



RON DESANTIS
GOVERNOR

July 29, 2024

Warden David Allen
Florida State Prison
7819 N.W. 228th Street
Raiford, Florida 32036-1000

Re: Execution Date for Loran Kenstley Cole, DC #335421

Dear Warden Allen:

Enclosed is the death warrant that I signed to carry out the sentence for Loran Kenstley Cole, as well as certified copies of his judgment and sentence. I have designated the week beginning at 12:00 noon on Thursday, August 29, 2024, through 12:00 noon on Thursday, September 5, 2024, for the execution. I have been advised that you have set the date and time of execution for Thursday, August 29, at 6:00 p.m.

This letter is incorporated into and made a part of the death warrant identified above.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "RDS".

Ron DeSantis
Governor

Enclosures

2024 JUL 29 PM 3:04
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED

Warden David Allen

July 29, 2024

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cc:

Honorable Carlos G. Muñiz
Chief Justice
Supreme Court of Florida
500 S. Duval Street
Tallahassee, Florida 32399

Office of Executive Clemency
4070 Esplanade Way
Building C, Rm. 229
Tallahassee, Florida 32399-2450

Honorable Daniel Merritt
Chief Judge, Fifth Judicial Circuit
20 N. Main Street
Brooksville, FL 34601

Loran Kenstley Cole, DC #335421
Union Correctional Institution
7819 N.W. 228th Street
Raiford, Florida 32026-4000

Secretary Ricky Dixon
Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399-2500

C. Suzanne Bechard
Associate Deputy Attorney General
Office of the Attorney General
The Capitol, FL-01
Tallahassee, Florida 32300-0001

Eric Calvin Pinkard
Capital Collateral Regional Counsel
12973 N. Telecom Pkwy
Temple Terrace, FL 33637



STATE OF FLORIDA

**ASHLEY MOODY
ATTORNEY GENERAL**

July 29, 2024

The Honorable Ron DeSantis
Governor
The Capitol
Tallahassee, Florida 32399—0001

RE: Loran Cole

Dear Governor DeSantis:

Loran Cole was found guilty of first-degree murder on September 28, 1995, for the February 18, 1994, murder of John Edwards in Marion County, Florida. Cole was also found guilty of two counts of Armed Kidnapping, two counts of Armed Robbery and two counts of Armed Sexual Battery. Cole was sentenced to death for the Edwards murder on December 20, 1995, by the trial court.

The Florida Supreme Court, on direct appeal, affirmed Cole's convictions and sentence of death on September 18, 1997, in *Cole v. State*, 701 So. 2d 845 (Fla. 1997). On January 27, 1998, Cole filed a petition for writ of certiorari in the United States Supreme Court. On March 30, 1998, the United States Supreme Court denied Cole's petition. *Cole v. Florida*, 523 U.S. 1051 (1998).

On June 8, 1998, Cole filed his initial motion for post-conviction relief. That motion was denied by the state trial court on May 24, 2000. On January 16, 2003, the Florida Supreme Court affirmed the trial court's denial of relief, and denied his petition for writ of habeas corpus, filed on January 29, 2001, in *Cole v. State*, 841 So. 2d 409 (Fla. 2003).

Cole next filed a motion for post-conviction DNA testing on September 30, 2003, pursuant Fla. R. Crim. P. 3.853. The trial court denied the motion on November 4, 2003, and the Florida Supreme Court affirmed the trial court's denial of relief on November 24, 2004. *Cole v. State*, 895 So. 2d 398 (Fla. 2004).

Cole filed his initial federal petition for writ of habeas corpus in the U.S. District Court for the Middle District of Florida on May 6, 2005. The federal district court denied the petition on May

3, 2006. *Cole v. Crosby*, 2006 WL 1169536 (M.D. Fla. May 3, 2006). Cole sought a certificate of appealability to the United States Court of Appeals for the Eleventh Circuit, which was denied on July 31, 2007. On January 7, 2008, the United States Supreme Court denied certiorari review. *Cole v. McDonough*, 552 U.S. 1115 (2008).

Cole then filed a successive motion for post-conviction relief in the circuit court, which was denied on March 10, 2011. The Florida Supreme Court affirmed the trial court's denial of relief on February 8, 2012. *Cole v. State*, 83 So. 3d 706 (Fla. 2012).

Cole filed an application for leave to file a second federal habeas petition in the United States Court of Appeals for the Eleventh Circuit, which was denied on March 20, 2012.

On November 19, 2012, a third successive post-conviction motion was filed, which the trial court denied on March 7, 2013. The Florida Supreme Court affirmed the denial of relief on December 17, 2013. *Cole v. State*, 131 So. 3d 787 (Fla. 2013). Cole next filed a fourth successive motion on January 9, 2017, which was denied on March 20, 2017, by the trial court. The Florida Supreme Court affirmed the trial court's denial of relief on January 23, 2018. *Cole v. State*, 234 So. 3d 644 (Fla. 2018). The United States Supreme Court denied certiorari review on June 18, 2018. *Cole v. Florida*, 585 U.S. 1007 (2018).

The record has been reviewed and there are no stays of execution issued by any court of competent jurisdiction in this cause. Based upon the above-referenced summary of litigation affirming the judgments and sentences of death imposed for first-degree murder, the record is legally sufficient to support the issuance of a death warrant.

Sincerely,



Ashley Moody
Attorney General

DEATH WARRANT

STATE OF FLORIDA

WHEREAS, LORAN KENSTLEY COLE, on or about the 18th day of February, 1994, murdered John Edwards; and

WHEREAS, LORAN KENSTLEY COLE, on the 28th day of September, 1995, was convicted of first degree murder, armed kidnapping, armed sexual battery, and armed robbery, and on the 20th day of December, 1995, was sentenced to death for the murder of John Edwards; and

WHEREAS, on the 18th day of September, 1997, the Supreme Court of Florida affirmed the convictions and death sentence of LORAN KENSTLEY COLE; and

WHEREAS, on the 16th day of January, 2003, the Supreme Court of Florida affirmed the trial court order denying LORAN KENSTLEY COLE's initial Motion for Postconviction Relief; and

WHEREAS, on the 3rd day of May, 2006, the United States District Court for the Middle District of Florida denied LORAN KENSTLEY COLE's federal Petition for Writ of Habeas Corpus, and on the 31st day of July, 2007, the United States Court of Appeals for the Eleventh Circuit denied his Application for Certificate of Appealability; and

WHEREAS, further postconviction motions and petitions filed by LORAN KENSTLEY COLE have been denied and the denials affirmed on appeal; and

WHEREAS, executive clemency for LORAN KENSTLEY COLE, as authorized by Article IV, Section 8(a), of the Florida Constitution, was considered pursuant to the Rules of Executive Clemency, and it has been determined that executive clemency is not appropriate; and

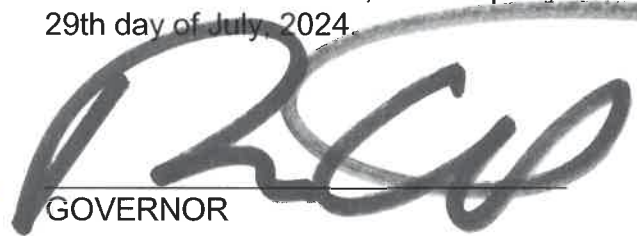
WHEREAS, attached hereto is a certified copy of the record of the conviction and sentence pursuant to section 922.052, Florida Statutes.

NOW, THEREFORE, I, RON DESANTIS, as Governor of the State of Florida and pursuant to the authority and responsibility vested in me by the Constitution and Laws of

Florida, do hereby issue this warrant, directing the Warden of the Florida State Prison to cause the sentence of death to be executed upon LORAN KENSTLEY COLE, in accordance with the provisions of the Laws of the State of Florida.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 29th day of July, 2024.


GOVERNOR

ATTEST:


SECRETARY OF STATE

2024 JUL 29 PM 3:04
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED

STATE OF FLORIDA

AMENDED

UNIFORM COMMITMENT TO CUSTODY
OF DEPARTMENT OF CORRECTIONS

FIFTH JUDICIAL CIRCUIT COURT MARION COUNTY FALL TERM, 1995

Conviction for I. MURDER IN THE FIRST DEGREE. II, III. KIDNAPPING WHILE ARMED.
IV, V. ROBBERY WITH DEADLY WEAPON. (Offense) VI, VII. SEXUAL BATTERY WHILE ARMED.

Date of Conviction September 28, 1995 TYPE FELONY:
(Most serious offense,
check only one)

- Capital
- Life
- 1st Degree
- 2nd Degree
- 3rd Degree

Date of Sentence Imposed December 20, 1995 Sentenced pursuant to F.S. Section 782.04(1)(a)1

Term of Sentence I. TO BE ELECTROCUTED UNTIL DEAD. II- VII. LIFE-
(I-VVI TO RUN CONCURRENT WITH EACH OTHER, BUT CONSECUTIVE TO COUNT I.)

Jail Credit 669 days

STATE OF FLORIDA,
Plaintiff,

VS.

"Case No. 94-498-CF-A-X"

LORAN KENSTLEY COLE, aka K.C.
Defendant.

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE SHERIFF OF SAID
COUNTY AND THE DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

The above named defendant having been duly charged with the above named offense in
the above styled Court, and he having been duly convicted and adjudged guilty of and
sentenced for said offense by said Court, as appears from the attached certified copies of

XXXXXXXXXXXX
(INDICTMENT)

(INFORMATION)

judgment and sentence, which are hereby made parts thereof;

Now, therefore, this is to command you, the said Sheriff, to take and keep and,
within a reasonable time after receiving this commitment, safely deliver the said defen-
dant into the custody of the Department of Corrections of the State of Florida, and this is
to command you, the said Department of Corrections, by and through your secretary, super-
intendents, wardens, and other officials, to keep and safely imprison the said defendant
for the term of said sentence in the institution in the state correctional system to which
you, the said Department of Corrections, may cause the said defendant to be conveyed or
thereafter transferred. And these presents shall be your authority for the same. Herein
fail not.

WITNESS the Honorable WILLIAM T. SWIGERT Judge of said Court,
as also FRANCES E. THIGPIN Clerk, and the Seal
thereof, this 20th day of December, 1995.

FRANCES E. THIGPIN
Clerk of said Court

By P. Bueter
Deputy Clerk



Certified A True Copy
of 13 page document
this 26 day of 4 20 23
GREGORY C. HARRELL
Clerk of Court and Comptroller
By [Signature] D.C.

925

Probation Violator
 Community Control Violator
 Retrial
 Resentence

In the Circuit Court, Fifth Judicial Circuit,
 in and for Marion County, Florida
 Division Felony
 Case Number 94-498-CF-A-X

State of Florida
v.

LORAN KENSTLEY COLE, aka K.C.
Defendant

JUDGMENT

The defendant, Loran Kenstley Cole, being personally before this court represented by Don Gleason, Special Appointed Public Defender, the attorney of record, and the state represented by Brad King, State Attorney and John C. Moore, Assistant State Attorney.

~~XXX~~ 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)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
I	MURDER IN THE FIRST DEGREE	782.04(1)(a)	1st Capital	94-498	0006599518
II	KIDNAPPING WHILE ARMED	787.01(1) 775.087(1)	Life	94-498	0006599518
III	KIDNAPPING WHILE ARMED	787.01(1) 775.087(1)	Life	94-498	0006599518
IV	ROBBERY WITH A DEADLY WEAPON	812.13(2)(a)	1st	94-498	0006599518
V	ROBBERY WITH A DEADLY WEAPON	812.13(2)(a)	1st	94-498	0006599518
VI	SEXUAL BATTERY WHILE ARMED	794.011(3)(4)c	Life	94-498	0006599518
VII	SEXUAL BATTERY WHILE ARMED	794.011(3)(4)c	Life	94-498	0006599518

~~XXXX~~ 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 pursuant to section 943.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch. 794) or lewd and lascivious conduct (ch. 800) the defendant shall be required to submit blood specimens.

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

11-1-66











State of Florida,
v.

LORAN KENSTLEY COLE
Defendant

Case Number 94-498-CF-A-X

Loran Kenstley Cole 127092

FINGERPRINTS OF DEFENDANT

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

Fingerprints taken by: S. Stewart 184 MCSO Deputy
Name Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, LORAN KENSTLEY COLE, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Ocala, Marion County, Florida, this 20th day of December, 19 95.

William J. Seibert
Judge

930

State of Florida
v.

In the Circuit Court, Fifth Judicial Circuit
in and for Marion County, Florida
Division Felony
Case Number 94-498-CF-A-X

LORAN KENSTLEY COLE
Defendant

CHARGES/COSTS/FEES

The defendant is hereby ordered to pay the following sums if checked:

- \$50.00 pursuant to section 960.20, Florida Statutes (Crimes Compensation Trust Fund).
- \$3.00 as a court cost pursuant to section 943.25(3), Florida Statutes (Criminal Justice Trust Fund).
- \$2.00 as a court cost pursuant to section 943.25(13), Florida Statutes (Criminal Justice Education by Municipalities and Counties).
- A fine in the sum of \$ _____ pursuant to section 775.0835, Florida Statutes. (This provision refers to the optional fine for the Crimes Compensation Trust Fund and is not applicable unless checked and completed. Fines imposed as a part of a sentence to section 775.083, Florida Statutes are to be recorded on the sentence page(s).)
- \$20.00 pursuant to section 939.015, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- A 10% surcharge in the sum of \$ _____ pursuant to section 775.0836, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- A sum of \$ 200.00 pursuant to section 27.3455, Florida Statutes (Local Government Criminal Justice Trust Fund).
- A sum of \$ _____ pursuant to section 939.01, Florida Statutes (Prosecution/Investigative Costs).
- A sum of \$ _____ pursuant to section 27.56, Florida Statutes (Public Defender Fees).
- Restitution in accordance with attached order.
- Other _____

DONE AND ORDERED in open court in Ocala, Marion County, Florida,
this 20th day of December, 19 95.

William J. Scroggins
Judge

931

SENTENCE

(As to Count I)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Don Gleason, 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.)

XXX and the Court having on 9/28/95 deferred imposition of sentence until this date (date)

and the Court having previously entered a judgment in this case on now resentsences the defendant (date)

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:

XXX The defendant pay a fine of \$ 500.00, pursuant to section 775.083, Florida Statutes, plus \$ 25.00 as the 5% surcharge required by section 960.25, Florida Statutes.

XXX The defendant is hereby committed to the custody of the Department of Corrections.

The defendant is hereby committed to the custody of the Sheriff of County, Florida.

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

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

For a term of natural life.

XXX: ~~FOR TERM OF~~ TO BE ELECTROCUTED UNTIL DEAD.

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 sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

932

***AMENDED*
SENTENCE**

(As to Count II)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Don Gleason, 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 9/28/95 deferred imposition of sentence until this date
(date)

and the Court having previously entered a judgment in this case on _____ now resentsences the defendant
(date)

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 Sheriff of _____ County, Florida.

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

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

For a term of natural life.

For a term of LIFE-

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 sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

933

AMENDED SENTENCE

(As to Count III)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Don Gleason, 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.)

XXX and the Court having on 9/28/95 deferred imposition of sentence until this date (date)

and the Court having previously entered a judgment in this case on now resentences the defendant (date)

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.

XXX The defendant is hereby committed to the custody of the Department of Corrections.

The defendant is hereby committed to the custody of the Sheriff of County, Florida.

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

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

For a term of natural life.

XXX For a term of LIFE-

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 sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

939

***AMENDED*
SENTENCE**

(As to Count IV)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Don Gleason, 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 9/28/95 deferred imposition of sentence until this date
(date)

and the Court having previously entered a judgment in this case on _____ now resentences
the defendant (date)

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 Sheriff of _____ County, Florida.

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

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

For a term of natural life.

For a term of LIFE-

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 sentences, all incarceration portions shall be satisfied before
the defendant begins service of the supervision terms.

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~~*AMENDED*~~
SENTENCE

(As to Count V)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Don Gleason, 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 9/28/95 deferred imposition of sentence until this date
(date)

and the Court having previously entered a judgment in this case on _____ now resentsences
the defendant (date)

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 Sheriff of _____ County, Florida.

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

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

For a term of natural life.

For a term of LIFE-

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 sentences, all incarceration portions shall be satisfied before
the defendant begins service of the supervision terms.

936

AMENDED

SENTENCE

(As to Count VI)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Don Gleason, 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.)

XXX and the Court having on 9/28/95 deferred imposition of sentence until this date (date)

and the Court having previously entered a judgment in this case on now resentences the defendant (date)

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.

XXX The defendant is hereby committed to the custody of the Department of Corrections.

The defendant is hereby committed to the custody of the Sheriff of County, Florida.

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

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

For a term of natural life.

XXX For a term of LIFE-

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 sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

937

AMENDED

SENTENCE

(As to Count VII)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Don Gleason, 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.)

XXX and the Court having on 9/28/95 deferred imposition of sentence until this date (date)

and the Court having previously entered a judgment in this case on now resentences the defendant (date)

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.

XXX The defendant is hereby committed to the custody of the Department of Corrections.

The defendant is hereby committed to the custody of the Sheriff of County, Florida.

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

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

For a term of natural life.

XXX For a term of LIFE-

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 sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

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SPECIAL PROVISIONS(As to Count s II-VII)

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 provisions 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 provisions 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 provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Habitual Felony Offender** _____ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent
Felony Offender** _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings 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 sentence 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.
- Other Provisions:**
- Retention of Jurisdiction** _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).
- Jail Credit** ~~XXX~~ It is further ordered that the defendant shall be allowed a total of 669 days as credit for time incarcerated before imposition of this sentence.
- Prison Credit** _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Other Provisions, continued:

Consecutive/Concurrent XXX It is further ordered that the sentence imposed for ^{Counts II- VII*} ~~this count~~ shall run
As To Other Counts (check one) XXX consecutive to ___ concurrent
with the sentence set forth in count I of this case.
*BUT CONCURRENT WITH EACH OTHER.

Consecutive/Concurrent ___ It is further ordered that the composite term of all sentences imposed for the counts
As To Other Convictions specified in this order shall run
(check one) ___ consecutive to ___ concurrent
with the following:
(check one)

___ any active sentence being served.

___ specific sentences: _____

FILED
CLERK OF COURT
MARION COUNTY
FLORIDA
DEC 20 1995

In the event the above sentence is to the Department of Corrections, the Sheriff of Marion 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 indigency.

In imposing the above sentence, the court further ~~recommends~~ orders that all monetary obligations associated with this case are to become a lien of record.

DONE AND ORDERED in open court at Ocala, Marion County, Florida,
this 20th day of December, 1995.

William P. Seibert
Judge

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