant's car?

3 A Yes.

4 Q Now, was that cellphone subsequently transported to  
5 the Gainesville Police Department?

6 A Yes.

7 Q And was that cellphone placed into what's called a --  
8 basically, an evidence -- or sorry -- a property holding room  
9 in Gainesville Police Department?

10 A Yes, for lack of a better term.

11 Q Okay. Later that same day, were you contacted by  
12 Lieutenant Robert Fanelli?

13 A Yes.

14 Q And did Lieutenant Fanelli give you any item of  
15 evidence at that time?

16 A Yes. He gave me the phone.

17 Q The same cellphone that had been recovered from the  
18 defendant's car?

19 A Yes.

20 Q And what did he ask you to do with that item?

21 A I was asked to obtain a search warrant and search the  
22 phone.

23 Q Before you conducted a forensic download and search  
24 of that phone from the defendant's car, did you draft a search  
25 warrant for the phone?

1 A I did.

2 Q And was that search warrant signed and approved by a  
3 Judge?

4 A Yes.

5 Q After you had that search warrant, did you conduct a  
6 forensic examination of the defendant's Samsung S5 cellphone?

7 A Yes.

8 Q What is the first thing that you do when you receive  
9 a phone that you're about to do a forensic download of?

10 A The first thing that we do with any mobile device  
11 that we receive is isolate it from the network. Most commonly,  
12 we just put it in airplane mode, which is what I did in this  
13 case, and that's just to prevent any further changes from  
14 occurring on the phone as well as prevent any kind of remote  
15 wipe signal.

16 Q And what do you do next after putting the phone in  
17 airplane mode?

18 A In this case, since it was an Android phone, I  
19 enabled the developer options and then turned on USB debugging,  
20 which basically allows the phone to communicate or allows the  
21 computer to communicate with the phone and vice versa.

22 Q Does that also allow the phone to communicate with  
23 the UFED Touch machine?

24 A Yes.

25 Q And what is the UFED Touch machine?

1           A    UFED -- it's Universal Forensic Extraction Device.  
2   It's a machine that's made by Cellebrite, which is -- again is  
3   that company. Most people would be most familiar with more,  
4   back in the day, when you went and bought a new cellphone from  
5   the company, they would hook it up to a machine, and it would  
6   shoot your contacts over to your new cellphone. It's the same  
7   company that does that, except for they have a more robust  
8   machine that's capable of extracting data from the phone.

9           Q    Using the methods that you described, were you able  
10   to conduct an extraction of the white Samsung S5 cellphone  
11   recovered from the defendant's car?

12          A    Yes. I actually had to use a custom recovery method.  
13   It's a little bit different.

14          Q    And when you say "custom recovery," what do you mean  
15   by that?

16          A    So at the time I needed to get -- there's three  
17   levels of extraction data that we get from a cellphone.  
18   There's what we call logical extraction, which basically is,  
19   like, a "What you see is what you get." A lot of times it's  
20   referred to as the user accessible data on the phone. So it  
21   would get text messages, pictures, and stuff like that. Kind  
22   of almost -- almost like mostly just the stock stuff.

23                  And then there's a file system extraction, which is  
24   somewhat the equivalent of a backup of the phone. A little bit  
25   more robust. We get a little bit more data, but the issue with

1 file system extractions is that a third party app developer can  
2 actually set their app not to back up. And so if it's set not  
3 to back up, we're not going to get that information.

4 The third level of extraction is called a physical  
5 extraction, and that's pretty much the most robust that we can  
6 do. And it's -- it would be the old computer equivalent of  
7 getting an exact bit-by-bit copy of the phone's data. And so  
8 for that, we're going to get all the apps and whatnot that are  
9 installed on the phone, all the files. And then we also get  
10 the unallocated data, which is where the deleted stuff is going  
11 to reside.

12 Q And did you use a specific method in your extraction  
13 of the cellphone?

14 A Yes. I'm sorry. I lost track explaining it.

15 Q That's okay.

16 A So in order to get a physical extraction of this  
17 device, I had to do what's called a custom recovery.

18 So basically, if you think of the phone's memory --  
19 and it works the same on computers -- as being divided up into  
20 different partitions; or if you think of it on, like, a house,  
21 it's different rooms.

22 So the boot data, the boot code, is stored on one  
23 partition that's called the boot partition, and then you have  
24 the system partition that holds the system data. And there's a  
25 recovery partition on Androids where the recovery data is --

1                   THE COURT REPORTER: Can you slow down just a little?

2                   THE WITNESS: I'm sorry.

3                   Where the recovery is stored.

4                   By uploading a custom recovery into that partition,  
5                   we're able to gain a little bit deeper access to the  
6                   phone. A lot of -- one of the big draws of Android is  
7                   that people can root their phone, and they can do a lot  
8                   of, you know, cool custom things to it. And so basically  
9                   we're using that same technique. We're using the custom  
10                  recovery to gain this access to the phone that enables me  
11                  to then get a physical image of the device.

12                  BY MR. BYRON:

13                  Q        And the physical image is, as you indicated, the most  
14                  robust extraction method that's available to you?

15                  A        Yes.

16                  Q        And specifically did you use Team Win's Recovery  
17                  Protocol method?

18                  A        Yes. So Team Win Recovery Protocol -- or some people  
19                  just refer to it as TWRP -- is a group that develops a lot of  
20                  these recoveries for specific phones. And so theirs is very  
21                  common, and it's very tested. It doesn't, you know, add  
22                  anything that would be considered bad, no viruses or anything  
23                  like that. And it's very easy to use. So I find their  
24                  recovery protocol for this phone and used that.

25                  Q        And is that method considered to be forensically

1 sound?

2 A Yes. Because everything only occurs on the recovery  
3 partition, none of the user data is touched.

4 Q After using that protocol, the Team Win Protocol  
5 method, what did you do next?

6 A I installed the recovery, and then I booted the phone  
7 into recovery mode. And from there, I'm able to basically open  
8 up a terminal inside the phone, like a console, and type  
9 commands. And so I was able to use what we call a DD command,  
10 which is mostly used in, like, Linux computers. But what it  
11 does is it does a bit-by-bit copy of that user partition.

12 Q And did you save a copy of that phone extraction?  
13 That bit-by-bit copy.

14 A Yes. I saved it onto an SD card, which I had wiped  
15 and installed on the phone.

16 Q After you received the extraction, where did you put  
17 the physical cellphone that had been recovered from the  
18 defendant's car?

19 A The phone was stored in our detectives' area. We  
20 have an ICAC storage closet, basically, that's secure. There's  
21 only one key for it, and it stays locked up where we can store  
22 evidence. And so I stored it there.

23 Q And is that located within the GPD facility?

24 A Yes.

25 Q And you indicated it's a locked and secured area?

1           Q    And does it also have a light or a flash attached to  
2 that side of the cellphone?

3           A    Yes.

4           Q    Thank you. Detective Goeckel, did you subsequently  
5 review and analyze the extraction conducted of the defendant's  
6 cellphone which has just been moved into evidence?

7           A    Yes, I did.

8           Q    And during your review of the extraction, did you  
9 locate a video file that you would later determine to be of  
10 evidentiary significance?

11          A    Yes.

12          Q    What was the title of that video file?

13          A    The title was 20170729\_03435.mp4.

14          Q    Now, the .MP4, does that tell you what kind of file  
15 it is?

16          A    It just tells me it's a video.

17          Q    And does the title give you any indication of when  
18 the video was created?

19          A    Yes. It's a very common naming convention,  
20 especially in Samsung phones, to name the video the date and  
21 the time that it was actually created.

22          Q    So what would that title that you just read to the  
23 jury translate to in terms of date and time the video was  
24 created?

25          A    July 29<sup>th</sup>, 2017, at 3:43:54 in the morning.

1 Q Were you able to tell where that video had been  
2 stored on the phone?

3 A Yes.

4 Q Where was the video stored?

5 A It was stored in an application called Calculator  
6 Vault. It was in that folder.

7 Q Now, are you or have you, since this extraction,  
8 become familiar with the calculator vault application?

9 A Yes.

10 Q Tell the jury, please, what the Calculator Vault app  
11 is.

12 A According to the Calculator Vault web page, it's for  
13 hiding and locking your files from unauthorized access, and  
14 it's free.

15 What it is from my research -- it's an application  
16 where the icon looks like a calculator, and when you open it  
17 up, it looks like a calculator, but you have to put in your PIN  
18 code or special digits, and then it actually opens up into a  
19 photo gallery.

20 Q Were you able to tell, based on the extraction of the  
21 defendant's phone, when the Calculator Vault app had been  
22 installed on that phone?

23 A Yes.

24 Q And what date was that?

25 A The vault app was installed on July 9<sup>th</sup>, 2017.

1 Q And, furthermore, were you able to tell when that  
2 video was moved into the Calculator Vault app?

3 A Yes.

4 Q And could you tell us when it was moved into that  
5 app?

6 A Yes. It was July 29<sup>th</sup>, 2017, at 0354:27 in the  
7 morning.

8 Q Okay. Did you view that video?

9 A I did.

10 MR. BYRON: Your Honor, may I approach the clerk?

11 THE COURT: You may.

12 MR. BYRON: Your Honor, I'm showing defense counsel  
13 what's been premarked State's Exhibit D for  
14 identification.

15 May I approach the witness?

16 THE COURT: You may.

17 BY MR. BYRON:

18 Q Detective Goeckel, I'm showing you State's Exhibit D  
19 for identification.

20 Would you please take a look at it and tell me if you  
21 recognize this?

22 A Yes.

23 Q And how do you recognize this?

24 A It has my initials on the disk.

25 Q Have you had a chance to view the contents of this

1 (Media playing; no audio.)

2 BY MR. BYRON:

3 Q Detective Goeckel, is this the video that you located  
4 on the defendant's cellphone?

5 A Yes, it is.

6 Q And this is the video that was marked July 29<sup>th</sup>,  
7 2017, 3:54 a.m.

8 A Yes. From the Calculator Vault, yes.

9 Q Okay. Now, it's a little bit difficult to tell -- I  
10 think you could hear it -- but the video has an audio comment;  
11 correct?

12 A Yes.

13 Q How many times have you reviewed this video?

14 A Unfortunately a lot.

15 Q Have you ever detected any sounds other than the  
16 shuffling sound and what sounds like some sniffling?

17 A I have not.

18 Q Have you ever located any voices on that video  
19 recording?

20 A No.

21 Q Now, Detective Goeckel, at the time that you viewed  
22 this video, were you aware that there was an open investigation  
23 stemming from a July 29<sup>th</sup>, 2017, burglary?

24 A Yes.

25 Q And after viewing this video as well the date and

1 timestamp on it, did you believe that it would be related to  
2 that investigation?

3 A Yes.

4 Q Did you make any efforts to go back and examine any  
5 evidence from that investigation from Natalie Aquilia's  
6 apartment on July 29 to try and see if this video was related  
7 to that case?

8 A Yes. I went back and viewed the crime scene  
9 photographs.

10 MR. BYRON: Your Honor, may I approach the clerk?

11 THE COURT: You may.

12 MR. BYRON: Your Honor, I'm showing defense counsel  
13 State's Exhibit 3 in evidence.

14 May I approach the witness, Your Honor?

15 THE COURT: You may.

16 BY MR. BYRON:

17 Q Detective Goeckel, we saw in the video that the  
18 female vagina in that video is laying on a background.

19 Were you able to tell apparently what kind of  
20 background she was laying on?

21 A Yes. It looked like pink sheets.

22 Q And referring to this photograph -- this is 3D in  
23 State's evidence -- did you view this video as part of your  
24 comparison -- or, I'm sorry -- view this photograph as part of  
25 your comparison to the video?

1 A Yes.

2 Q Will you please show that picture to the jury.

3 And based on your view of the background of the  
4 female in that video, did it appear to be the same color  
5 sheets?

6 A Yes. Yeah, the pink sheets. And then at the end of  
7 the video, I noticed the blue and the tan blankets.

8 Q And the end of the video shows these blue and tan  
9 blankets that you pointed out.

10 A Uh-huh.

11 Q Would that be consistent, then, with the video  
12 camera's focus and lens being quickly pulled away from the  
13 female's vagina into that area?

14 A Yes.

15 Q And to be clear, the part of the phone which captures  
16 video and the light source were on the same side of the camera?

17 A Yes.

18 Q Okay. Thank you.

19 Did you also review any photographs of the clothing  
20 that Natalie Aquilia wore on July 29<sup>th</sup>?

21 A Yes, I did.

22 Q Specifically, did you review -- this is State's 3Z in  
23 evidence?

24 A Yes.

25 Q Now, Detective Goeckel, I'm going to play the video

1 one more time, and I'll try to pause it at the relevant moment.

2 If you look underneath the female vagina in this  
3 case, are you able to see clothing approximately above the  
4 vaginal area and below?

5 A Yes.

6 Q And when you reviewed this image and compared it to  
7 the photographs, were you able to determine whether it appeared  
8 to be of the same color and textile as the clothes the victim  
9 was wearing on July 29<sup>th</sup>?

10 A Yes. It looked like it was denim.

11 (Media playing; no audio.)

12 BY MR. BYRON:

13 Q And again this is that blue sheet that you were -- or  
14 blue blankets that you were showing at the left corner of the  
15 victim's bed; is that correct?

16 A Yes.

17 Q So again, this would be consistent with the video  
18 source being pulled away from the vagina and hidden down by  
19 that blanket.

20 A Yes.

21 Q Detective Goeckel, after comparing the video that you  
22 located hidden in that app on the defendant's phone and  
23 comparing it to the photographs and also the allegations and  
24 reports that were made in the July 29, 2017, report from  
25 Natalie Aquilia's apartment, did you believe that the video

1 related to that case?

2 A Yes.

3 Q Did you share this evidence with Lieutenant Fanelli  
4 at Gainesville Police Department?

5 A Yes, I did.

6 Q And do you know if the defendant was subsequently  
7 interviewed regarding that video on August 14<sup>th</sup>, 2017?

8 A Yes.

9 Q Did you participate in that interview?

10 A I did not.

11 MR. BYRON: If I may have one moment, Your Honor?

12 I have no further questions.

13 THE COURT: Cross?

14 CROSS-EXAMINATION

15 BY MR. RUSH:

16 Q Good afternoon, sir. How are you?

17 A Good, sir. How are you?

18 Q Good. That's what you found on the camera basically.  
19 I mean, on the --

20 A That video.

21 Q That video.

22 A Yes, sir.

23 Q Relevant to this case.

24 A Yes, sir.

25 Q Didn't find anything else.

1 bedding. Here are the same pieces of bedding.

2 (Media stopped.)

3 BY MR. BYRON:

4 Q Are these photographs from the residence of Natalie  
5 Aquilia that you're showing the defendant?

6 A Yes, sir.

7 (Media playing.)

8 DETECTIVE JONES: What's in that photo? That's you.  
9 That's her apartment that you went into. Now, cut the  
10 bullshit, and let's actually talk like men. I know you  
11 have a problem. We see you have a problem. Is this what  
12 you want me to show your dad? Now, let's fucking talk  
13 like men. Am I wrong?

14 MR. GREEN: No, sir.

15 DETECTIVE JONES: What's going on? Why?

16 MR. GREEN: (Indiscernible) too many times. She  
17 asked for a ride home. I give her a ride home. Then I go  
18 to video, like, record her. She gets mad and say "Get  
19 out."

20 (Media stopped.)

21 BY MR. BYRON:

22 Q At this point in the interview, had you told the  
23 defendant what time the victim reported the burglary and the  
24 attempted sexual battery?

25 A No, sir.

1           Q     So at this time he wouldn't know what time the report  
2     came in to GPD and what time the crime is alleged to have  
3     occurred.

4           A     Right.

5           THE COURT:  Mr. Byron, before you start that back up,  
6     can I have counsel just briefly approach.

7                   (Bench conference)

8           THE COURT:  I apologize for the interruption, but I  
9     have a juror who is -- I've been watching -- who is  
10    sleeping.  So I need to stand up, and I wanted to alert it  
11    to you-all as well.  It's the second from the right on the  
12    first row.  So you probably have a decent amount of time  
13    left with this witness?

14           MR. BYRON:  About 20, 25 minutes.

15           THE COURT:  So why don't I just -- if it's okay and  
16    if there's no objection -- give them five minutes to stand  
17    up, stretch, maybe go get a drink.  Maybe that will help  
18    her.

19           MR. RUSH:  Yes, sir.  That's a good idea.

20           MR. BYRON:  No objection, Your Honor.

21           MR. RUSH:  And, Your Honor, while we're at the bench,  
22    because I really hate to interrupt counsel -- and I've  
23    gotten the Court's rulings before, but there's continuing  
24    leading every question that's been asked during this  
25    video.  And it's improper, and I object.

1           here. I'll bring you into the courtroom. I'll remove  
2           everybody. We'll lock the doors, and we'll allow you to  
3           view that piece of evidence until you notify us that  
4           you're ready to return to the jury room to continue your  
5           deliberations.

6           Now, in closing, let me remind you that it's  
7           important that you follow the law spelled out in these  
8           instructions in deciding your verdict. There are no other  
9           laws that apply to this case. Even if you do not like the  
10          laws that must be applied, you must use them. For two  
11          centuries we have lived by the constitution and the law.  
12          No juror has the right to violate the rules we all share.

13          So those copies you can take back with you when you  
14          retire to deliberate.

15          I will note for the record that I have observed  
16          you-all throughout the last two days. I'll note for the  
17          record you-all have been alert and attentive and  
18          observant. So you-all appear to be in good health and  
19          able to continue forward and complete your role as a juror  
20          in this case.

21          With that being said, Juror Number 58, Mr. Burch, and  
22          Juror Number 61, Mr. Ray, you-all are the alternates in  
23          the case. So what that means is this concludes your jury  
24          service at this point.

25          Let me first ask do both the State and the defense

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

3 STATE OF FLORIDA, CASE NO. 01-2017-CF-003014-A  
4 Plaintiff, 01-2017-CF-004651-A

5 v. Alachua County Criminal  
6 ISAAC LEE WILLIAM GREEN, Justice Center,  
7 Defendant. Gainesville, Florida  
Thursday, August 23, 2018  
Courtroom 3C, 10:29 a.m.

TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE JAMES M. COLAW  
CIRCUIT JUDGE

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Gainesville, Florida 32641

1 number?

2 MR. ATRIA: That appears to be correct from the  
3 clerk's website.

4 MR. RUSH: Yes, sir.

5 THE COURT: Okay.

6 I appreciate the arguments of Counsel, and,  
7 Mr. Green, your attorneys have done a fine job in  
8 representing you, and I respect and appreciate the arguments  
9 they have made to the Court. However, the difficulty for the  
10 Court is, while you may not have any criminal history other  
11 than these offenses that you stand before the Court today for  
12 sentencing, you stand before the Court for sentencing on  
13 cases that are spanning -- that are remarkably similar and  
14 are spanning more than three years in time, one occurring on  
15 or about a date in April of 2014, and the other one occurring  
16 on or about a date in July of 2017, and there are few charges  
17 or few circumstances that are more egregious than the things  
18 that you face the Court today for sentencing.

19 So I'm going to adjudicate you guilty. I'm going  
20 to start with case 2017-CF-3014. On the Count I, the lesser-  
21 included offense of trespass with a human being inside, being  
22 a first-degree misdemeanor, I'm going to sentence you to 364  
23 days in the Alachua County Jail on that charge, give you  
24 credit for 364 days times served. On Count II, the attempted  
25 sexual battery on a victim 18 or older with special

1       circumstances, a second-degree felony, the sentence will be  
2       15 years in the Department of Corrections. That sentence  
3       will run consecutive to the sentence imposed on Count I,  
4       which will afford you 11 days credit time served toward that  
5       sentence.

6               I'm going to impose the standard court costs,  
7       fines, and fees in that case. That will include a \$100 State  
8       Attorney fee. Those amounts will be ordered and reduced to a  
9       civil judgment against you and that will close out case 2017-  
10      3014.

11              In case 2017-CF-4651, again, I'm going to impose  
12       the standard court costs, fines, and fees. That will  
13       include, again, a \$100 State Attorney fee and a \$150 Public  
14       Defender fee in that case. Those amounts will be ordered and  
15       reduced to a civil judgment against you.

16              So I just want to make sure I'm clear. The  
17       attempted sexual battery in that case, Mr. Byron, Mr. Atria,  
18       the 4651, is a third-degree felony.

19              MR. BYRON: Correct, Your Honor, because there are  
20       no special circumstances. The attempt makes it a third  
21       degree.

22              THE COURT: All right.

23              So on the count of burglary of an occupied  
24       structure, Mr. Green, the sentence will be ten years in the  
25       Department of Corrections, with zero days credit time served.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

vs.

LORENZO J LEWIS JR.  
Defendant.

CASE NUMBER: 01-2023-CF-000309-A  
Circuit Criminal Division III

**ORDER FOR PAYMENT OF EXPERT WITNESS FEE**

WHEREAS, the Court having required the services of **TONIA WERNER, M.D.**, for psychological evaluation for the above-named defendant, and WHEREAS, **TONIA WERNER, M. D.**, having rendered her services to the Court on August 3, 2023, and it appearing to the Court that **TONIA WERNER, M. D.**, should be paid. It is therefore,

**ORDERED AND ADJUDGED** that **TONIA WERNER, M. D.**, be allowed compensation for her services for a fee **\$500.00** (Invoice # WER0934, Dated 11/15/2023 Attached) to be paid to **Meridian Behavioral Health, Attn: Debi Adams, 4300 SW 13<sup>th</sup> Street, Gainesville, FL 32608, Tax ID # 59-1906214**, by the Office of the State Court, Tallahassee, FL.

**DONE AND ORDERED** at Gainesville, Alachua County, Florida, this 16th day of November 2023

  
JAMES M. COLAW  
Circuit Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished on this 16th day of November 2023, to the following:

DR. TONIA WERNER, [tonia\\_werner@mbhci.org](mailto:tonia_werner@mbhci.org) [katherine\\_wheeler@mbhci.org](mailto:katherine_wheeler@mbhci.org)  
MATT D. LANDSMAN, [landsmanm@pdo8.org](mailto:landsmanm@pdo8.org) [eservice@pdo8.org](mailto:eservice@pdo8.org) [apariciod@pdo8.org](mailto:apariciod@pdo8.org)  
VICTORIA A WATSON, [watsonv@sao8.org](mailto:watsonv@sao8.org) [eservice@sao8.org](mailto:eservice@sao8.org) [johnsd@sao8.org](mailto:johnsd@sao8.org)  
[pfeifferd@sao8.org](mailto:pfeifferd@sao8.org)  
Mary Lou Gardner, [gardnerm@circuit8.org](mailto:gardnerm@circuit8.org).

*WT*  
Wendy Thurow, Judicial Assistant

# Meridian Behavioral Health

Dr. Tonia Werner  
4300 SW 13th Street  
Gainesville, FL 32608

E-mail: CMO@mbhci.org  
Phone: (352) 374-5600 ext 8693  
Fax: (352) 244-0294

## Invoice

Invoice # WER0934

DATE: 11/15/2023 BILL TO: 8<sup>TH</sup> JUDICIAL CIRCUIT  
CASE NUMBER: 012023CF309A  
CASE NAME: Competency of Lorenzo Lewis, Jr. EMAIL GARDNERM@CIRCUIT8.ORG

Service Date	Type	Description of Activity	Hours	Rate	Total
8/3/2023	Competency	Evaluation			\$500

Total \$500

**Reminder: Please make check payable to Meridian Behavioral Health**

**Mail check to Attention: Debi Adams; 4300 SW 13th Street; Gainesville, FL 32608**

**Terms:** Balance due in 30 days.

**Customer Name:** \_\_\_\_\_

**Invoice #:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Amount Due:** \_\_\_\_\_

**Amount Enclosed:** \_\_\_\_\_

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

CASE NUMBER: 01-2023-CF-000309-A

DIVISION III

LORENZO J LEWIS JR.

Defendant.

**ORDER APPOINTING EXPERT/S FOR COMPETENCY EVALUATION**

THIS CAUSE, having come before this Court on Defendant's Motion to Appoint Expert/s for a Competency Evaluation, and having been raised in accordance with the provisions of Rule 3.210(b) of the Florida Rules of Criminal Procedure and Florida Statutes 916.115 and 916.12, this Court appoints expert/s to evaluate the Defendant, Lorenzo J Lewis Jr., for competency to proceed. The Court orders evaluation on the Defendant's competency to proceed at any material stage of criminal proceedings, to wit:

- Pre-trial hearings
- Entry of a plea
- Trial of the case
- Sentencing
- Violation of probation or community control proceedings
- Hearings on issues regarding a defendant's failure to comply with Court Orders or conditions
- Other matters where the mental competence of the Defendant is necessary

The Court having been fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Defendant's Motion is GRANTED, and:

1. The following individual/s are hereby appointed as expert/s to examine the Defendant, Lorenzo J Lewis Jr., in accordance with the requirements of law and this Order: Dr. Tonia Werner.
2. The expert appointed above shall examine the Defendant in accordance with the provisions of Rule 3.211 of the Florida Rules of Criminal Procedure and Florida Statute 916.12 and report relative to the following issues:
  - a. Whether the Defendant is competent to proceed for the purpose indicated above, pursuant to the criteria set forth in Rule 3.211(a) of the Florida Rules of Criminal Procedure and Florida Statute 916.12; that is, whether the Defendant has

ORDER APPOINTING EXPERT/S FOR COMPETENCY EVALUATION

State of Florida vs. «Def\_Name\_Fml»

«CLERKS\_NUMBER»

sufficient present ability to consult with his/her lawyer with a reasonable degree of rational understanding and whether he/she has a rational, as well as factual, understanding of the proceedings against him/her. In considering the issue of the Defendant's competence to proceed, said experts shall consider and include in their report the following factors, as well as any others deemed relevant by the experts, as related to the Defendant's capacity to:

- i. Appreciate the charges or allegations against him/her.
- ii. Appreciate the range and nature of possible penalties, if applicable, which may be imposed in the proceedings against him/her.
- iii. Understand the adversarial nature of the legal process.
- iv. Disclose to his/her attorney facts pertinent to the proceedings at issue.
- v. Manifest appropriate courtroom behavior.
- vi. Testify relevantly.

b. If the experts should find the Defendant is incompetent to proceed, then the experts shall report on any recommended treatment for the Defendant to attain competence to proceed, including the least restrictive setting in which to receive the treatment. In considering the issues relating to treatment, the examining experts shall report on the following factors:

- i. The mental illness causing the incompetence.
- ii. The likelihood that the Defendant is manifestly incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and that, without treatment, the Defendant is likely to suffer from neglect or refuse to care for himself/herself, and such neglect or refusal poses a real and present threat of substantial harm to the Defendant's well-being; and whether there is substantial likelihood that in the near future the Defendant will inflict serious bodily harm on himself/herself or another person, as evidenced by recent behavior causing, attempting or threatening such harm.
- iii. The treatment or treatments appropriate for the mental illness of the Defendant, and an explanation of each of the possible treatment

ORDER APPOINTING EXPERT/S FOR COMPETENCY EVALUATION

State of Florida vs. «Def\_Name\_Fmb»

«CLERKS\_NUMBER»

alternatives in order of preference.

- iv. The availability of acceptable treatment. If treatment is available in the community, the expert shall so state in the report.
- v. The likelihood of the Defendant attaining competence under the treatment recommended, an assessment of the probable duration of the treatment required to restore competence, and the probability that the Defendant will attain competence to proceed in the foreseeable future.

3. Any written report submitted by the experts shall contain the following:
  - a. The report shall identify the specific matters referred for evaluation.
  - b. The report shall describe the evaluative procedures, techniques and tests used in the examination and the purpose/s for each.
  - c. The report shall state the expert's clinical observations, findings and opinions on each issue referred for evaluation by the Court, and indicate specifically those issues, if any, on which the expert could not give an opinion.
  - d. The report shall identify the sources of information used by the expert and present the factual basis for the expert's clinical findings and opinions.
4. The expert/s appointed above shall submit their written reports regarding competency directly to this Court, with additional copies for the Attorney for the State, Victoria A. Watson, and the Attorney for the Defendant, Matthew D. Landsman, **on or before the 10<sup>th</sup> day of August, 2023.**
5. This Court further orders that the Florida Department of Children and Families, the Agency for Persons with Disabilities, and any other institution, upon receipt of this Order, and/or request from the appointed expert, shall immediately make the Defendant's inpatient and outpatient psychiatric and psychological treatment record available for review and/or copies.
6. In accordance with the established rates for services set forth by the Justice Administrative Commission on or after June 22, 2018, the fee for all court appointed competency evaluations shall be in the range of \$300.00 - \$500.00. Any fee greater than this established rate must be approved in advance by the Court.

Page 4 of 4

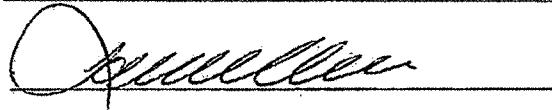
ORDER APPOINTING EXPERT/S FOR COMPETENCY EVALUATION

State of Florida vs. «Def\_Name\_Fml»

«CLERKS\_NUMBER»

**DONE AND ORDERED** on Friday, July 14, 2023.

01-2023-CF-000309-A 07/14/2023 01:10:27 PM



James M. Colaw, Circuit Judge  
01-2023-CF-000309-A 07/14/2023 01:10:27 PM

**CERTIFICATE OF SERVICE**

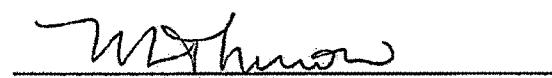
I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Friday, July 14, 2023.

Matt D. Landsman  
landsmanm@pdo8.org  
eservice@pdo8.org  
apariciod@pdo8.org

VICTORIA A WATSON  
watsonv@sao8.org  
eservice@sao8.org  
johnsd@SAO8.ORG  
pfeifferd@SAO8.ORG

Appointed Expert  
Tonia\_werner@mbhci.org  
debra\_adams@MBHCI.org  
CMO@mbhci.org

01-2023-CF-000309-A 07/14/2023 01:10:48 PM



Wendy Thurow, Judicial Assistant  
01-2023-CF-000309-A 07/14/2023 01:10:48 PM

# Exhibit B

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D2023-3168

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ISAAC GREEN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Alachua County.  
James M. Colaw, Judge.

November 27, 2024

PER CURIAM.

AFFIRMED.

KELSEY and M.K. THOMAS, JJ., concur; B.L. THOMAS, J., concurs with opinion.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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B.L. THOMAS, J., concurring.

Appellant challenges the circuit court's summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. I concur with the panel's decision to affirm.

A jury found Appellant guilty of attempted sexual battery with victim physically helpless to resist and trespass of an occupied structure. The facts of this case are found in the record on direct appeal in *Green v. State*, 295 So. 3d 1164 (Fla. 1st DCA 2020). Evidence at trial showed that the victim had been drinking alcoholic beverages during the night in question. After walking back to her apartment from the bar, she went to her bedroom and fell asleep. She woke up, confused and terrified, finding a strange man, Appellant, standing over her with a camera flash going up and down her body. Appellant told her they met at a club and that they already had sex. Appellant then hugged her and left. The victim told police that she could not remember anything from when she was halfway home until the point when Appellant began recording her using his cellphone.

Several days later, police conducted a traffic stop involving Appellant. Appellant consented to a search of his vehicle, during which his cellphone was seized. Police obtained a search warrant and searched the contents of the phone. A video obtained from the phone showed Appellant's fingers close to the victim's vagina. The fingers appeared to be moving closer when the camera angle abruptly changed.

Police interrogated Appellant. After police advised Appellant of his *Miranda* rights, Appellant agreed to answer questions but then later asked if it was okay for him to speak to his lawyer. The police investigator answered Appellant by saying "yes" and that it was "his right to do so." Appellant did not say he wanted to call his attorney or wanted his attorney present or wanted to stop the questioning. Police did not terminate the interrogation. During the interrogation, Appellant admitted to recording the victim with the intent of touching her vagina. When she noticed he was recording her, she got mad and told him to leave. Trial counsel moved to suppress portions of the interrogation. The trial court denied the

motion, finding Appellant's comment was not a clear invocation of his right to an attorney. It was equivocal and ambiguous.

After the jury found Appellant guilty, the trial court sentenced him to fifteen years in prison for the attempted sexual battery and to time served for the trespass.

On direct appeal, appellate counsel argued that the trial court erred by denying the motion to suppress and that the trial court abused its discretion by precluding Appellant from presenting evidence of cocaine found in the victim's urine. Appellate counsel asserted that Appellant made an unequivocal and unambiguous invocation of his right to counsel. The State argued that Appellant's comment was a prefatory question concerning his right to counsel. His comment did not clearly indicate that he wanted counsel present or that he would not answer further questions without counsel. This Court per curiam affirmed the judgment and sentence. *Green*, 295 So. 3d at 1164.

The order now on appeal summarily denied Appellant's claims that his trial counsel was ineffective for (1) failing to move to suppress the cellphone and the video obtained from it, (2) failing to object to the jury instructions and the jury verdict form, (3) failing to move for a mistrial after a juror had fallen asleep, and (4) failing to file a post-verdict motion for new trial after the jury returned a verdict that was not supported by the weight of the evidence.

As to the first claim, police obtained Appellant's cellphone after he consented to a search of his vehicle. The contents of the phone were then searched pursuant to a lawfully issued search warrant. Under these circumstances, a motion to suppress would not have succeeded, and trial counsel was not ineffective for failing to pursue this issue.

As to the second claim, the trial court's instruction on attempted sexual battery substantially mirrored the standard jury instruction for the underlying offense. “[C]ounsel cannot be deemed ineffective for failing to object to the standard jury instruction or to request a special instruction.” *Vining v. State*, 827 So. 2d 201, 214-15 (Fla. 2002). Additionally, a trial court is not required to provide the jury with a verdict form separating out the

specific elements of an offense. *See Buford v. State*, 492 So. 2d 355, 358 (Fla. 1986) (“[A] special verdict form is not required to determine whether a defendant’s first-degree murder conviction is based upon premeditated murder, felony murder or accomplice liability.”); *Perry v. State*, 10 So. 3d 695 (Fla. 1st DCA 2009) (“[T]he trial court’s denial of defendant’s requested special jury verdict form indicating unanimity on the particular method of sexual battery on a child . . . did not constitute error.”). Counsel was not ineffective for failing to pursue these issues.

As to the third claim, the trial court noticed a juror was sleeping while the State was presenting inculpatory testimony and was publishing to the jury an inculpatory, recorded interview of Appellant. The court remedied the situation by providing the jurors time to stand up, stretch, and get a drink. Because the juror was sleeping during the State’s presentation of inculpatory evidence, Appellant cannot demonstrate prejudice. *See Footman v. State*, 332 So. 3d 1116, 1119 (Fla. 1st DCA 2022) (“The State’s witness was offering inculpatory evidence. . . . Footman also cannot show prejudice. If anything, Footman may have benefitted from the juror missing part of the testimony.”). A motion for mistrial would not have been granted. Counsel was not ineffective for failing to pursue this issue.

As to the fourth claim, the jury’s verdict was consistent with the weight of the evidence. The victim was intoxicated, and she eventually passed out. While she was passed out, Appellant invaded her home and began recording her with his cellphone. He then started moving his hand toward her vagina, manifesting an intent to sexually batter the victim. His attempt was thwarted when she woke up and stopped him. Because any motion for new trial would have been properly denied, Appellant’s trial attorney did not provide ineffective assistance of counsel. *See Tibbs v. State*, 397 So. 2d 1120, 1123 (Fla. 1981) (explaining that the weight of the evidence “is a determination of the trier of fact that a greater amount of credible evidence supports one side of an issue or cause than the other”).

The record in this case conclusively shows that Appellant is entitled to no relief. Fla. R. App. P. 9.141(b)(2)(D).

---

Olivia M. Goodman of O'Brien Hatfield, P.A., Tampa, Appellant.

Ashley Moody, Attorney General, and Heather Flanagan Ross, Assistant Attorney General, Tallahassee, for Appellee.

# Exhibit C

**DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive,  
Tallahassee, Florida 32399-0950  
Telephone No. (850) 488-6151**

January 28, 2025

Isaac Green,  
Appellant(s)  
v.

**Case 1D2023-3168  
L.T. No.: 2017-CF-3014**

State of Florida,  
Appellee(s).

---

**BY ORDER OF THE COURT:**

The Court denies the motion for rehearing docketed January 02, 2025.

**I HEREBY CERTIFY** that the foregoing is a true copy of the original court order.

Served:  
Criminal Appeals TLH Attorney General  
Hon. James M. Colaw  
Olivia McBride Goodman  
Ashley Moody  
Heather Flanagan Ross

TH

1D2023-3168 January 28, 2025  
Kristina Samuels, Clerk  
1D2023-3168 January 28, 2025



**Case 1D2023-3168**

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