

PROBATION VIOLATOR
(Check if Applicable)

IN THE CIRCUIT COURT, 19th
JUDICIAL CIRCUIT, IN AND FOR
INDIAN RIVER COUNTY, FLORIDA
DIVISION CRIMINAL/FELONY
CASE NUMBER 82-435

STATE OF FLORIDA

--vs--

LLOYD BEN POWELL
Defendant

JUDGMENT

The Defendant, LLOYD BEN POWELL, being personally before this
Court represented by CHARLES SULLIVAN, JR., 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	CASE NUMBER
	<u>SECOND DEGREE MURDER</u>	<u>782.04</u>	<u>1F</u>	<u>82-435</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. 943.25(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 a 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 \$ _____

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 Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

CIRCUIT JUDGE

FINGERPRINTS OF DEFENDANT

1 R Thumb	2 R Index	3 R Middle	4 R Ring	5 R Little
6 L Thumb	7 L Index	8 L Middle	9 L Ring	10 L Little

Fingerprints taken by

B. Fitzgerald ID
Name and Title

Lloyd Powell
DEFENDANT

DONE AND ORDERED in Open Court at Vero Beach, Indian River County, Florida, this 4th day of APRIL A.D. 19 83 I HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the Defendant, LLOYD BEN POWELL and that they were placed thereon by said Defendant in my presence in Open Court this date

[Signature]
JUDGE

Defendant LLOYD BEN POWELL

Case Number 82-435

SENTENCE

(As to Count _____)

The Defendant, being personally before this Court, accompanied by his attorney, CHARLES SULLIVAN, JR., 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 LAW 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 _____ County, Florida (Name of local corrections authority to be inserted at printing, if other than Sheriff)

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.

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

If "split" sentence complete either of these two paragraphs

However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

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 time served credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

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 LLOYD BEN POWELL

Case Number 82-435

*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:

In the event the above sentence is to the Department of Corrections, the Sheriff of INDIAN RIVER 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 he be subject to early parole due to past record.

DONE AND ORDERED in Open Court at Vero Beach, Indian River County, Florida, this 4th day of APRIL A.D. 19 83



JUDGE