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To: Florida SUPREME COURT
Chief Justice
500 S. Duval Street
TALLAHASSEE 32399-1927

RE: Lower Court's Refusal To Afford Due Process of Law

CLERK, SUPREME COURT

Honorable Chief Justice;

I respectfully request to invoke this Court's jurisdiction
to intervene to correct and/or prevent an apparent
miscarriage of justice; where Florida Inferior Court
Third DCA and Eleventh Judicial Circuit Court has hab-
itually failed to afford me due process and equal
protection of the law and failed to comply with this Court
warning of applying "[t]he doctrine of fundamental error"
in rare cases. See Harrell v. State, 894 So.2d 935, 941
(Fla. 2005)

In which this Court 'warned':

"That the fundamental error doctrine should
be applied only in rare cases." Id at 941 n.11,12

Although my case is distinguished from Harrell both
court of appeals and circuit court refuse to act in
a manner that promotes public confidence in the
integrity and impartiality of the judiciary. SEE

FILED
JOHN A. TOMASINO
JUN 27 2016

In re: Henderson, 22 So.3d 58 at 64 and n.7 (Fla. 2009)

Wherefore, this Court's Authority Under Article V, Section 3(b)(7) is warranted to restrain the Improper Exercise of Judicial Power by the Third DCA. See S-H Corp. v. Padovano, 708 So. 2d 244 (Fla. 1997); Hoffman v. Haddock, 695 So. 2d 682 (Fla. 1997).

Evidence Relied ON

For the Purpose of this Court's Inspection And Consideration As Follows:

1. ON June 17, 2016 I placed In Hardee & officials hands for Mailing a [facially Sufficient] Petition for writ of Certiorari where the 11th Jud. Cir. Ct. REFUSED to review Post Conviction Motion to Vacate or Alternative withdraw Plea to Correct Manifest Injustice.

Petition Attached In Full with Accompanying Comprehensive Appendix

2. I Respectfully Request this Honorable Court to adopt and Consider the Authority cited in writ of Certiorari and refer to the Exhibits contained in the Appendix

PROCEDURAL CONSIDERATIONS

" In order to Prevent a Manifest Injustice and a denial of due Process, relief may be afforded even to a litigant raising a Successive Claim." ¹

In this Instance, Appellate Court Misguided the Circuit Court in its Per Curiam "[E]rroneous" decision in Roberts v. State. See [Cert. App. Ex. C] which caused the Circuit Court's refusal of reviewing the Facially Sufficient and Cognizable Fla. R. Crim. P. Rule 3.850(b) MOTION; inherently resulting in a denial of due Process of law. See U.S. C. A. Const. Amend. 14, West's F.S.A. Const. Article I Section 9

based on district court's Assessment that Solomon Roberts waited 30 years to withdraw his plea and its decline of Roberts Request to treat Appeal as a Petition For writ of Habeas Corpus to correct Manifest Injustice - Contrary to McBride, Stephens

¹ Stephens v. State, 974 So.2d 455, 457 (Fla. App. 2d Dist 2008); State v. McBride, 848 So.2d. 287, 291-92 (Fla. 2003)

This Harrell Court Articulated: the warning, that

" [the] doctrine of Fundamental Error should be applied only in rare cases where a Jurisdictional Error Appears or where the Interest of Justice Presents a Compelling demand for its Application."

Id. 894 So. 2d at 941 (citing Smith v. State, 521 So. 2d at 108)

Motions to withdraw Pleas After Sentencing are govern Under Fla. R. Crim. P. 3.170 (2) which allows withdrawal of a Plea only for the Specific reasons listed in Fla. R. App. P. Rule 9.140(b) These Includes lack of Subject Matter Jurisdiction, Violation of Plea Agreement And Involuntariness of Plea.

See Harrell, 894 So. 2d at 939 [Fn2]

I've consistently Presented, As well As rightfully Argued the triumvirate of Rule 9.140(b)(2)(A)(i)-(c) of exceptions set out by the Rule; in Certiorari Petition inter alia, of trial Court's Failure to Formally Accept the guilty Plea in open Court

(1) the trial Court lacked Jurisdiction to Impose Life Sentence for Attempt to commit a Capital Felony, a

First degree Felony. Punishable a maximum of 30 yrs.
See King v. State, 390 So.2d 315 at 320 n.10 (Fla. 1980)

The Jurisdictional error rendered My Plea Involuntary because a defendant cannot Agree to An illegal Sentence As A Matter of Law. See Sohl v. State, 710 So.2d 676 (Fla. 5th DCA 1998). Thus, trial Court Violated the Open Plea Agreement; As it is a Fundamental error For a defendant to serve more than the law requires.

SEE [Com. App. A Attach B thru D]

Petitioner Rightfully Argues [Cert. Pg 4] Under Eason, that a Manifest Injustice occurs when a defendant Sentence Exceeds the Statutory Maximum.

(2) The Court lacked Subject Matter Jurisdiction to accept a guilty Plea to a "Non-Offense" See U.S. v. Peters, 310 F.3d 709 (11th Cir. 2002); Contreras-Garcia v. State, 95 So.3d 993, 995 (Fla. 2d Dist 2012)

[Com. App. Ex. A Attach C] Clearly Reflect the Judgment And Sentence [#82-9856] For Burglary of conveyance with Firearm; An [un] charged offense. See U.S.C.A.

const. Amend. 5. 14

Therefore, the Supreme Court must intervene to prevent the Certiorari Court from relying on its prior erroneous decision and/or turning a blind eye to the extraordinary circumstances which would work a clear miscarriage of justice if not considered and resolved on the merits.

Presented in Good Faith based on clear and convincing evidence

6/22/16
DATE

Respectfully Submitted
1st Solomon Roberts
Solomon Roberts #066691
Hardee CI
6901 State Road 62
Bowling Green, Fl. 33834

PS: This Court must consider that the plea invalidating error has potential to diminish public confidence in the fairness, integrity and impartiality of the judiciary

SL

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA THIRD DISTRICT

Solomon Roberts,

Petitioner.

v.

State of Florida,

Respondent.

CASE NO.: _____

L.T. No.: CF82-8169, CF82-9856

CF82-15413

FILED
JOHN A. TOMASINO
JUN 27 2016

CLERK, SUPREME COURT
BY

PETITION FOR WRIT OF CERTIORARI

Pursuant to Rule 9.100(c) Solomon Roberts petitions this Court for writ of certiorari where the Circuit Court have acted in excess of its jurisdiction and have departed from the essential requirements of the law

BASIS FOR INVOKING JURISDICTION

This Court has jurisdiction under Article V section 4(b) (3) of Florida Constitution to issue writ of certiorari see generally, state ex rel. Boyles v. Fla. Parole Comm., 436 So.2d 207 (Fla. 1st DCA 1983); Morse v. Maxley, 691 So.2d 504 (Fla. 5th DCA 1997); State Dept of Juvenile Justice v. Soud, 685 So. 2d 1376 (Fla. App. 1st Dist 1997).

II

STATEMENT OF THE FACTS

1. ON JUNE 1, 2016 Petitioner Placed in Hardee CJ OFFICIALS HANDS FOR Notary And Mailing to Dade Co. CtHSE. SUCCESSIVE Motion To Vacate or Alternative Withdraw of Plea to Correct Manifest Injustice.

SEE Attachment Ex A

2. ON JUNE 7, 2016 the Court Rubber stamp Petitioner's Motion "Rule 3" Accompanied by a Court docket entry Referring to This Court Case no. 3D14-3842 Prohibiting DEF from Filing Further Pro SE Motn.

SEE Attachment Ex. B

NOTE Docket Entry date 6/9/16.

III

THE NATURE OF THE RELIEF SOUGHT

The Nature of the relief Sought is Issuance of the writ of Certiorari to protect the Integrity of the Administration of Justice And Remand directing the Lower Tribunal to correct the Manifest Injustice

PROCEDURAL STANDARD

"IN ORDER TO PREVENT A MANIFEST INJUSTICE AND A DENIAL OF DUE PROCESS, RELIEF MAY BE AFFORDED EVEN TO A LITIGANT RAISING A SUCCESSIVE CLAIM."

SEE STATE V. McBRIDE, 848 So. 2d 287, 291-92 (Fla. 2003);
Stephens v. State, 974 So. 2d 455 et 457 (Fla. 2d Dist 2008).

IV

ARGUMENT ON MERIT

FOR THE PURPOSE OF THIS PROCEEDING PETITIONER INFERS THE Fla. R. Crim. P. Rule 3.850(b) STATES THAT:

"[A] Motion to Vacate Sentence that Exceeds the limits provided by law may be filed at any time."

THIS PHRASE "ANYTIME" ALLOWS A DEFENDANT TO FILE SUCCESSIVE MOTIONS AS A MATTER OF LAW IN FLORIDA.

PETITIONER DIRECT THIS COURT'S ATTENTION TO THE JUDGMENTS AND SENTENCES ACCOMPANYING EXHIBIT A ATTACHMENT B-D.

Petitioner contends that the judgments in all three case numbers reflects that Attempted First-degree Murder As a Life Felony And the Imposition of Natural Life Sentence in All three Cases Ex. A attachments B, C and D Exceeds the Statutory Maximum For a First-degree Felony. See King v. State, 390 So. 2d 315 at 320 and n. 10 (Fla. 1980).

Petitioner concurs with Eason Court's holding:

Although defendants are generally precluded from raising identical issues in a successive post conviction motion that were previously denied on the merits, an exception to this rule exist when a manifest injustice can be determined from the face of the record. A manifest injustice occurs when a defendant sentence exceeds the statutory maximum."

Id. 932 So. 2d at 467

Petitioner's life sentences in this context for

EASON V. STATE, 932 So. 2d 465 (Fla. App. 2d Dist 2006)

Attempt Murder, a First degree Felony Exceeds the Statutory Maximum of 30 years. See King, 390 So.2d at 320 And n.10.

Wherefore Circuit Court Judge Findings that Petitioner were Alert [Ex. A attach A page 7] intelligent And understands the nature And consequence of this plea - is misplaced.

Because A defendant cannot Agree to An illegal sentence. See Sohl v. State, 710 So.2d 676 (Fla. 5th Dist 1998) (citing Williams v. State, 500 So.2d 501 (Fla 1986)).

Thus, Post Conviction Motion to vacate were both timely And Orderly by law.

POINT TWO

Petitioner Rightfully Raise Plea - invalidating error in Point 3 of his [Ex. A page 6] Motion where the Court entered Judgment of conviction And sentence for Uncharged Crime of burglary of conveyance with firearm [Ex. A attach C] A clear due process violation Also demonstrating a lack of under-

Standing of the Nature And Consequence of the
Plea. Id.

Finally Lower Tribunal's Reliance of Actual DCA
Case No. 3D13-1438 Prohibiting Pro Se Filings is
Also a departure From the Essential Requirement
of law PER SE. See Exhibit C.

In this context this Court's Per Curiam decision
that Petitioner Appeals From An order denying his
Motion to withdraw Plea entered More than 30
Years ago And Request For Habeas Relief to Corr-
ect Manifest Injustice

Petitioner infer that the trial Court were Confused
by the Per Curiam Opinion of this Court [EX. C]

Particularly where the Plea Colloquy [EX. A. Attach A]
demonstrate on its Face that Judge inadvertently
Failed to Affirmatively Formally Accept Petitioner's
Open Plea by law - rightfully Argued in Motion to
Vacate or Alternative withdraw Plea [EX. A Pages 2-4]

BECAUSE OF Petitioner's Absolute Right to withdraw
Plea is Statutorily Mandated by Fed. R. Crim. Proc.

Rule 11(c)(1) And its Counter Part Fla. R. Crim. P. 3.172(g)

Petitioners Infer that both Statutory Provisions has no time limitation to vacate or withdraw the Plea in the Circumstances where the Plea was not Accepted in open Court on Record - legislation's intent contemplate that no reason or Justification is warrant where withdraw is before the Court Accepts the Plea.

This Claim is Controlled by the Intervening Appellate decision rendered in SPARGO V. STATE, 132 So. 3d 354 at 357 (Fla. 1st Dist 2014) (Citing HARDEN, 453 So. 2d 550 (Fla. 4th DCA 1984)).

MOREOVER, the Second Circuit (NY) expound on Mechanics of Guilty Plea withdrawal, U.S. V. LOPEZ, 385 F.3d at 250 [EX. A Page 3-4] holding:

"In every instance, irrespective of the type of Plea Agreement involved, a defendant may, as a matter of right, withdraw his guilty Plea before it has been Accepted by the District Court." Id.

Wherefore A miscarriage of Justice has occurred because the Court has deviated From this well -

Established Principle of law which amounts to a "departure from the essential requirements of the law and simultaneously denied petitioner due process and equal protection of the law.

Thus, a failure of the court to perceive the probative evidence of state court sua sponte transcript - judgment - sentencing entitling the petitioner relief constitutes a failure to respect and comply with the law, an act which fails to promote public confidence in the integrity and impartiality of the judiciary. See In re Henderson 22 So. 3d 58 at 64 and n.7 (Fla. 2009)

Florida Supreme Court expressly articulated that Code of Judicial Conduct 'CJC' Canon 2A provision is not an aspirational principle, but a clear and unequivocal mandate. Id. at 64 and n.7

Therefore, the harmful due process violation in this plea process are fundamental errors, which need not be preserved for review. U.S.C.A. Const Amend. 14, West's F.S.A. Const. Article I section 9. See Del Valle v. State, 80 So. 3d 999 at 1004 n.5 (Fla. 2011)

Based on this established principle this honorable

Court's Previous Ruling [Ex. C] in light of the crucial Probative Evidence in Support of Petitioner's Constitutional Claim is in error because:

- (1) Withdrawal of Plea in this context is not subjected to time limitation analysis where withdrawal is prior to Court's Formal Acceptance of Plea. Fla. R. Crim. P. 3.172(g) Accord Fed. R. Crim. Proc. Rule 11(d)(1).
- (2) This Court should have granted Petitioner's Previous request to treat [Ex. C] Appeal As Habeas Corpus to correct Apparent Manifest Injustice. See Lawton v. State, 731 So.2d 60 at 61 (Fla. 2d DCA 1999).
- (3) It is a Manifest Injustice for a defendant to be sentenced to a term in excess of the limits provided by law even in Plea Proceedings. As well as to be imprisoned for an uncharged crime.
- (4) The Non-frivolous Claims is established on face of State Court own records, files, etc. Thus, Appellate Court "must" rescind from its previous ruling not only to afford Petitioner entitled relief, but to protect the interest of Justice itself.

BECAUSE in the eyes of the public it would be considered a crime if this error correcting Court arbitrary turn a blind eye to the undisputed established facts, without correction or resolve.

Presented In Good Faith

By Solomon Roberts

UNNOTARIZED OATH

UNDER PENALTY OF PERJURY I Solemnly Swear that I have Read [s. 92.525(2)] THE writ of Certiorari and Examined the Court records Attached In Support and States with a Clear Conscience that All Contain it and in it Are true and Correct. Sworn and Signed This 17 Day of JUNE 2016.

By Solomon Roberts
Petitioner Pro Se

CERTIFICATE OF SERVICE

I here by Certify that a true Copy of writ of Certiorari and Accompanying Court Instruments Have been Placed in the officials hand at HARDEE CI For Mailing TO: OFFICE OF ATTORNEY GENERAL 444 BRICKELL AVE., STE. 650 MIAMI Florida 33131 - Person of Interest - Second Chance Effort, Inc. K. Richard Harris, Dir. P.O. Box 1177 Tallahassee, Fla. 32302 This 17 Day of JUNE 2016.

By Solomon Roberts
Solomon Roberts #066691
Hardee Correction Inst.
6901 State Road 62
Bowling Green, Fla 33834

fk

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA THIRD DISTRICT

Solomon Roberts,
Petitioner

v.

State of Florida,
Respondent.

Case No.: _____

L. T. No.: 82-8169B, 82-9856A

and 82-15413C

COMPREHENSIVE APPENDIX IN SUPPORT
OF WRIT OF HABEAS CORPUS

Exhibits

- 'A' Post Conviction Motion to Vacate w/ Attachments
- 'B' CIRCUIT COURT 6/9/16 Docket Entry
- 'C' APPELLATE COURT PREVIOUS RULING # 3D13-1438

Solomon Roberts # 066691
Hardee CI
6901 State Road 62
Bowling Green, Fla.
33834

EXHIBIT

A

IN THE ELEVENTH JUDICIAL CIRCUIT COURT OF
FLORIDA, IN AND FOR DADE COUNTY

SOLOMON ROBERTS,
Defendant,

v.

Case No.: CF82-8169^B, CF82-9856^A,
CF82-15413^C
Honorable Charles Johnson, Jr.

STATE OF FLORIDA,
Plaintiff.

RULE 3

**SUCCESSIVE MOTION TO VACATE OR ALTERNATIVE
WITHDRAW PLEA TO CORRECT MANIFEST INJUSTICE**

Pursuant to Rule 3.850 (b) and 3.172 Solomon Roberts, Defendant respectfully advances upon this Honorable Court to vacate or alternatively withdraw his plea in which is necessary to correct a judicially cognizable manifest injustice. See *Stephens v. State*, 974 So.2d 455 (Fla. App. 2d Dist. 2008); *State v. McBride*, 848 So.2d 287. 291-92 (Fla. 2003).

PROCEDURAL STANDARD

“In order to prevent a manifest injustice and denial of due process, relief may be afforded even to a litigant raising a successive claim.” See *Stephens*, 974 So.2d at 457; *McBride*, 848 So.2d at 291-92.

STATEMENT OF THE FACTS

1. On November 16, 1982 at approximately 2:00 p.m. before the Honorable Marie m. Karvick, J., were held plea proceedings in the above style case(s). See plea colloquy Exhibit A.
2. In the course of this proceedings multiple plea invalidating errors occurred on face of record inherently resulting in manifest injustice.
3. The judgment and sentence imposed individually per case number is referenced as Exhibits B thru D reflecting illegal sentences that otherwise constitutes manifest injustice.
4. These injustices is ascertained to Defendant being left to the mercies of incompetent Court-appointed Counsel. See *U.S.C.A. Const. Amend. 6, 14*.

ARGUMENT ON THE MERIT

Under due process a hearing is mandated if a Movant offers any substantial evidence that “Impugns” the validity of the plea. See *U.S.C.A. Const. Amend. 5*.

Defendant's claims relating to the critical stage of plea process is a judicial occurrence in which effective assistance of Counsel attaches. See *LaFler v. Cooper*, 132 S. Ct., 1376 at 1392 (U.S. 2012) (citing *Hill v. Lockhart*, 474 U.S. 52, 58 (1985); See also *Padilla v. Kentucky*, 130 S. Ct. 1473 at 1486 (2010); and

Robinson v. State, 373 So.2d 898, 902 (Fla. 1979).

Thus, where Defendant can prove he received ineffective assistance of Counsel, it is manifest injustice. See *U.S. v. Carroll*, 412 F. 3d 787 at 793 and n.6 (7th Cir. 2005); *State v. Holoman*, 76 So. 3d 1075 (Fla. App. 5th Dist. 2011).

EVIDENCE RELIED ON POINT ONE

Counsel was constitutionally ineffective in failing to alert the Trial Judge of her failure in formally accepting his plea in open Court on the record. *U.S.C.A. Const. Amend. 6.*

CAUSE

Trial Counsel was constitutionally deficient where he failed to immediately alert the Trial Judge that she failed to formally accept Defendant's open guilty plea (Exhibit A) id at page 7. See *Robinson*, 373 So.2d at 902 and n. 10. As statutorily required by law. See *Spargo v. State*, 132 So.3d 354 at 357 (Fla. 1st Dist. 2014) (citing *Harden v. State*, 453 So.2d 550 (Fla. 4th Dist. 1984). See Fla. R. Crim. P. 3.172(g) which provides:

“No plea offer or negotiation is binding until it is accepted by the Trial Judge “formally”....until that time it may be withdrawn by either party without any necessary justification.”

Accord Fed. Rule Crim. Proc. Rule 11(d)(1). See *U.S. v. Lopez*, 385 F.3d 245 at

250 (C.A. 2 (NY) 2004).

RESULTING PREJUDICE

Defendant contends that he was prejudiced by Counsel's omission in this context because he was sentenced to prison based on an unbinding plea which lacks an adjudication of guilt. Thus, Defendant as a matter of right, may withdraw his guilty plea before it has been accepted by the Court. *Id* at 250.

Whereas the plea binds no one; not the Defendant, the Prosecutor or the Court. *Id. Harden*, 453 So.2d at 551.

Because Defendant's plea was induced based upon Counsel's misrepresentation of the law; it is void, where Defendant would not have entered the plea had he been correctly advised of its consequences. See *Finch v. Vaughn*, 67 F.3d 909 (11th Cir. 1993); *Hill v. Lockhart*, 474 U.S. 51, at 58 (1985).

RELIEF SOUGHT

Defendant have an absolute right in this cause to withdraw his [un]accepted guilty plea where the Court clearly failed to comply with the statutory provision of Fla. R. Crim. P. Rule 11 (d)(1) and its counterpart Fla. R. Crim. P. 3. 172 (g). See *U.S. v. Escobedo*, 757 F. 3d 229, 230 (5th Cir. 2014); *U.S. v. Symington*, 781 F. 3d 1308 (11th Cir. 2015) Accord *Spargo*, 132 So.3d at 357 and n.3, *Harden*, 453 So.2d

at 551.

POINT TWO

Counsel was not functioning as Counsel guaranteed by the Sixth Amendment where he failed to object to imposition of illegal sentences that otherwise constitutes a manifest injustice.

Defendant contends under well-established Florida Jurisprudence, [A] Defendant could not consent to imposition of an illegal sentence via plea agreement; especially a sentence that exceeds the statutory maximum for the offense without regard for the sentencing guidelines. See *Thacker v. Singletary*, 145 F. Supp. 2d 1232 (S.D. Fla. 2000); *Williams v. State*, 500 So.2d 501 at 503 and n.4 (Fla. 1986).

CAUSE

Defendant contends that Court appointed Counsel was deficient in his performance in failing to object to the Court imposition of stacked minimum mandatory 3 year terms in Case No.: 82-8169 (Ex. B) and 82-15413 (Ex. D). See

Moreover, Counsel failed to object to the Court's imposition of life sentence in all three cases (Ex. B thru Ex. D) for the offense of attempted murder - a first-degree felony punishable by a term not exceeding 30 years. See *King v. State*, 390 So.2d 315 at 320 and n.10 (Fla. 1980).

RESULTING PREJUDICE

Defendant was prejudiced because he was unaware he was pleading guilty to imposition of illegal sentences that otherwise constitutes a manifest injustice, as a result of Counsel's misrepresentation of the law.

Although the Court did not accept Defendant's open coerced plea ab initio - Defendant would not have entered the plea had he been correctly advised of these consequences. See *Finch v. Vaughn*, 67 F.3d at 914; *Hill v. Lockhart*, 474 U.S. at 58.

Thus, but for Counsel's unprofessional error the results of proceeding would have resulted in a different outcome.

POINT THREE

"It is a fundamental principle of both State and Federal law that one cannot be convicted of a non-existent crime." *U.S.C.A. Const. Amend. 14.*

CAUSE

In this instance, Court appointed Counsel was not functioning as Counsel guaranteed by the Sixth Amendment where he failed to immediately alert the Judge of entry of judgment and sentence to uncharged offense of burglary of a conveyance. (#82-9856) Exhibit C with a firearm.

Counsel should have known that Defendant could not be convicted of a non-

existent crime, even as a part of a plea agreement. See *Contreras-Garcia v. State*, 95 So.3d 993 at 995 and n.4 (Fla. 2d Dist. 2012) (citing *Achin v. State*, 436 So.2d 30 (Fla. 1982)).

Yet, Counsel did not object to nor appeal the egregious due process error which rendered the unaccepted plea involuntary where Defendant did not understand the nature of constitutional protections that he was waiving. See *Henderson v. Morgan*, 96 S. Ct. 2253 at 2257 and n.1 (1976); *McCarthy v. U.S.*, 394 U.S. 459, 89 S.Ct. 1166 at 1171 and n.7 (U.S. 1969) holding:

“If a guilty plea is not equally knowing and voluntary it has been obtained in violation of due process and is void.” Id at 1171 and n.7.

RESULTING PREJUDICE


Defendant in this context were prejudiced because he was unaware that he was coerced to plead guilty to an un-charge offense (Ex. C, pg. 1) of burglary of conveyance with a firearm. See *U.S. v. Peters*, 310 F. 3d 709 (11th Cir. 2002); and had no knowledge that the Court was without jurisdiction to accept a guilty plea to a “non-offense.” Id. at 713 and n.8. The plea invalidating error is contrary to the Fifth Amendment’s due process requirement that a guilty plea be knowing and intelligently made. See *U.S. v. Deal*, 678 F.2d 1062, 1065 (11th Cir. 1982).

Defendant would not have entered the plea regardless of the Court's failure to formally accept the plea had he been correctly advised and informed of the consequences thereof. See *Finch v. Vaughn*, and *Hill v. Lockhart*.

Wherefore, a hearing is mandated where Defendant have by clear and convincing evidence demonstrated by this Court own records that the validity of his [un]accepted guilty plea is clearly "impugns". *U.S.C.A. Const. Amend. 5, 14*.

Presented in good faith

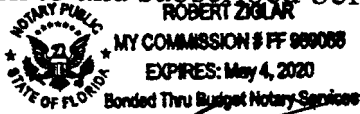
Respectfully Submitted

/s/ 
Movant

OATH

I declare that I have read the foregoing Rule 3.850 (b) motion for accompanying portions of State Court record in support and state that the facts contained therein is not frivolous and is true and correct. Sworn to and signed this 1st day of June 2016. *Solomon Roberts*

Sworn to and subscribed before me this _____ day of _____ 2016



Notary Public
Defendant is known to me by produce
Fla. Dept. of Correction Inmate Identification

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing successive motion to vacate have been placed in Hardee C.I. officials hands for mailing to: State Attorney Office, 1350 N.W. 12th Ave., Miami, Florida 33136-2111 this 1st day of June 2016.

/s/ Solomon Roberts
Solomon Roberts #066691
Hardee Correctional Institution
6901 State Road 62
Bowling Green, Florida 33834

Exhibit - A

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR DADE COUNTY, FLORIDA.

CRIMINAL DIVISION

CASE NOS: 82-9169B - 82-9856A
& 82-15413C

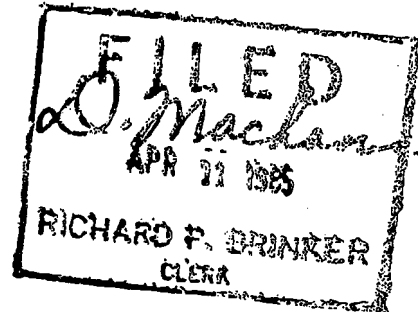
THE STATE OF FLORIDA, :

Plaintiff, :

- vs - :

SOLOMAN ROBERTS, :

Defendant. :



The above-entitled cause came on for PLEA
HEARING before the HONORABLE MARIA M. KORVICK, Judge
of the above-styled Court, at the Metropolitan Justice
Building, Courtroom 3-4, 1351 Northwest 12th Street,
Miami, Florida, on Tuesday, November 16, 1982, commencing
at approximately 2:00 P.M., pursuant to Notice.

Exhibit 2

APPEARANCE

**WILLIAM SUROWIEC, ESQ.,
Assistant State Attorney,
State Attorney's Office,
On behalf of the Plaintiff.**

**HARVEY ROGERS, ESQ.,
1401 Northwest 17th Avenue,
Miami, Florida,
On behalf of the Defendant.**

- - - - -



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Winberg and Silver case, that is, the 82-9856 case. And that the defendant will receive a minimum mandatory of three years on each one of those cases amounting to twelve years in total.

THE COURT: Are the minimum mandatories consecutive to total twelve years?

MR. ROGERS: Yes, Your Honor.

THE COURT: And that this Court retain --

MR. ROGERS: Jurisdiction of all.

THE COURT: Jurisdiction over a third of the total sentence.

MR. ROGERS: Yes, Your Honor.

THE COURT: All right. Let's swear the defendant.

(Thereupon, the defendant, Soloman Roberts was duly sworn.)

THE COURT: Mr. Soloman Roberts, is it your desire to change your previously entered pleas of not guilty to pleas of guilty in the following cases. In 82-15413 to the charges of burglary of a conveyance, armed robbery with a firearm, attempted first degree murder with a firearm and unlawful possession of a firearm while engaged in a criminal offense.



5

In 82-8169 to robbery with a firearm, attempted first degree murder with a firearm. And on 82-9856 to burglary of a conveyance with a firearm, kidnapping, robbery, two counts of kidnapping, one count of robbery with a deadly weapon, to-wit: a crow bar?

MR. SUROWIEC: It's a tire tool, Judge.

THE COURT: Tire tool.

MR. SUROWIEC: The information has already been amended.

THE COURT: Correct. And unlawful possession of a firearm while engaged in a criminal offense. Are you pleading guilty at this time or not guilty?

THE DEFENDANT: Guilty.

THE COURT: Do you understand that by pleading guilty you give up certain rights? That you give up your right to remain silent, to have a trial with a jury, to confront the witnesses against you, to present any defenses you might have and your right to appeal?

THE DEFENDANT: Yes.

THE COURT: Have you had enough time to talk to your lawyer?

THE DEFENDANT: Yes.

THE COURT: Are you satisfied with the services of your lawyer?

THE DEFENDANT: Yes.

THE COURT: Has anybody threatened you or coerced you, in any way, for you to plead guilty?

THE DEFENDANT: No, ma'am.

THE COURT: Has anybody promised you anything other than what we just said here in open court?

THE DEFENDANT: No, ma'am.

THE COURT: Are you pleading guilty because in fact you are guilty?

THE DEFENDANT: Yes.

THE COURT: Did you in fact commit these offenses against Lorraine Winbarg and Suzanne Silver and against Mr. John Bolton and against Mr. Irving Wallick?

THE DEFENDANT: Yes.

THE COURT: Are you, today, under the influence of any alcoholic beverage or any narcotic drug?

THE DEFENDANT: Yes.

THE COURT: Today?

THE DEFENDANT: No, not today. Not today.



THE COURT: Have you had anything to drink today or have you had any drugs today?

THE DEFENDANT: No, ma'am.

THE COURT: Are you presently suffering from any major mental illnesses?

THE DEFENDANT: No, ma'am.

THE COURT: Do you stipulate to the facts as alleged in the information, the depositions, and the arrest form, constituting a Prima Facie case?

MR. ROGERS: Yes, Your Honor.

THE COURT: I do not believe he has any rights to a PSI. In any event, would he waive such right?

MR. ROGERS: Yes, Your Honor.

THE COURT: I make a finding that Mr. Roberts is alert and intelligent and he understands the nature and consequences of this plea.

There will be findings of guilt and adjudications of guilt in all cases and on all counts.

On case number 82-8169, count one, the defendant is sentenced to life with a three year minimum mandatory without a possibility



for parole. And on case two, he is sentenced to life with a three year minimum mandatory, without a possibility for parole. And the life offenses are to run concurrent with each other. However, the three year minimum mandatories are to run consecutive. The three year minimum mandatories are also to run consecutive to any sentence in the probation violation hearing. The life sentences on 82-8169 are to run concurrent with the life sentences on the probation case.

Do you understand that, Dee Dee? All life sentences concurrent. All minimum mandatories consecutive.

THE CLERK: Yes, Judge.

THE COURT: Now, on case number 82-15413, that's the case involving John Bolton. On count one, the defendant is sentenced to -- that would be the maximum of five, correct?

MR. SUROWIEC: What's that?

THE COURT: Burglary of a conveyance.

Burglary of a motor vehicle.

MR. SUROWIEC: It's armed burglary of a vehicle.

THE COURT: Armed burglary of a vehicle.



Fifteen.

MR. SUROWIEC: Elevated to fifteen.

THE COURT: That would be fifteen years incarceration, to run concurrent with 82-8169.

On count two, will be a sentence of life sentence to run concurrent with 82-8169 with a three year minimum mandatory without a possibility for parole, to run consecutive to any other minimum mandatories that I have so far imposed.

On count three, the attempted murder, he is sentenced to a period of life in prison with a three year minimum mandatory without a possibility for parole. And the three year minimum mandatory is to run consecutive to any other minimum mandatories.

On the unlawful possession of a firearm while engaged in a criminal offense, that offense merges with the other counts. So, as to that count, I am going to suspend entry of sentence.

So far, all of the life sentences run concurrent. All of the minimum mandatories run consecutive.

Now, in case number 82-3778 -- that's



Exhibit - B

Exhibit E
PB 1-5

PROBATION VIOLATOR
(Check if Applicable)

IN THE CIRCUIT COURT ELEVENTH
JUDICIAL CIRCUIT, IN AND FOR
DADE COUNTY, FLORIDA

CRIMINAL DIVISION

STATE OF FLORIDA

CASE NUMBER 82-8169-B

-vs-

SOLOMON DAVID ROBERTS

Defendant

FILED
NOV 16 1982
RICHARD P. BRINKEE
CLERK

JUDGMENT

The Defendant, being personally before this Court represented by H. ROGERS

, his attorney of record, and having:

- (Check Applicable Provision)
- Been tried and found guilty 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
1	ROBBERY WITH A FIREARM, TO WIT: A PISTOL	812.13	1 F
2	ATTEMPTED FIRST DEGREE MURDER WITH FIREARM, TO WIT: A PISTOL	782.04 (1)	LIFE

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

.....

The Defendant is hereby ordered to pay the sum of ten dollars (\$10.00) pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of two dollars (\$2.00) as a court cost pursuant to F.S. 943.24(4).

- (Check if Applicable)
- The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 943.25(8).
(This provision is optional; not applicable unless checked).
 - The Defendant is further ordered to pay a fine in the sum of \$ _____ pursuant to F.S. 775.0835.
(This provision refers to the optional fine for the Crimes Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of the sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s)).
 - The Court hereby imposes additional court costs in the sum of \$ _____.

19

Defendant Salomon Roberts
Case Number 82-8169B

Imposition of Sentence
Stayed and Withheld
(Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation for a period of _____ under the supervision of the Department of Corrections (conditions of probation set forth in separate order.)

Sentence Deferred
Until Later Date
(Check if Applicable)

The Court hereby defers imposition of sentence until _____ (date)

The Court hereby suspends the entry of sentence as to Count _____

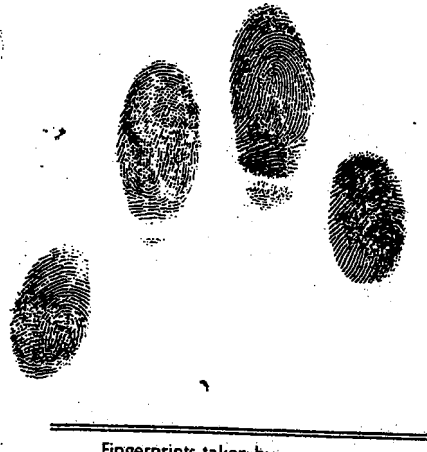
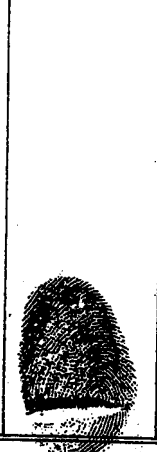
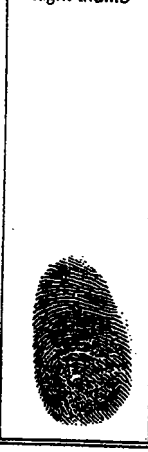
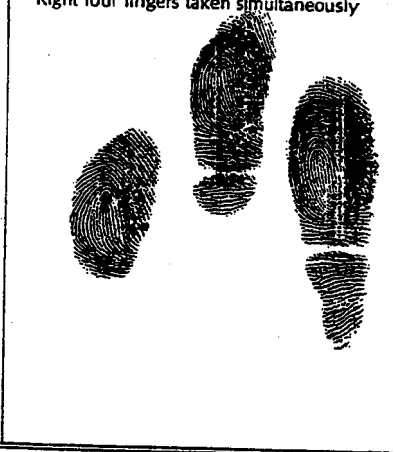
The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Miami, Dade County, Florida, this 16th day of November
A.D., 19 82

Maria M. Korvick
JUDGE

MARIA M. KORVICK

FINGERPRINTS OF DEFENDANT

Left four fingers taken simultaneously	Left thumb	Right thumb	Right four fingers taken simultaneously
			

Fingerprints taken by: _____
Name and Title

I HEREBY CERTIFY that the above and foregoing fingerprints are those of the Defendant, and that they were placed hereon by said Defendant in my presence in Open Court at Miami, Dade County, Florida, this 16th day of November, 19 82

Maria M. Korvick
JUDGE

MARIA M. KORVICK

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

Defendant Solomon David Roberts

Case Number 82-8169B

SENTENCE

(As to Count 1)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____
- _____
- _____
- _____
- For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

- Firearm — 3 year mandatory minimum** It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm. Concurrent to MINIMUM Mandatory in Case No. 78-5774-B
- Drug Trafficking — mandatory minimum** It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.
- Retention of Jurisdiction** The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 33 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender** The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit** It is further ordered that the Defendant shall be allowed a total of 227 days credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
From 4-2-82 to 11-15-82
- Capital — 25 year mandatory minimum** It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.
- It is further ordered that the entry of sentence be suspended.
- Consecutive/Concurrent** It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count _____ above.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

Defendant Solomon David Roberts

Case Number 82-8169 B

SENTENCE

(As to Count 2)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers

and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____

For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

Firearm — 3 year mandatory minimum

It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm. consecutive to Minimum Mandatory on Count one

Drug Trafficking — mandatory minimum

It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 33 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Capital — 25 year mandatory minimum

It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.

It is further ordered that the entry of sentence be suspended.

Consecutive/Concurrent

It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count one above.

Defendant Solomon David Roberts

Case Number 82-8169B

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 consecutive to concurrent with (check one) the following:

Any active sentence being served.

Specific sentences: 78-5774B

In the event the above sentence is to the Department of Corrections, the Sheriff of DADE County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

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

In imposing the above sentence, the Court further recommends _____

DONE AND ORDERED in Open Court at Miami, Dade County, Florida, this 16th day of November
A.D., 19 82.

Maria M Korvick
JUDGE

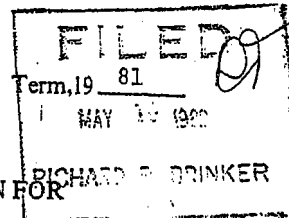
MARIA M.. KORVICK

Exhibit - C

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,

IN AND FOR DADE COUNTY

FALL



THE STATE OF FLORIDA

INFORMATION FOR

vs.

SOLOMON DAVID ROBERTS

- I. KIDNAPPING 787.01 (FEL.)
- II. KIDNAPPING
- III. ROBBERY
- IV. ROBBERY
- V. ATTEMPTED FIRST DEGREE MURDER
- VI. ATTEMPTED FIRST DEGREE MURDER
- VII. UNLAWFUL POSSESSION OF FIREARM
WHILE ENGAGED IN CRIMINAL OFFENSE

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

I, WILLIAM J. SUROWIEC, Assistant State Attorney of
the Eleventh Judicial Circuit of Florida, on the authority of JANET RENO, State Attorney,
prosecuting for the State of Florida, in the County of Dade, under oath, information makes that
SOLOMON DAVID ROBERTS

on the 2nd day of MARCH, 19 82, in the County
and State aforesaid, without lawful authority did then and there forcibly,
secretly, or by threat, confine, abduct or imprison another person,
to-wit: LORRAINE WINBARG, against that person's will, with the
intent to commit or facilitate the commission of a felony, to-
wit: ROBBERY and/or to inflict bodily harm upon said LORRAINE
WINBARG or to terrorize said LORRAINE WINBARG, or any other person,
in violation of 787.01 Florida Statutes, contrary to the form
of the Statute in such cases made and provided, and against the
peace and dignity of the State of Florida.

WJS:jmc
5/10/82
Jail No. 82-24274 Bkd. 4/15/82 Jkt. No. 226651
82-9856 CIRCUIT COURT DIRECT FILE
J/Korvick

PROBATION VIOLATOR
(Check if Applicable)

IN THE CIRCUIT COURT ELEVENTH
JUDICIAL CIRCUIT, IN AND FOR
DADE COUNTY, FLORIDA

CRIMINAL DIVISION

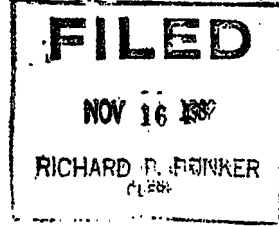
CASE NUMBER 82-9856-A

STATE OF FLORIDA

-vs-

SOLOMON DAVID ROBERTS

Defendant



JUDGMENT

The Defendant, being personally before this Court represented by H. ROGERS

, his attorney of record, and having:

(Check Applicable
Provision)

- Been tried and found guilty 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
<u>1</u>	<u>BURGLARY OF OCCUPIED CONVEYANCE WITH DANGEROUS WEAPONS, TO WIT: PISTOLS</u>	<u>810.02</u>	<u>1 F</u>
<u>2</u>	<u>KIDNAPPING</u>	<u>787.01</u>	<u>1 F</u>
<u>3</u>	<u>KIDNAPPING</u>	<u>787.01</u>	<u>1 F</u>
<u>4</u>	<u>ROBBERY CARRYING A FIREARM AND A DEADLY WEAPON, TO WIT: A PISTOL AND A CROWBAR</u>	<u>812.13</u>	<u>1 F</u>
<u>5</u>	<u>ROBBERY CARRYING A FIREARM AND A DEADLY WEAPON, TO WIT: A PISTOL AND A CROWBAR</u>	<u>812.13</u>	<u>1 F</u>

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

.....

The Defendant is hereby ordered to pay the sum of ten dollars (\$10.00) pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of two dollars (\$2.00) as a court cost pursuant to F.S. 943.24(4).

(Check if Applicable)

- The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 943.25(8).
(This provision is optional; not applicable unless checked).
- The Defendant is further ordered to pay a fine in the sum of \$ _____ pursuant to F.S. 775.0835.
(This provision refers to the optional fine for the Crimes Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of the sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s)).
- The Court hereby imposes additional court costs in the sum of \$ _____

PROBATION VIOLATOR
(Check if Applicable)

IN THE CIRCUIT COURT ELEVENTH
JUDICIAL CIRCUIT, IN AND FOR
DADE COUNTY, FLORIDA

CRIMINAL DIVISION

STATE OF FLORIDA

CASE NUMBER 82-9856-A

-v-

SOLOMON DAVID ROBERTS
Defendant

JUDGMENT

The Defendant, being personally before this Court represented by H. ROGERS

_____, his attorney of record, and having:

- (Check Applicable Provision)
- Been tried and found guilty 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
<u>6</u>	<u>ATTEMPTED FIRST DEGREE MURDER WITH A CROWBAR AND/OR A FIREARM, TO WIT: A PISTOL</u>	<u>782.04 (1) 777.04 (1)</u>	<u>LIFE</u>
<u>7</u>	<u>ATTEMPTED FIRST DEGREE MURDER WITH A CROWBAR AND/OR A FIREARM, TO WIT: A PISTOL</u>	<u>782.04 (1) 777.04 (1)</u>	<u>LIFE</u>
<u>8</u>	<u>UNLAWFUL POSSESSION OF FIREARM WHILE ENGAGED IN A CRIMINAL OFFENSE</u>	<u>790.07</u>	<u>2 F</u>

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

The Defendant is hereby ordered to pay the sum of ten dollars (\$10.00) pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of two dollars (\$2.00) as a court cost pursuant to F.S. 943.24(4).

- The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 943.25(8).
(This provision is optional; not applicable unless checked).

- (Check if Applicable)
- The Defendant is further ordered to pay a fine in the sum of \$ _____ pursuant to F.S. 775.0835.
(This provision refers to the optional fine for the Crimes Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of the sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s)).

- The Court hereby imposes additional court costs in the sum of \$ _____

Defendant Solomon Roberts

Case Number 82-9856A

Imposition of Sentence Stayed and Withheld (Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation for a period of _____ under the supervision of the Department of Corrections (conditions of probation set forth in separate order.)

Sentence Deferred Until Later Date (Check if Applicable)

The Court hereby defers imposition of sentence until _____ (date)

The Court hereby suspends the entry of sentence as to Count _____

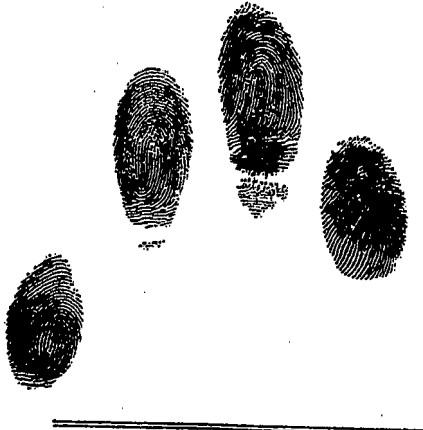


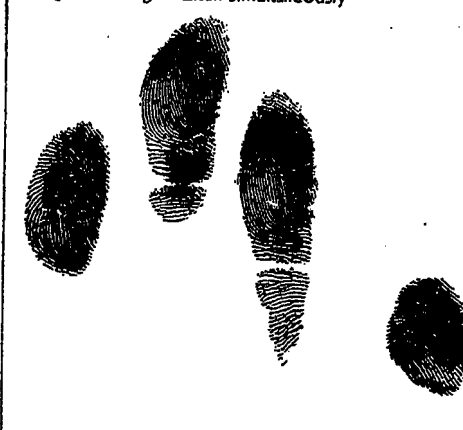
The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Miami, Dade County, Florida, this 16th day of November A.D., 19 82.

Maria M. Korvick
- JUDGE

MARIA M. KORVICK

FINGERPRINTS OF DEFENDANT

Left four fingers taken simultaneously	Left thumb	Right thumb	Right four fingers taken simultaneously
			
Fingerprints taken by:			
Name and Title			

I HEREBY CERTIFY that the above and foregoing fingerprints are those of the Defendant, and that they were placed hereon by said Defendant, in my presence in Open Court at Miami, Dade County, Florida, this 16th day of November, 19 82.

Maria M. Korvick
JUDGE

MARIA M. KORVICK

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

Defendant Solomon David Roberts

Case Number 82-9856A

SENTENCE

(As to Count 1)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers

and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of FIVE (5) years

For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

- Firearm - 3 year mandatory minimum** It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking - mandatory minimum** It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.
- Retention of Jurisdiction** The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender** The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit** It is further ordered that the Defendant shall be allowed a total of 227 days credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
From 4-2-82 to 11-11-82

- Capital - 25 year mandatory minimum** It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.
- It is further ordered that the entry of sentence be suspended.

Consecutive/Concurrent It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count _____ above.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

Defendant Solomon David Roberts

Case Number 82-9856-A

SENTENCE

(As to Count 2)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____

For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

Firearm — 3 year mandatory minimum

It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking — mandatory minimum

It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 3.3 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Capital — 25 year mandatory minimum

It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.

It is further ordered that the entry of sentence be suspended.

Consecutive/Concurrent

It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count _____ above.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

Defendant Solomon David Roberts

Case Number 82-9856 A

SENTENCE

(As to Count 3)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

- and the Court having on _____ (date) deferred imposition of sentence until this date.
- and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

(Check either provision if applicable)

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____
- _____
- _____
- _____
- For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

- Firearm — 3 year mandatory minimum**
 - It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking — mandatory minimum**
 - It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.
- Retention of Jurisdiction**
 - The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 33 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender**
 - The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit**
 - It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
- Capital — 25 year mandatory minimum**
 - It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.
 - It is further ordered that the entry of sentence be suspended.
- Consecutive/Concurrent**
 - It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count TWO above.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

Defendant Solomon David Roberts

Case Number 82-9856 A

SENTENCE

(As to Count 4)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers

and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that;

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____

For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

Firearm -- 3 year mandatory minimum

It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking -- mandatory minimum

It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 33 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Capital -- 25 year mandatory minimum

It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.

It is further ordered that the entry of sentence be suspended.

Consecutive/Concurrent

It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count three above.

Defendant Salem David Roberts

Case Number 82-9856A

SENTENCE

(As to Count ✓)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

(Check either provision if applicable)

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

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____

For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

Firearm — 3 year mandatory minimum

Drug Trafficking — mandatory minimum

Retention of Jurisdiction

Habitual Offender

Jail Credit

Capital — 25 year mandatory minimum

Consecutive/Concurrent

It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.

The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 33 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.

It is further ordered that the entry of sentence be suspended.

It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count FOUR above.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

Defendant Solomon David Roberts

Case Number 82-9856A

SENTENCE

(As to Count 6)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____

For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

Firearm - 3 year mandatory minimum

It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking - mandatory minimum

It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 3.3 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Capital - 25 year mandatory minimum

It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.

It is further ordered that the entry of sentence be suspended.

Consecutive/Concurrent

It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count Five above.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

Defendant Solomon David Roberts
Case Number 82-9856A

SENTENCE

(As to Count 7)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

- and the Court having on _____ (date) deferred imposition of sentence until this date.
- and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

(Check either provision if applicable)

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____
- For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

- Firearm — 3 year mandatory minimum It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking — mandatory minimum It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.
- Retention of Jurisdiction The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 33 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
- Capital — 25 year mandatory minimum It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.
- Consecutive/Concurrent It is further ordered that the entry of sentence be suspended.
- It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count Six above.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY

29

Defendant Solomon David Roberts

Case Number 82-9856A

S E N T E N C E

(As to Count 8)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

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

(Check either provision if applicable)

and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____

For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

- Firearm — 3 year mandatory minimum It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking — mandatory minimum It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.
- Retention of jurisdiction The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Capital — 25 year mandatory minimum It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.

It is further ordered that the entry of sentence be suspended.

Consecutive/Concurrent It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count _____ above.

Defendant Solomon David Roberts

Case Number 82-9876A

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 consecutive to concurrent with (check one) the following:

Any active sentence being served.

Specific sentences: 82-15413 e

In the event the above sentence is to the Department of Corrections, the Sheriff of DADE County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections together with a copy of this judgment and Sentence.

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

In imposing the above sentence, the Court further recommends _____

DONE AND ORDERED in Open Court at Miami, Dade County, Florida, this 16th day of November
A.D., 19 82.

Maria M Korvick
JUDGE

MARIA M. KORVICK

Exhibit - D

Exhibit I
pg 1-6

PROBATION VIOLATOR
(Check if Applicable)

IN THE CIRCUIT COURT ELEVENTH
JUDICIAL CIRCUIT, IN AND FOR
DADE COUNTY, FLORIDA

CRIMINAL DIVISION

STATE OF FLORIDA

CASE NUMBER 82-15413-C

-vs-

SOLOMON DAVID ROBERTS

Defendant

FILED
NOV 16 1987
RICHARD P. BRINKER
CLERK

JUDGMENT

The Defendant, being personally before this Court represented by H. ROGERS

, his attorney of record, and having:

(Check Applicable
Provision)

- Been tried and found guilty 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)

standing

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME
1	BURGLARY OF CONVEYANCE WITH DANGEROUS WEAPON, TO WIT: A PISTOL	810.02	1 F
2	ROBBERY CARRYING A FIREARM, TO WIT: A PISTOL	812.13	1 F
3	ATTEMPTED MURDER FIRST DEGREE WITH FIREARM, TO WIT: A PISTOL	782.04 777.04	LIFE
4	UNLAWFUL POSSESSION OF FIREARM WHILE ENGAGED IN A CRIMINAL OFFENSE	790.07	2 F

car -
Tush
CRIME
Tush
Tush

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

.....

The Defendant is hereby ordered to pay the sum of ten dollars (\$10.00) pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of two dollars (\$2.00) as a court cost pursuant to F.S. 943.24(4).

(Check if Applicable)

- The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 943.25(8).
(This provision is optional; not applicable unless checked).
- The Defendant is further ordered to pay a fine in the sum of \$ _____ pursuant to F.S. 775.0835.
(This provision refers to the optional fine for the Crimes Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of the sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s)).
- The Court hereby imposes additional court costs in the sum of \$ _____

Defendant Solomon Roberts

Case Number 82-15413C

Imposition of Sentence Stayed and Withheld (Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation for a period of _____ under the supervision of the Department of Corrections (conditions of probation set forth in separate order.)

Sentence Deferred Until Later Date (Check if Applicable)

The Court hereby defers imposition of sentence until _____ (date)

The Court hereby suspends the entry of sentence as to Count _____

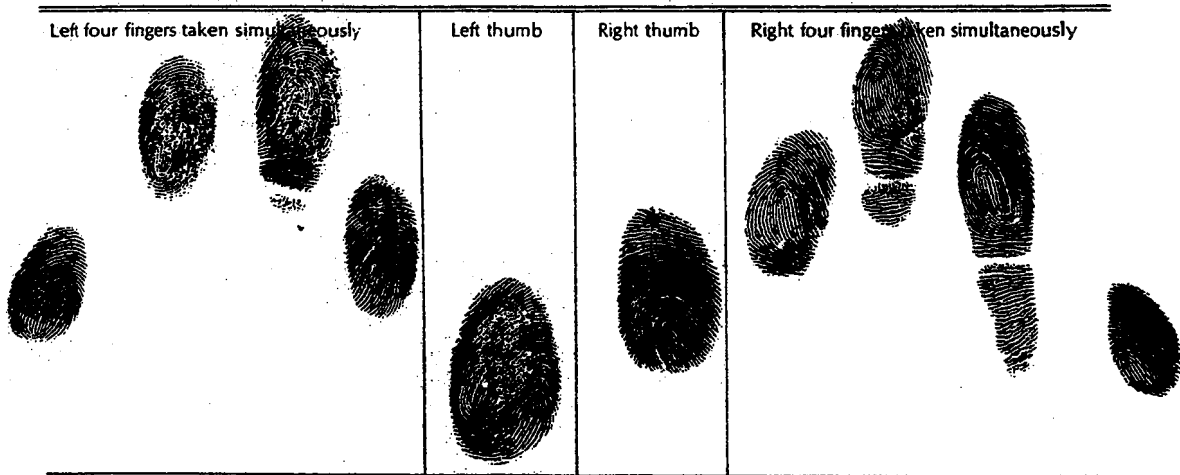
The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Miami, Dade County, Florida, this 16th day of November A.D., 19 82.

Maria M. Korvick
JUDGE

MARIA M. KORVICK

FINGERPRINTS OF DEFENDANT



Fingerprints taken by:

Name and Title

I HEREBY CERTIFY that the above and foregoing fingerprints are those of the Defendant, and that they were placed hereon by said Defendant in my presence in Open Court at Miami, Dade County, Florida, this 16th day of November, 19 82.

Maria M. Korvick
JUDGE

MARIA M. KORVICK

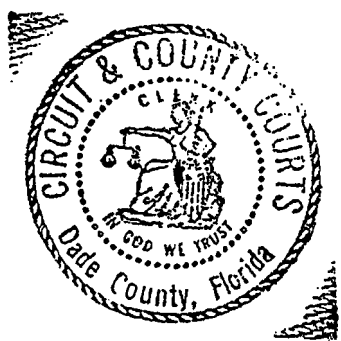
contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

STATE OF FLORIDA:
COUNTY OF DADE:

Personally appeared before me, WILLIAM J. SUROWIEC Assistant State Attorney for the Eleventh Judicial Circuit of Florida, who, being first duly sworn, says that this prosecution is instituted in good faith and certifies that the State Attorney of the Eleventh Judicial Circuit of Florida has received testimony under oath from the material witness or witnesses for the offense, and the allegations as set forth in the foregoing Information, if true, would constitute the offense therein charged.

William J. Surowiec
Assistant State Attorney
Eleventh Judicial Circuit of Florida

Sworn to and subscribed before me this 15 day of April, 19 82



Richard P. Brinker, Clerk
Circuit Court of the Eleventh
Judicial Circuit of Florida, in
and for Dade County

By Sandra J. Robert, D.C.

INFORMATION FOR
I. ROBBERY
II. ATTEMPTED FIRST DEGREE MURDER

CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA IN AND FOR DADE COUNTY

THE STATE OF FLORIDA
vs.
WILLIE DANIEL JAMES
and
SOLOMON DAVID ROBERTS

WITNESSES FOR THE STATE
Officer W. Everette
#1794 MPD

Defendant Solomon David Roberts

Case Number 82-15413E

SENTENCE

(As to Count 1)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

- (Check either provision if applicable)
- and the Court having on _____ (date) deferred imposition of sentence until this date.
 - and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of Fifteen (15) years

- For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

Firearm — 3 year mandatory minimum

Drug Trafficking — mandatory minimum

Retention of Jurisdiction

Habitual Offender

Jail Credit

Capital — 25 year mandatory minimum

Consecutive/Concurrent

- It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.
- The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- It is further ordered that the Defendant shall be allowed a total of 227 days credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):
From: 4-2-82 to 11-11-82

- It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.
 - It is further ordered that the entry of sentence be suspended.
- It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count _____ above.

15

Defendant Solomon David Roberts

Case Number 82-15413 C

SENTENCE

(As to Count 3)

The Defendant, being personally before this Court, accompanied by his attorney, H. Rogers, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

(Check either provision if applicable)

- and the Court having on _____ (date) deferred imposition of sentence until this date.
- and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that;

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- 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 DADE County, Florida

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

- For a term of Natural Life
- For a term of _____

- For an indeterminate period of 6 months to _____ years.

SPECIAL PROVISIONS

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

- Firearm — 3 year mandatory minimum
- Drug-Trafficking — mandatory minimum
- Retention of Jurisdiction
- Habitual Offender
- Jail Credit

- It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm. consecutive TO minimum mandatory on count two
- It is further ordered that the _____ year minimum provisions of F.S. 893.135(1) () () are hereby imposed for the sentence specified in this count.
- The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 33 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- It is further ordered that the Defendant shall be allowed a total of _____ credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Capital — 25 year mandatory minimum

- It is further ordered that the 25 year minimum provisions of F.S. 775.082(1) are hereby imposed for the sentence specified in this count.

Consecutive/Concurrent

- It is further ordered that the entry of sentence be suspended. as to count six

It is further ordered that the sentence imposed for this count shall run consecutive to concurrent with (check one) the sentence set forth in count TWO above.

Defendant Solomon David Roberts

Case Number 82-15430

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 consecutive to concurrent with (check one) the following:

- Any active sentence being served.
 - Specific sentences: 82-8169-A
- _____
- _____
- _____

In the event the above sentence is to the Department of Corrections, the Sheriff of DADE County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

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

In imposing the above sentence, the Court further recommends _____

DONE AND ORDERED in Open Court at Miami, Dade County, Florida, this 16th day of November
A.D. 1982

Maria M. Korvick
JUDGE

MARIA M. KORVICK

(8)

EXHIBIT

B

Date: 6/9/2016 Time: 8:26:22 AM

DATE: 06/09/2016
TIME: 08:25

CRIMINAL JUSTICE INFORMATION SYSTEM
DOCKET INQUIRY

CJSMRCRDR

PAGE: 2

CASE NO: F82008169B
DEFENDANT: ROBERTS

SOLOMON DAVID

SEQ	DATE	PROGRESS OF CASE
00307	02/02/2015	ALSO REFER TO: F82009856A F82015413C
00306	02/02/2015	D C A ORDER DISMISSING APPEAL DCA/#3D14-3042
00305	01/23/2015	ALSO REFER TO: F82009856A F82015413C
00304	01/23/2015	"ORDER FILED PROHIBITING DEF FROM FILING FURTHER PRO SE MOTN
00303	01/23/2015	"ORDER FILED PROHIBITING DEF FROM FILING FURTHER PRO SE MOTN
00302	01/23/2015	ALSO REFER TO: F82009856A F82015413C
00301	01/23/2015	ORDER: PROHIBITING DEFT FROM FILING ANY FURTHER PRO SE PLEADINGS
00300	01/23/2015	MOTIONS OR PETITIONS RELATING TO HIS JUDGMENT IN THE FOLLOWING CASES

PRINT: N PRINTER:

PF1 HELP PF2 EXIT PF3 PM PF7 PB PF8 PF PF10 E-SUMMONS
RCR-PM-4, ADDITIONAL DATA AVAILABLE, PRESS PF8 TO VIEW.

PFK:

EXHIBIT

C

(EMAS, Judge.) This is an appeal from a final order of permanent injunction for protection against dating violence. For the reasons that follow, we reverse.

On March 2, 2013, Appellee, David Alfred, filed a petition for an injunction for protection against dating violence as to Appellant Michele Schutt. In his petition, Alfred alleged the following:

1. Alfred and Schutt knew each other since 2002 and started dating at that time.
2. The two were involved in an on-and-off physical, romantic relationship that ended when Alfred moved from Kentucky to Florida in May of 2011. Schutt remained in Kentucky.
3. After his move, the two initially had limited communication with each other; however, this changed after Alfred began dating someone else, and Schutt began harassing Alfred.
4. Schutt has stated she does not want Alfred to marry anyone else but her.
5. The specific incidents cited by Alfred in his petition included:
 - a. On January 27, 2013, Schutt faxed a letter to Alfred's brother's girlfriend stating that Alfred "has a bullet with his name on it and so does his bitch Linda [Alfred's then-current girlfriend];"
 - b. In August 2012, Schutt mailed a package containing animal feces to Alfred's workplace while Alfred was out of town;
 - c. On various dates, Schutt has left voicemails at Alfred's place of work and has signed up for magazine subscriptions under Alfred's name and had them delivered to Alfred's work;
 - d. In November or December of 2012, Schutt sent a card to Alfred's sister in Kentucky with a picture of excrement stating, "This is You Next Xmas" and containing another hateful message;
 - e. On August 13, 2012, Schutt emailed Alfred's supervisor at work making it appear that it was an email from Alfred to his supervisor.

Significantly, in the petition for permanent injunction, signed and sworn to by Alfred, he was asked the following question and provided the following answer:

Have the Petitioner [Alfred] and Respondent [Schutt] been involved in a dating relationship within the past six months?

Yes X No

A temporary injunction for protection against dating violence was entered by the trial court, and a final hearing on the petition was held on April 30, 2013. Although there was extensive testimony presented at that hearing, our decision requires that we include only the following relevant and un rebutted testimony:

Alfred testified that he had no relationship with Schutt and had not been in a dating relationship with her since November of 2011, approximately six months after he moved from Kentucky to Key West.

Schutt testified that she had never been to Key West until she came down for the final hearing in the instant case. She was not in a dating relationship with Alfred and did not want to have any contact with Alfred.

Section 784.046(2), Florida Statutes (2013) provides separate causes of action for an injunction for protection in cases of repeat violence, sexual violence, or dating violence. In the instant case, Alfred filed a petition for protection against dating violence. With respect to dating violence, the statute provides as follows:

(d) "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties;

and

3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

§ 784.046(1)(d), Fla. Stat. (2013).

Based upon Alfred's own testimony at the final hearing, as well as his sworn petition, the evidence did not and could not support a finding of dating violence. There was no evidence that a "dating relationship" existed "within the past 6 months" before the petition was filed. Indeed, the un rebutted evidence established that any such relationship ended, at the latest, in December of 2011. The petition was filed in March 2013, more than fifteen months later. Because the statute, by its express terms, requires that a "dating relationship must have existed within the past 6 months," and there was not competent substantial evidence to support such a finding, we are constrained to reverse and remand with directions to vacate the permanent injunction. We do so, however, without prejudice to Alfred filing a timely and viable petition for injunction for protection against stalking. See § 784.0485, Fla. Stat. (2013).¹

Reversed and remanded.

¹Section 784.0485 created a cause of action for an injunction for protection against stalking. Section 784.048(2) defines "stalking" as "[a] person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking . . ."

Section 784.048(1)(a) provides:

"Harass" means "to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose."

Section 784.048(1)(d) provides:

"Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

* * *

Criminal law—Abuse of judicial process by filing of successive and meritless claims—Defendant directed to show cause why he should not be prohibited from filing further pro se appeals, pleadings, motions, or petitions

SOLOMON ROBERTS, Appellant, vs. THE STATE OF FLORIDA, Appellee. 3rd District. Case No. 3D13-1438. L.T. Case No. 82-8169B, 82-9856A, 82-15413C. Opinion filed January 29, 2014. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Rodney Smith, Judge. Counsel: Solomon Roberts, in proper person, Pamela Jo Bondi, Attorney General, and Linda S. Katz, Assistant Attorney General, for appellee.

(Before SHEPHERD, C.J., and WELLS and EMAS, JJ.)

(PER CURIAM.) Appellant, Solomon Roberts, appeals from an order denying his pro se motion to withdraw pleas entered more than thirty years ago and requests that this Court treat this appeal as a petition for writ of habeas corpus to correct a manifest injustice. We decline the request to treat the appeal as a petition for writ of habeas corpus and affirm the lower court's order without further discussion.

ORDER TO SHOW CAUSE

Further, we note that Roberts has filed at least fourteen separate pro se appeals or original proceedings with this Court related to the lower court case numbers 82-8169; 82-9856; and 82-15413.¹ With one exception,² this Court has affirmed the lower court or otherwise denied Roberts relief on appeal. Roberts has engaged in the filing of meritless, frivolous and successive claims requiring this Court to expend precious and finite judicial resources which could otherwise be devoted to cases raising legitimate claims. *Hedrick v. State*, 6 So.

3d 688, 691 (Fla. 4th DCA 2009) (noting, “[a] legitimate claim that may merit relief is more likely to be overlooked if buried within a forest of frivolous claims.”).

While pro se parties must be afforded a genuine and adequate opportunity to exercise their constitutional right of access to the courts, that right is not unfettered. The right to proceed pro se may be forfeited where it is determined, after proper notice and an opportunity to be heard, that the party has abused the judicial process by the continued filing of successive or meritless collateral claims in a criminal proceeding. *State v. Spencer*, 751 So. 2d 47 (Fla. 1999). As our sister court aptly described it, there comes a point when “enough is enough.” *Isley v. State*, 652 So. 2d 409, 410 (Fla. 5th DCA 1995). Although termination of the right to proceed pro se will undoubtedly impose a burden on a litigant who may be unable to afford counsel, courts must strike a balance between the pro se litigant’s right to participate in the judicial process and the courts’ authority to protect the judicial process from abuse.

Therefore, Appellant Solomon Roberts is hereby directed to show cause, within thirty days from the date of this opinion, why he should not be prohibited from filing any further pro se appeals, pleadings, motions, or petitions relating to his convictions, judgments and sentences in circuit court case numbers 82-8169; 82-9856; and 82-15413. Absent a showing of good cause, we intend to direct the Clerk of the Third District Court of Appeal to refuse to accept any such papers relating to these circuit court case numbers unless they have been reviewed and signed by an attorney who is a duly licensed member of The Florida Bar in good standing.

Additionally, and absent a showing of good cause, any such further and unauthorized pro se filings by Solomon Roberts will subject him to appropriate sanctions, including the issuance of written findings forwarded to the Florida Department of Corrections for its consideration of disciplinary action, including the forfeiture of gain time. See § 944.279(1), Fla. Stat. (2012).

¹See *Roberts v. State*, 83 So. 3d 734 (Fla. 3d DCA 2012); *Roberts v. State*, 13 So. 3d 481 (Fla. 3d DCA 2009); *Roberts v. State*, 11 So. 3d 959 (Fla. 3d DCA 2009); *Roberts v. State*, 967 So. 2d 211 (Fla. 3d DCA 2007); *Roberts v. State*, 962 So. 2d 915 (Fla. 3d DCA 2007); *Roberts v. State*, 939 So. 2d 109 (Fla. 3d DCA 2006); *Roberts v. State*, 932 So. 2d 206 (Fla. 3d DCA 2006); *Roberts v. State*, 919 So. 2d 454 (Fla. 3d DCA 2005); *Roberts v. State*, 905 So. 2d 896 (Fla. 3d DCA 2005); *Roberts v. State*, 768 So. 2d 460 (Fla. 3d DCA 2000); *Roberts v. State*, 761 So. 2d 1119 (Fla. 3d DCA 2000); *Roberts v. State*, 684 So. 2d 1368 (Fla. 3d DCA 1996); *Roberts v. State*, 656 So. 2d 1290 (Fla. 3d DCA 1995); *Roberts v. State*, 561 So. 2d 1157 (Fla. 3d DCA 1990).

²The singular exception is *Roberts v. State*, 821 So. 2d 1144 (Fla. 3d DCA 2002), in which Roberts successfully argued that the trial court lacked statutory authority to retain jurisdiction over one-third of his life sentence. Although we granted this limited relief, we also denied relief on the other claims asserted in that appeal, noting “[a]ll other issues raised by Roberts are successive and have previously been denied.” *Id.*

* * *

SHEILA M. NAVARRO and GUILLERMO ARTEAGA, Appellants, vs. AURORA LOAN SERVICES, LLC, Appellee. 3rd District. Case No. 3D13-1560. L.T. Case No. 09-57099. Opinion filed January 29, 2014. An Appeal from the Circuit Court for Miami-Dade County, Jorge E. Cueto, Judge. Counsel: Sheila M. Navarro and Guillermo Arteaga, in proper persons. Akerman LLP, and Nancy M. Wallace (Tallahassee), Michael J. Larson (Tallahassee), William P. Heller (Fort Lauderdale), and Tracy T. Segal (Fort Lauderdale), for appellee.

(Before SHEPHERD, C.J., and WELLS and ROTHENBERG, JJ.)

(ROTHENBERG, Judge.) Affirmed. See *Zarate v. Deutsche Bank Nat'l Trust Co.*, 81 So. 3d 556, 557 (Fla. 3d DCA 2012) (holding that it is the appellant’s burden to present a record to overcome the presumption of correctness of the trial court’s findings); *7550 Bldg., Inc. v. Atl. Rack & Shelving, Inc.*, 999 So. 2d 663, 664 (Fla. 3d DCA 2008) (holding that the appellant’s failure to provide a transcript of the proceedings was fatal to its claims because “[w]ithout a record of the trial proceedings, the appellate court can not [sic] properly resolve the

underlying factual issues so as to conclude that the trial court’s judgment is not supported by the evidence or by an alternative theory.”) (quoting *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979)).

* * *

JONATHAN L. SAWYER, Petitioner, vs. THE STATE OF FLORIDA, Respondent. 3rd District. Case No. 3D13-2319. L.T. Case No. 98-2097B. Opinion filed January 29, 2014. A Case of Original Jurisdiction—Habeas Corpus. Counsel: Jonathan L. Sawyer, in proper person. Pamela Jo Bondi, Attorney General, for respondent.

(Before SUAREZ, LAGOA and LOGUE, JJ.)

(SUAREZ, Judge.) We treat this motion as a petition for a Writ of Habeas Corpus and deny. See *Geter v. State*, 115 So. 3d 375 (Fla. 3d DCA 2012), rehearing denied, 115 So. 3d 385 (Fla. 3d DCA 2013).

* * *

RONALD JOHNSON, Appellant, vs. THE STATE OF FLORIDA, Appellee. 3rd District. Case No. 3D13-3064. L.T. Case No. 99-25817. Opinion filed January 29, 2014. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Ariana Fajardo, Judge. Counsel: Ronald Johnson, in proper person. Pamela Jo Bondi, Attorney General, for appellee.

(Before ROTHENBERG, EMAS and LOGUE, JJ.)

(PER CURIAM.) Affirmed. See *Geter v. State*, 115 So. 3d 375 (Fla. 2012). (ROTHENBERG and LOGUE, JJ., concur.)

(EMAS, J., dissenting.) For the reasons expressed in my dissent to the denial of motion for rehearing en banc in *Geter v. State*, 115 So. 3d 385 (Fla. 3d DCA 2013), I respectfully dissent from the majority’s affirmance of the instant case to the extent it holds that the rule announced in *Miller v. Alabama*, 132 S. Ct. 2455 (2012) does not apply retroactively to cases already final on direct appeal. See also *Falcon v. State*, 111 So. 3d 973 (Fla. 1st DCA 2013), review granted, No. SC13-865 (Fla. 2013).

* * *

Torts—Jurisdiction—Non-residents—Forum non conveniens—Civil Remedies for Criminal Practices Act—Conspiracy to defraud—Action against Costa Rican lawyers and Florida defendants alleging that defendants brought frivolous criminal and civil suits and investigations against plaintiff in Costa Rica and United States—Trial court properly found that non-resident defendants who traveled from Costa Rica to Florida to meet with Florida defendants and obtained signatures from Florida defendants in order to file actions against plaintiff in Costa Rica were subject to jurisdiction of Florida court and had sufficient minimum contacts with Florida to satisfy due process concerns—Court properly found that non-resident law firm which purposefully availed itself of privilege of conducting activities within state was subject to jurisdiction of Florida court—Court did not abuse discretion in denying motion to dismiss on forum non conveniens grounds where plaintiff submitted affidavit of Costa Rican attorney, jurist, and legal academic, who opined that plaintiff would have no remedy under Costa Rican law for damages he seeks

FEDERICO TORREALBA NAVAS, et al., Appellants, vs. CRAIG A. BRAND, Appellee. 3rd District. Case No. 3D12-2683. L.T. Case No. 10-00167. Opinion filed January 29, 2014. An Appeal from a non-final order from the Circuit Court for Miami-Dade County, John W. Thornton, Judge. Counsel: Armas & Borron and J. Alfredo De Armas, for appellants. Craig A. Brand, for appellee.

(Before SHEPHERD, C.J., and WELLS and SUAREZ, JJ.)

(SUAREZ, Judge.) Federico Torrealba Navas, Gianna Cersosimo, and certain members of the Costa Rican law firm of Facio and Cañas (“F&C”), appeal from a non-final order denying their motions to dismiss for lack of jurisdiction and inconvenient forum. We have jurisdiction pursuant to Florida Rule of Appellate Procedure 9.130(a)(3)(c). See also *WEG Indus., S.A. v. Compania De Seguros*

Solo

D. J. Hall
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