

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,
Plaintiff,

Case No.: 562013CF000608A
Judge: Dan L. Vaughn

vs.

ERIESE ALPHONSO TISDALE,
Defendant.

SENTENCING ORDER

ERIESE ALPHONSO TISDALE, you are now before this Court for pronouncement of sentence. You have been found guilty by the jury of First Degree Murder with a Firearm of Sgt. Gary Morales Who Was Engaged in the Lawful Performance of his Legal Duties as alleged in Count I of the Indictment, guilty of Aggravated Assault on a Law Enforcement Officer while Possessing a Firearm as alleged in Count II, guilty of Possession of a Firearm by a Convicted Felon as alleged in Count III and guilty of Fleeing and Eluding with Lights and Siren as alleged in Count IV. The guilt phase of the trial ended on October 1, 2015, when the verdict was rendered by the jury.

I.

PROCEDURAL HISTORY

Following the guilty verdict, the Court and jury heard additional evidence and argument from the State and the Defense pursuant to the applicable Florida law in effect at the time in the penalty phase. On October 9th, 2015, the jury recommended by a vote of nine to three that the death sentence should be imposed by this Court on Count I, First Degree Murder of a Law Enforcement Officer While Engaged in the Lawful Performance of his Legal Duties. On November 17, 2015 the State and Defense were permitted to present additional evidence and argument to this Court at the Spencer Hearing, Spencer v. State, 615 So.2d 688 (Fla. 1993) and

Phillips v. State, 705 So2d 1320 (Fla. 1997). Subsequent, to the Spencer hearing the State and Defense submitted separate sentencing memoranda on November 12, 2015 by the State and December 1, 2015 by the Defense, with the State's final response filed on December 8, 2015. See Consalvo v. State, 697 So.2d 805 (Fla. 1997), Hodges v. State, 595 So2d 929 (Fla. 1992), rev'd on other grounds, Hodges v. State 113 S.Ct 1992, Lucas v. State, 568 So2d 18 (Fla. 1990). The final sentencing hearing was set for January 15, 2016. This trial and sentencing procedure had been approved in Spaziano v. Florida, 468 U.S. 447 (1984) and Hildwin v. State, 490 U.S. 638 (1989) by the United States Supreme Court.

This Court has carefully heard and considered the evidence presented at the Spencer hearing, and has had the benefit of the sentencing memoranda from both the State and Defense, which this Court has thoroughly considered. Phillips supra.

The final determination of the appropriate sentence rests solely with this Court. This order has been personally prepared by this Court. See Blackwelder v. State, 851 So2d 650 (Fla. 2003), Valle v. State, 778 So2d 960 (Fla. 2001), Spencer v. State, 625 So2d 688 (Fla. 1993), Card v. State, 652 So2d 344 (Fla. 1995), Richardson v. State, 437 So2d 1091 (Fla. 1983), Smith v. State, 515 So2d 182 (Fla. 1987), Jackson v. State, 648 So2d 85 (Fla. 1994). This Court must make it's own independent evaluation of the aggravating and mitigating factors proven in this case, pursuant to F.S. 921.141(3) in writing pursuant to Grossman v. State, 525 So2d 833 (Fla. 1988) and Perez v. State, 648 So2d 715 (Fla. 1995).

Prior to the January 15, 2016 sentencing date this Court began personally preparing the factual findings and a sentencing order as required by Florida law. See e.g. Richardson v. State, 437 So2d 1091 (Fla. 1983). This Court also gave great weight to the jury decision. Three days prior to imposition of the sentence in this case the U.S. Supreme Court rendered it's opinion in

death penalty procedure was unconstitutional. This opinion specifically overruled or vacated at least two prior U.S. Supreme Court cases dating as far back as 1984 in Spaziano supra. which approved the applicable Florida statutory scheme.

In light of the Hurst decision, this Court postponed the sentencing in this case and again requested memoranda from both the State and the Defense in order to determine the appropriate way to proceed given the procedural status of this case, *i.e.*, the defendant had been found guilty as charged in the Indictment, the Court had received a jury recommendation as referenced above but the defendant had not been sentenced. The State and the Defense were kind enough to submit very thorough, well researched memos detailing their respective positions. Of course, the Court carefully considered both.

This Court has participated in and presided over a number of death penalty cases. In addition this Court has attended numerous educational courses in handling capital cases offered by the Florida Conference of Circuit judges and other organizations. This Court has reviewed a voluminous amount of related written materials on Florida Death Penalty scheme. Consequently, this Court is very familiar with Florida law and the evolution of other cases decided by the U.S. Supreme Court with regard to the issues presented in this case. To summarize, this Court is familiar with the Apprendi v. New Jersey, 520 U.S. 466 (2008), Ring v. Arizona, 536 U.S. 584 (2002) and now Hurst v. State, 136 S.Ct 616 (2016). I have read the Hurst decision at least thirty times. I have read the State and Defense Memoranda at least that many times. The Hurst decision is very short by U.S. Supreme Court standards. It totals 16 pages including the concurring decision by Justice Breyer and the dissent by Justice Alito.

In order to be thorough in this matter, and so the public and the courts will know why this Court came to it's conclusions this Court will read the relevant portions of the Hurst decision

here in open Court, along with the relevant parts of both the State and Defense memoranda. By doing so, this will inform the parties and the public what the current state of the law is now and help explain the Court's interpretation of these as they apply to the facts present in Mr. Tisdale's case.

[Hurst memos]

They will be attached to and made a part of this order.

II.

Procedurally, of course, because of the Hurst case, only two potential aggravating factors survive. That is the First Degree Murder of a Law Enforcement Officer While Engaged In The Lawful Execution of his Legal Duty as alleged in Count I and the contemporaneous conviction of Aggravated Assault on a Law Enforcement Officer While Possessing a Firearm as alleged in Count II. The other Aggravating Factors argued by the State at trial, *i.e.* the capital felony was committed for purpose of avoiding or preventing a lawful arrest or effectuating an escape from custody, F.S. 921.141(5)(c), the capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of law, F.S. 921.141(5)(a) are no longer viable aggravating factors for the State to argue or the Court to consider in light of Hurst. This is so because those factors were part of the unconstitutional process as no jury found these specifically proven beyond a reasonable doubt nor was it reflected in the verdict. The State properly concedes this point.

As referenced earlier the jury found, not the Court, beyond a reasonable doubt, that the defendant was guilty of Count I, First Degree Murder of a Law Enforcement Officer While Engaged In The Lawful Execution of his Legal Duty and Count II, Aggravated Assault on a Law

Enforcement While Possessing a Firearm. Both of these are statutory enumerated aggravating circumstances under Florida Statute 921.141(5)(j) and Florida Statute 921.141(5)(b) respectively.

The State argues that because these two surviving factors referenced above were found to exist beyond a reasonable doubt by the jury in the guilt phase and therefore, this jury finding complies with the Apprendi, Ring, and Hurst requirements and consequently this defendant remains eligible for the death penalty.

The Defense objects, arguing the only lawful sentence the Court can now impose is life in prison without parole. Neither party seeks a de novo resentencing proceeding pursuant to the new procedure enacted by the Legislature and signed by the Governor.

III.

It is an undeniable fact this defendant was found guilty beyond a reasonable doubt, by the jury, not the Court, of First Degree Murder of a Law Enforcement Officer While in the Performance of his Legal Duties and guilty beyond a reasonable doubt of Aggravated Assault on a Law Enforcement Officer with a Firearm. As referenced earlier, both of these convictions qualify under Florida Law as statutory enumerated Aggravating Factors. This also is simply undeniable. Because the other Aggravating Factors the State proposed were not found to exist beyond a reasonable doubt by the jury that evidence is not being considered by this Court. In the Hurst case, which used the same statutory procedure this Court used, the facts showed the female victim was brutally and repeatedly stabbed over 60 times and was robbed. Hurst, Id at page one. The aggravating factors found to exist by the trial court, not the jury in that case were the homicide was a heinous, atrocious and cruel, pursuant to F.S. 921.141(5)(h) and a robbery was committed. Certainly the jury did not find the homicide was heinous, atrocious and cruel and

Hurst was not convicted of the robbery in that case by the jury beyond a reasonable doubt and certainly this was not reflected in the jury's verdict form.

In this case, Mr. Tisdale, under the unique facts of this case, was found guilty beyond a reasonable doubt of the two referenced statutory aggravating factors. These charges were clearly alleged in the Indictment and were clearly reflected in the jury's verdict.

Consequently, these findings by the jury, not the Court, comply with the Apprendi, Ring and now Hurst line of cases. This is so because the jury, not the Court, has found beyond a reasonable doubt from the evidence the defendant guilty of two aggravating factors that would expose this defendant to greater punishment than that authorized by law, *i.e.*, from life to death. Apprendi Id at 494.

The Defense was asked by this Court to address this question in their final sentencing memoranda, "Where in Hurst, Ring, or Apprendi does it say that a guilt phase finding by the JURY is not sufficient enough to make the defendant eligible for the death penalty? The JURY has made this finding beyond a reasonable doubt, not the Court. Does this finding by the jury, then, comply with Hurst, Ring and Apprendi?" This court requested the Defense address this question because in their post Hurst decision Sentencing Memoranda filed February 12, 2016 the Defense asserted on page five "It is possible that an aggravator can be proven beyond a reasonable doubt during guilt and then a juror feel (sic) it is insufficient to recommend death. Even if two aggravators were proven in the guilt phase, that factual finding is not enough." The Defense answers the Court's inquiry "No" in their final sentencing memoranda.

Specifically, the Defense argues "Under Hurst, additional fact finding is necessary. 136 S.Ct. 616, 193 L.Ed 2d 504 (2016). Florida is a weighing state. See Jennings v. McDonough, 490 F.3d 1230, 1249 n. 14 (11th Cir. 2007) (a federal habeas decision in a Florida capital case.)

See also Woldt v. People, 64 P3d 256 at 263 (Colo. 2003) (in a weighing state, the trier of fact must weigh all the aggravating factors found to exist against the mitigating evidence to determine if the defendant is eligible for death). Therefore, in a weighing state like Florida Hurst requires jury findings as to each aggravator relied on by the State, as well as findings as to whether the aggravators are sufficient to warrant death and not outweigh by the mitigators. Florida's advisory jury recommendation "does not make specific factual findings with regard to the existence of mitigating or aggravating circumstances." Id at 622. The guilt phase findings are not sufficient and "the State cannot now treat the jury's advisory recommendation as the necessary factual finding required by Ring." This Court rejects that argument as the Defense reads Hurst too broadly. The Hurst decision, simply put, only found unconstitutional the specific portion of Florida law that required the Court, not the jury, to determine what aggravating factors, if any, were proven beyond a reasonable doubt that would cause someone to be potentially eligible for the death penalty. The Court decided, based on Apprendi and Ring, that was the role of the jury only to make this factual determination. The Hurst court left undisturbed the rest of Florida's procedure. Likewise, nowhere in Hurst does the U.S. Supreme Court require any factual findings as to mitigation because those factors clearly do not increase the potential sentence above the maximum sentence as do the aggravating factors.

Lastly, as the U.S. Supreme Court wrote in Hurst "Finally, we do not reach the State's assertion that any error was harmless. See Neder v. U.S., 527 US 1 (1999) (holding that the failure to submit an uncontested element of an offense to a jury may be harmless.) This Court normally leaves it to state courts to consider whether an error is harmless, and we see no reason to depart from that pattern here, See Ring, 536 U.S. at 609." Hurst at 10. This Court finds this procedural defect found by the Hurst court, is harmless in this case as the existence of the

aggravating factors were determined by the jury, not the Court, beyond a reasonable doubt in the guilt phase of the trial and were reflected in the jury's verdict.

Therefore, logic and the law make this defendant eligible for the death penalty in the unique facts of this case, because this case is entirely consistent with the Apprendi, Ring and now the Hurst reasoning that any element or factor that exposes the defendant to an increased sentence has been found by the jury, not the Court, beyond a reasonable doubt and is reflected in the verdict form.

IV.

Next, the Court will examine these two remaining statutory enumerated aggravating factors and weigh the mitigating evidence in order to determine if the defendant should be sentenced to death on Count.

The State, in their post Hurst sentencing memoranda, argued two aggravating circumstances exist to support the imposition of the death sentence. First, the State alleges the defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence pursuant to F.S. 921.141(5)(b). Second, the State alleges the victim of the capital felony was a law enforcement officer engaged in the performance of his official duties, pursuant to F.S. 921.141(5)(j).

The Defense argues as mitigation the defendant's age, pursuant to F.S. 921.141(6)(g) and a number of mitigation factors under F.S. 921.141(6)(h). Specifically, the Defense alleges, in the order they were presented in their sentencing memorandum (a)(1) Hereditary predisposition to substance abuse and dependence (a)(2) Generational family dysfunction and distress (b)(3) Prenatal cocaine exposure (c)(4) Single mother (c)(5) Ambiguous paternity (c)(6) Father absence (c)(7) Father criminality and imprisonment (c)(8) Emotional and supervisory neglect by mother

(c)(9) Physical and emotional abuse (c)(10) Observed domestic violence of mother and boyfriend
(c)(11) Frequent school changes (7 schools K-12) (c)(12) Residential instability (6 + residences
by age 8) (c)(13) Sequential stepfather figures (c)(14) Corruptive male role models in the
extended family (d)(15) Murder of maternal 1st cousin, Raijon (d)(16) Community racism (d)(17)
Corruptive community, community violence, police profiling/harassment/violence, inconsistent
school performance, marijuana dependence from age 15, Marginal young adult adjustment, the
defendant is a devoted loving son, the defendant is a loving father, he is a giver and selfless, he
has a good sense of humor and is/was a silly kid, funny and memorable. He is pleasant, likeable,
a nice kid and polite. He graduated from high school. He earned his Associate of Arts Degree.
He has artistic and creative abilities. He has the love and affection of his family and positive
adult relationships with his family. He has matured since this incident. He attended church and
was a spiritual person. The defendant had a good employment record. He has potential for
rehabilitation and positive prison adjustment. He has conducted himself well in jail. He will
adjust well to life in prison and his history does not indicate future dangerousness. He
demonstrates high potential for rehabilitation. He demonstrated good behavior during his trial.
He would be a positive contributor to prison. He was cooperative in his interview with the
police. He admitted to the shooting. He has no juvenile criminal history and he had no violent
criminal history before February 28, 2013.

V.

This Court will examine the State's two aggravating factors first in the order listed above,
then will discuss the defendant's statutory and non-statutory mitigation. In considering the
evaluation of these factors, this Court has considered the language in, inter alia, Campbell v.
State, 571 So2d 415 (Fla. 1990), Ford v. State, 802 So2d 1121 (Fla. 2001), Trease v. State, 768

So2d 1050 (Fla. 2000), Bowles v. State, 804 So2d 1173 (Fla. 2001), Nibert v. State, 574 So2d 1059 (Fla. 1990), Ferrel v. State, 653 So2d 367 (Fla. 1995).

In addition, this Court recognizes that the State must prove these statutory aggravating factors beyond a reasonable doubt and has indeed done so as found by the jury's verdict in the guilt phase. Card v. State, 453 So2d 17 (Fla. 1984), Johnson v. State, 438 So2d 774 (Fla. 1983), Williams v. State, 386 So2d 538 (Fla. 1980), Alfred v. State, 307 So2d 433 (Fla. 1975), Parker v. State, 873 So2d 270 (Fla. 2004), and that the Defense mitigating circumstances must be reasonably convincing and/or established by a greater weight of the evidence. Ford v. State, 802 So2d 1121 (Fla. 2001), Nibert v. State, 574 So2d 1059 (Fla. 1990), Reynolds v. State, 934 So2d 1159 (Fla. 2006).

1. **The defendant was previously convicted of another capital felony or a felony involving the use or threat of violence to the person. F.S. 921.141(5)(b).**

The jury found the defendant guilty beyond a reasonable doubt of Aggravated Assault on a Law Enforcement Officer, *i.e.* Deputy Sheriff [REDACTED] as alleged in Count II of the Indictment. This conviction involved the use of a firearm that was in the actual possession of the defendant. As the evidence at trial revealed this act occurred just as Deputy [REDACTED] arrived as a back up officer as the defendant was shooting and killing Sgt. Morales. Eyewitnesses testified at the trial that the defendant raised his arm and pointed his loaded firearm at Deputy [REDACTED]. Indeed, Deputy [REDACTED] testified the defendant pointed his loaded firearm at him in an attempt to "acquire" him as a target. Deputy [REDACTED] then engaged the defendant and shot at the defendant.

If two or more victims are involved, and a violent crime occurred against a separate victim, a contemporaneous conviction can be used. See King v. State, 390 So2d 315 (Fla. 1980), Pardo v. State, 563 So2d 77 (Fla. 1990), Stein v. State, 632 So2d 1361 (Fla. 1994), Francis v.

State, 808 So2d 110 (Fla. 2002), Wasko v. State, 505 So2d 1314 (Fla. 1987), Lucas v. State, 376 So2d 1149 (Fla. 1979), LeCroy v. State, 533 So2d 750 (Fla. 1988), *Compare e.g. Donaldson v. State*, 722 So2d 177 (Fla. 1998) (this aggravator generally requires a prior conviction), Holtan v. State, 573 So2d 284 (Fla. 1990), Bruno v. State, 574 So2d 76 (Fla. 1991) and Elledge v. State, 434 So2d 613 (Fla. 1993) (A contemporaneous conviction for a violent crime against the same victim cannot be used to support this circumstance). In Simmons v. State, 934 So2d 1100 (Fla. 2006) the Florida Supreme Court found Aggravated Assault on a Law Enforcement Officer is a felony offense that involves the use or threat of violence to the person.

The Defense argues this Court should not consider this aggravator as being sufficiently proven. Specifically, the Defense in their original sentencing memoranda claims there were contradictions in the testimony surrounding this offense, it lasted less than two minutes, Deputy [REDACTED] did not know whether Sgt. Morales was injured at the time that the defendant was running away at the time Deputy [REDACTED] fired his weapon. Further, the Defense argues the evidence revealed the defendant never fired his firearm at [REDACTED]

This prior conviction for a violent felony is a “strong” aggravator. The death sentence has been upheld when this aggravator is the only one present in pre Hurst cases. See Ferrell v. State, 680 So2d 390 (Fla. 1996), Duncan v. State, 619 So2d 279 (Fla. 1993). This aggravator is among “the most weighty in Florida’s sentencing calculus.” See Sireci v. State, 825 So2d 882.

Therefore, because the jury found this aggravating circumstance proven beyond a reasonable doubt and the jury’s verdict of guilty was supported by competent substantial evidence this Court finds this aggravating factor exists because of the jury’s verdict in the guilt phase. Melendez v. State, 498 So2d 1258 (Fla. 1986). **This Court gives this aggravator great weight.**

2. The victim of the capital felony was a law enforcement officer engaged in the lawful performance of his or her official duties. F.S. 921.141(5)(j).

The jury found beyond a reasonable doubt the State proved the defendant knew Gary Morales was a Law Enforcement Officer Engaged in the Lawful Performance of his Legal Duty, pursuant to the definition in F.S. 943.10(1) and see the Court's jury instructions and this finding was reflected in the verdict. Therefore, this Court finds this aggravating factor exists. The jury's verdict was supported by competent substantial evidence. *Melendez*, supra.

In summary, this Court finds two statutory aggravating circumstances exist because the jury determined this in the guilt phase and was reflected in their verdict. This Court finds the defendant was convicted of another capital felony involving the use or threat of violence to the person, pursuant to F.S. 921.141(5)(b) and the victim of the capital felony was a law enforcement officer engaged in the lawful performance of his or her duties, pursuant to F.S. 921.141(5)(j). **This Court assigns this aggravator great weight.**

VI.

Next, the Court will turn to and consider the mitigating circumstances in the order they were presented in the Defense sentencing memoranda.

1. The Age of the Defendant

The defendant was twenty five years old on the date of this murder. As the Defense suggests, this Court must look to the evidence of the maturation if the person is over 18.

Caballero v. State, 851 So2d 655 (Fla. 2003), *Campbell v. State*, 571 So2d 415 (Fla. 1990). The Defense asserts the defendant's age and lack of maturity should be given considerable weight.

This Court finds from the evidence the defendant was a high school graduate and had earned an Associates' Degree. He was living in his own house with his girlfriend. They were

expecting a child as the girlfriend was pregnant. He was capable of maintaining employment and was described by one former employer as dependable and conscientious.

In Hurst v. State, 819 So2d 689 (Fla. 2002) the Florida Supreme Court said “for a court to give a non-minor defendant’s age significant weight as a mitigating circumstance at sentencing phase of a capital murder case, the defendant’s age must be linked with some other characteristic of the defendant or the crime, such as significant emotional immaturity or mental problems.” In Campbell v. State, 679 So2d 720 (Fla. 1996) the Court said that while the age of 21 chronological years is of little impact by itself, if it is linked to “some other relevant characteristic of the defendant or the crime” such as significant emotional immaturity, it can become significant mitigation. Fitzpatrick v. State, 527 So2d 809 (Fla. 1988). See also e.g. Garcia v. State, 492 So2d 360 (Fla. 1986), Mason v. State, 438 So2d 374 (Fla. 1983), Peek v. State, 395 So2d 492 (Fla. 1980) and Thompson v. State, 648 So2d 692 (Fla. 1994).

This Court finds no sufficient nexus has been established by the Defense between this defendant’s age and this homicide. **This Court give this mitigating factor very little weight.**

2. Family Background

(A) Transgenerational – Hereditary predisposition to Substance Abuse and Dependence.

The Defense asserts the defendant’s family history includes several members that suffered from drug and alcohol dependence including his mother, uncle and cousins. The defendant’s mother testified she used cocaine for a short period while she was pregnant with the defendant. She testified it caused him some problems shortly after his birth. There was no evidence presented this drug use by his mother effected him negatively in any way thru out the rest of his life. There was no evidence presented his mother ever suffered from any significant

drug or alcohol dependence. Indeed there was no evidence presented that the defendant was under the influence of drugs or alcohol on the day of this murder. **This Court assigns this very little weight.**

(B) **Generational family dysfunction and distress**

The Defense asserts the defendant's family history includes several generations of broken homes, most of his mother's relatives died relatively young and several of his family members have been incarcerated. Further, because of this he was pre-disposed thru heredity but also the familial behavior patterns affected him through scripts and modeling which caused sequential damage. There was scant, if any, evidence of this presented by the Defense. **This Court assigns very little weight to this.**

3. **Neurodevelopmental**

(A) **Prenatal cocaine exposure**

The Defense asserts because of the defendant's mother's cocaine use during her pregnancy he suffered from tremors and would cry uncontrollably. The Defense suggests this Court give this great weight.

As referenced earlier, the defendant's mother candidly testified she used cocaine for a period of time while she was pregnant. After the defendant's birth she testified he had tremors, presumably caused by the cocaine, but she never testified of any lasting effects her prenatal cocaine use had on her son, neither did anyone else, either a family member or an expert witness testify about this. There was no testimony as to how, if at all, this exposure to prenatal cocaine was relevant to the defendant's actions on the day in question. As there was no evidence the mother used cocaine during her pregnancy, **this Court finds this factor is established but assigns it very little weight.**

4. **Family and Parenting**

(A) **Single Parent Mother**

The evidence did establish this factor. The defendant was raised by his mother and her family. His biological father was never part of his life. However, this Court finds the defendant's mother was an excellent mother for her son given her circumstances. Her sisters and family also did their best to provide for the defendant. Certainly his mother worked hard over the years. But, despite the defendant's allegations that he did not have a stable caregiver, there was no evidence he did not have a stable caregiver as he grew up.

Although there was evidence his mother was a single parent, **this Court assigns this very little weight.**

(B) **Ambiguous Paternity**

There was evidence from his mother that there was a man the defendant thought was his father. A paternity test determined this man was not in fact his father. This man left the family and the defendant never saw him again. This Court finds this factor has been established. However, **very little weight is assigned to it** as there was no showing how this ultimately affected his life or how it mitigates the potential punishment in this case.

(C) **Father's absence**

As discussed earlier, this factor was established by the evidence. Although there was evidence the defendant had other adult male figures in his life, he never knew his real father who was never in his life. **This Court gives this moderate weight.**

(D) **Father's Criminality and Imprisonment**

There was evidence the defendant's father was incarcerated for robberies and died in prison. The Defense asks this Court to give this factor some weight. However, the Defense does

not in any way explain how this affected the defendant's life in any way. **This Court therefore assigns this almost no weight.**

(E) Emotional and Supervisory Neglect by Mother

The Defense asserts here the defendant was an only child and had no siblings to rely on emotionally and was often left unsupervised by his mother who came home exhausted after work. At times he lived with his Aunt who also worked, had her own children and had to deal with a drug dependent husband.

The evidence presented at the trial and the Spencer hearing does not support this assertion. The evidence showed the defendant's mother and his aunts were very involved in the defendant's life, loved him and cared for him. Nobody in his family neglected him emotionally or physically abused him. His mother was very protective and supportive of him all his life and remains so today. As this factor has not been proven by the Defense, **this Court assigns it no weight.**

(F) Physical and emotional abuse

The Defense alleges "the men in his mother's life were abusive to the defendant" and identify "Lionel" who made the defendant strip down to his underwear and stand in an open doorway as punishment. The Defense further alleges another boyfriend, Johnny, would leave welts on him after punishing him with a belt. They allege his mother would also sometimes use a belt to discipline him.

There was testimony presented about one of the defendant's mother's boyfriends punishing the defendant by making him stand in the doorway in his underwear. So this Court finds this proven. The evidence further revealed this incident only occurred one time and the

mother removed Lionel from the home immediately after this. **This Court assigns this very little weight as it was a very isolated event in the defendant's life.**

As far as the allegation regarding the abuse by "Johnny" this was not proven by the evidence, consequently **this is not assigned any weight.**

At times the mother may have used corporal punishment on the defendant. The Court finds this to be established by the evidence. On the other hand, it was never remotely abusive or excessive in any way or manner. There was no evidence that any of these very isolated instances traumatized the defendant in any respect. **This factor is given almost no weight.**

(G) Observed domestic violence of mother and boyfriend

There was some evidence of this presented by the Defense. The Court will find it proven. But, these incidents were very infrequent and the defendant's mother would terminate the relationship immediately and remove the person from the home. Because these incidents were very rare and isolated **this Court assigns this factor little weight.**

(H) Frequent school changes (7 schools, K-12)

The Defense did establish the defendant attended several different schools during his elementary and high school years. His school transcripts and records were admitted into evidence and this Court considered them. As a result of attending these several schools the Defense asserts "The changes in schools blocked the formation of relationships that might have mitigated the limitations of his parenting, thus concentrating these pathological family forces. Transitions to different schools may constitute a significant stress and coping challenge. With recurrent transitions, school, rather than a place of predictability, structure, and familiarity, is unpredictable, unfamiliar and of uncertain structure." The Defense offers no evidence to support

this claim, or what effect this had on the defendant. **This Court therefore assigns very little weight to this factor, as most of it is speculation.**

(I) Residential instability (6 + residences by age 8)

There was evidence presented by the Defense that the defendant and his mother moved from New Jersey when he was very young, lived with his aunt a short time, then relocated to an apartment in West Palm Beach. By age 8, the defendant and his mother moved to Jupiter. The defendant's mother described their different residences. There was no evidence these residences were not clean, comfortable and very adequate for their needs.

Again, there was no evidence as to how this adversely effected the defendant. **This Court assigns very little weight to this factor.**

(J) Sequential Stepfather Figures

The Defense established two stepfather figures lived with he and his mother, and that these men did not stay long. Because of this, the Defense alleges none of these men made any emotional connection with the defendant. **This Court assigns very little weight to this factor as there was no showing as to how, if at all, this effected the defendant.**

(K) Corruptive Male Role Models in the Extended Family

The Defense established the defendant had very few male role models in his life, and that some of them *i.e.*, uncles and cousins specifically, used marijuana and alcohol. The Defense established the defendant and some members of his extended family had negative feelings for and were distrustful of law enforcement. There was no evidence presented that "Uncle Bill" was a heroin addict. **This factor is given very little weight.**

(L) Murder of Maternal First Cousin, Raijon

In the previous factor above, the Defense wrote "The only other male role model in

Eriese's life was his cousin, Raijon. Twenty years his senior, Raijon suffered with drug addiction. Raijon was also a convicted felon who had run-ins with police and shared his radicalized ideas with young Eriese." *Compare* that language with what is alleged in this factor. "Raijon was 20 years older than Eriese and despite drug problems and being a convicted felon; he took a special interest in Eriese who was close in age to his own son, Ahmed. Raijon's death was very difficult on the whole family having happened the week after the unexpected death of their Uncle Bill. The family all agree that Eriese took Raijon's death very hard, he became severely depressed and closed up from them."

On the one hand the Defense argues the defendant's exposure to Raijon was an example of a "Corruptive Male Role Model", but on the other hand in this factor the Defense argues this drug addicted convicted felon's special interest in the defendant and subsequent murder is also mitigating in nature.

The Defense did establish that the defendant's uncle did pass away unexpectedly, and a week later his cousin was murdered. **This Court assigns very little weight to the death of Uncle Bill, and moderate weight to the murder of the defendant's cousin.**

5. **Community**

(A) **Community Racism**

The Defense claims as a young black man in America, the defendant faced racism, and was exposed to racism at a very young age. Further, it is alleged he was isolated as a minority and bussed away from his home and community school, and Dr. Gabarino's testimony is cited as proof. There were never any specific examples of the defendant's exposure to any racism or racist acts or words. There was no evidence presented he was isolated as a minority.

Therefore, this Court gives this factor almost no weight. *See e.g. Lebreu v. State*, 799 So2d 997 (Fla. 2001).

(B) Corruptive Community

The Defense asserts the defendant's neighborhood in Jupiter, Florida was a low income housing community, was small, suffered from high crime, violence and drugs. And although the defendant participated in some school activities, he was not an athlete and did not have the support to do other activities, spent time alone and the adults there gave drugs to the kids in the neighborhood.

There was very little evidence to support this. According to the defendant's mother, Limestone Creek was a nice community that was quiet, safe and generally undeveloped when they first moved in. Only several years later did the area begin to deteriorate. There was no evidence presented that adults gave drugs to kids there, and no evidence the defendant was exposed to it or was given drugs there. As there was a little evidence to support this, **this Court will assign very little weight to this factor.**

(C) Community Violence

The Defense presented some evidence of this through Dr. Garbarino. However, there was very little, if any, evidence presented that supported the Defense allegations that this was a high crime area where drug dealers hang out on the corners and violence was a daily experience. **This factor is given minimal weight.**

(D) Police Profiling/Harassment/Violence

The evidence established the defendant had several encounters with law enforcement as an adult in Palm Beach and St. Lucie Counties. The facts and circumstances of these are part of the record in this case. There was no evidence to support the allegations that he was harassed or

stereotyped by the police because his hair was in dreads. **Consequently, very little weight is assigned to this factor.**

6. **Disturbed Trajectory**

(A) **Inconsistent School Performance**

The Defense alleges the defendant's school records show he had poor grades and past the fifth grade were mostly D's & F's, repeated the tenth grade and was later expelled, and had to complete his high school diploma at an alternative school. Ultimately, however, he did obtain his diploma and earned an Associate's Degree. As his grades and school records are in evidence this Court finds this proven, **but because this Court finds this to be of little value in mitigation, it is given very little weight.**

(B) **Marijuana Dependence from Age 15**

The State agrees in their response that the defendant has a history of marijuana use, and because there was evidence of this, this Court will find this factor has been established. However, as the State correctly points out, on the day of this murder there was no evidence the defendant had used marijuana or alcohol. **This factor is given very little weight as there was no evidence of drug or alcohol use on the day in question.**

(C) **Marginal Young Adult Adjustment**

The Defense summarizes all the preceding factors in this portion of their memoranda and summarize the defendant's life status at the time of this murder. The Defense describes how the defendant and his mother faced some difficulties during their lives. These include a fatherless home, financial difficulties, schooling issues, drug use, run-ins with the police and courts and the loss of family members. However, there were many positives. He had a loving, hardworking mother who did her best to care for him as he grew up. He had aunts and other family members

who helped out the family when it was needed. The defendant and his mother had comfortable homes. The defendant graduated high school, earned an Associate's Degree, had employable skills, and had a girlfriend who was expecting their first child. He had his own place to live. **On balance this Court gives this factor(s) very little weight.**

7. **The Defendant Has Many Positive Qualities**

(A) **The Defendant Is a Devoted, Loving Son**

This was certainly established by the evidence, as the State properly concedes. **This is given moderate weight.**

(B) **The Defendant is a Loving Father**

There was some evidence of this as the Defense points out that this consisted of a video of the defendant interacting with his two year old son at a jail visitation. **This is given very little weight, as the defendant's girlfriend was eight months pregnant when the defendant committed this murder.**

(C) **Giver, Selfless**

Although this quality is hard to quantify, there was some testimony about this and this Court will accept it as proven. **This Court assigns this almost no weight.**

(D) **Eriese Has a Good Sense of Humor, Silly Kid, Funny, Memorable**

There was testimony from at least one of the defendant's teachers and family that describe the defendant as having these qualities. **This is given almost no weight.**

(E) **Pleasant, Likeable, Nice Kid, Eriese was Polite**

There was testimony also from his former employers and teachers that the defendant was pleasant, likeable and polite. This Court finds this mitigating factor proven **but assigns it very little weight.**

(F) Eriese Graduated from High School

This also was established from the evidence. **This Court gives this moderate weight.**

(G) Eriese Earned His Associates of Arts Degree

This was established by the evidence as the State properly concedes. This degree is from Lincoln Technical Academy for Architectural Drawing. **This Court assigns this moderate weight.**

(H) Eriese has Artistic and Creative Abilities

The Court also finds the defendant has these qualities, as the State properly concedes and from the testimony. **These qualities are given very little weight.**

(I) He has the Love of His Family and Positive Adult Relationships with Family

This factor was established by the evidence, as the State concedes. **This is assigned very little weight.**

(J) Maturity

There was some evidence of his maturity since this murder, that he has a different perspective on life and wishes he could take back that day in February. **This is given almost no weight by the Court.**

(K) Eriese Attended Church and Was Spiritual

This was also established from testimony by friends and family. **It is given very little weight by the Court.**

8. Employment Background

(A) Eriese Had A Good Employment Record

This factor has been established by the Defense as described in the Defense Sentencing Memoranda. **It is given moderate weight by this Court.**

9. **Potential for Rehabilitation and Positive Prison Adjustment**

(A) **Eriese Has Had Good Jail Conduct**

Although there were so minor issues with the jail staff, this Court finds this has been sufficiently proven by the Defense while this case was pending trial. There was no evidence about his stay in other jails that the Defense mentions. **This is assigned very little weight.**

(B) **Will Adjust to Life in Prison, His History Does Not Indicate Future Dangerousness**

This Court will agree there was sufficient evidence to establish this through the testimony of Dr. Cunningham and his research. **However, it is assigned very little weight.**

(C) **Eriese Demonstrates High Potential for Rehabilitation**

This factor is also very hard to measure, of course. The Court agrees with the Defense comments that the evidence establishes he had the ability to obtain adequate grades and test scores in school, jobs that involve trust, has strong and positive family relationships, has artistic skills and has had no significant problems while in jail. **However, these intangibles are given little weight.**

(D) **Eriese Would be a Positive Contributor to Prison**

This Court agrees there was some testimony from the witnesses consistent with what the Defense outlines in their memoranda. **This factor, however, is given almost no weight.**

(E) **Eriese Was Cooperative in His Police Interview**

Certainly the video recording of the defendant's statement to the police is part of the record in this case. It was the subject of an extensive hearing pursuant to a Motion to Suppress filed by the Defense. Of course, this Court carefully considered the defendant's statements and his demeanor in deciding how to rule on the Motion.

Despite the Defense contention contained in the Motion, this Court found the defendant freely and voluntarily waived his Fifth Amendment rights and spoke to law enforcement. The reasons for the Court's ruling are contained in the Order Denying the Motion to Suppress and need not be repeated here. Now, the Defense asserts he cooperated with the police. In this Court's view, simply giving an interview to the police doesn't necessarily equate with cooperation. It is the content of the statement that is determinative.

Therefore, this Court finds the defendant did give a voluntary statement to the police and was captured after a car chase from the murder scene. But it has not been proven he was "cooperative with the police" in what he said in that statement. Since this has not been proven, **this is given no weight by this Court.**

(F) Eriese Admitted to The Shooting

As referenced in the preceding paragraph, the defendant gave a statement to the police about his actions in this murder. Yes, he "admitted to the shooting". But his version as to why certainly did not match the overwhelming evidence of his guilt in this case that was produced by the State at the guilt phase of the trial. His statements proved to be untruthful and self-serving. This has not been proven in the way the Defense portrays it. The defendant didn't confess he committed murder. In essence, he claimed he shot Sgt. Morales in self-defense.

Consequently, although the defendant "admitted to the shooting" in the strictest sense, this Court finds this factor not proven as the Defense intends it. **It is assigned no weight.**

(G) Eriese Has No Juvenile History

This Court agrees there was no evidence presented that the defendant had any juvenile criminal history. That the Defense cites this as mitigation, notwithstanding the assertions about the defendant's poor upbringing, is ironic. **This Court assigns this moderate weight.**

(H) Eriese Had No Violent Criminal History Before February 28, 2013

As the State properly concedes this point, and this Court finds from the evidence presented this factor to be true, this Court concludes this to be proven. **This is assigned moderate weight.**

VII.

In carefully weighing the aggravating factors that were established by the State beyond a reasonable doubt, against the mitigating factors established by the Defense, it is not simply a quantitative analysis, but a qualitative one. It is the Court's duty to look to both the quality and the nature of the aggravating and mitigating circumstances which have been established.

Under such an analysis, and upon reflection and consideration, the proven aggravating circumstances substantially outweigh the non-statutory mitigating factors.

SENTENCE

Therefore, Eriese Alphonso Tisdale, as to Count I of the Indictment, First Degree Murder of a Law Enforcement Officer with a Firearm In The Lawful Execution of His Legal Duties, it is the sentence of this Court and the judgment of the law that you be sentenced to death for the first degree murder of Sgt. Gary Morales. As to Count II of the Indictment, Aggravated Assault on a Law Enforcement Office While in Possession of a Firearm, the Court sentences you to fifteen years in prison, consecutive to Count I. As to Count III of the Indictment, Possession of a Firearm By a Convicted Felon, the Court sentences you to fifteen years in prison, to run consecutive to Counts I and II. As to Count IV of the Indictment, Fleeing and Eluding with Lights and Siren, the Court Sentences you to five years in prison, to run consecutive to Counts I, II, and III.

It is further ordered that you, Eriese Alphonso Tisdale, be taken by the Sheriff of St. Lucie County to the Florida State Prison and there be kept in close and secure confinement until the date your execution is set. It is further ordered that on such time as scheduled by the Governor of the State of Florida, at the place of execution named in the Governor Warrant of Execution, you be put to death.

You are hereby notified that the judgment of conviction and sentence of death are subject to automatic review by the Supreme Court of Florida. You are further advised that you have the right to the assistance of counsel in the filing and preparation of your appeal.

If you wish to have counsel appointed for the preparation of your appeal, you may advise this Court through your lawyer and then counsel will be appointed on your behalf.

DONE AND ORDERED in open Court this 29 day of April, 2016 in Fort Pierce, St. Lucie County, Florida.



HONORABLE DAN L. VAUGHN
Circuit Judge

cc: Mary Celidonio, APD
Stanley Glenn, APD
Shane Manship, APD
Ginger Miranda, APD
Thomas Bakkedahl, ASA
Court file

IN THE CIRCUIT COURT, NINETEENTH
JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE
COUNTY, FLORIDA

- ☐ Modified
☐ Resentence
☐ Amended
☐ Corrected
☐ Mitigated
☐ Community Control Violator
☐ Probation Violator

Case Number: 562013CF000608AXXXXX

- ☐ Sexual Predator
☐ Sex Offender
☐ Minor Victim
☐ Sentenced in Absentia

State of Florida
vs

ERIESE ALPHONSO TISDALE
Defendant

JUDGMENT

The Defendant, ERIESE ALPHONSO TISDALE, being personally before this Court represented by: Attorney: MARY CELIDONIO, the Attorney of record, and the State represented by: THOMAS RICHARD BAKKEDAH, and having:

- ☒ Been tried and found guilty by jury of the following crimes(s)
☐ Entered a plea of guilty to the following crime(s)
☐ Entered a plea of nolo contendere to the following crime(s)
☐ Found guilty of a Violation of Probation
☐ Admitted a Violation of Community Control
☐ Found Guilty of a Violation of Community Control

Count	Crime	Offense Statute Number(s)	Level of Crime	Degree of Crime	OBTs Number
1	<u>FIRST DEGREE MURDER OF A LAW ENFORCEMENT OFFICER WITH A FIREARM</u>	<u>782.04(1)(a)(1); 775.0823; 782.065 and 775.087</u>	E	C	<u>5601187356</u>
2	<u>AGGRAVATED ASSAULT ON A LAW ENFORCEMENT OFFICER WITH A FIREARM</u>	<u>784.021; 784.07; 775.0823 and 775.087</u>	E	S	<u>5601187356</u>
3	<u>POSSESSION OF FIREARM OR AMMUNITION BY A CONVICTED FELON</u>	<u>790.23</u>	E	S	<u>5601187356</u>
4	<u>FLEEING OR ELUDING - LIGHTS AND SIREN</u>	<u>316.1935(2)</u>	E	I	<u>5601187356</u>

- ☒ and no cause being shown why the defendant should not be adjudicated guilty. IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crimes(s).
☐ and being a qualified offender pursuant to Florida Statute 943.325 - defendant shall be required to submit DNA samples as required by law.
☐ and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.









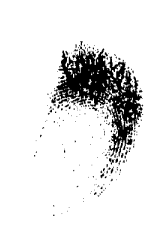

LN/DC

CASE NUMBER 2013CF000608 A

The Defendant in open Court was advised of the right to appeal from this Sentence by filing notice of appeal within 30 days from this date with the Clerk of this Court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

DAN L VAUGHN
Circuit Judge

FINGERPRINTS OF DEFENDANT

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

Fingerprints taken by:

D/S Moore 1000
Name

Deputy Sheriff
Title

I HEARBY CERTIFY that the above and forgoing fingerprints are the fingerprints of the Defendant _____

ERIESE ALPHONSO TISDALE and that they were placed thereon by said Defendant in my presence in open Court this date.

DONE AND ORDERED in Open Court at St. Lucie County, Florida, on Friday, April 29, 2016

Nunc Pro Tunc To:

DAN L VAUGHN
Circuit Judge

IN THE CIRCUIT COURT, NINETEENTH
JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE
COUNTY, FLORIDA

- ☐ Modified
- ☐ Resentence
- ☐ Amended
- ☐ Corrected
- ☐ Mitigated
- ☐ Community Control Violator, Previously Adjudged Guilty
- ☐ Probation Violator, Previously Adjudged Guilty

Defendant: ERIESE ALPHONSO TISDALE

Case Number: 562013CF000608AXXXX
OBTS Number: 5601187356

SENTENCE

As to Count (s) 1

The Defendant, being personally before this court, accompanied by the Defendant's attorney of record, MARY CELIDONIO, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

- ☐ and the Court having on _____ differed imposition of sentence until this date.
- ☐ and the Court having previously entered a judgment in this case on _____ now resentsences the Defendant.
- ☐ and the Court having placed the defendant on and having subsequently revoked the Defendant's.

It Is The Sentence of Court that:

- ☐ The defendant pay a fine in the amount of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____ as the 5% surcharge required by section 938.04, Florida Statutes.
- ☒ The defendant is hereby committed to the custody of the Department of Corrections.
- ☐ The defendant is hereby committed to the custody of the Sheriff of Saint Lucie County, Florida.
- ☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

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

- ☐ For a term of Natural Life.
- ☐ For a term of Natural Life with a 25 year mandatory minimum.
- ☒ For a term of Death.
- ☐ The SENTENCE IS SUSPENDED for a period of _____ subject to conditions set forth in this Order.

If a "split" sentence, complete the appropriate paragraph.

- ☐ Followed by a period of _____ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order.
- ☐ Followed by a period of _____ Probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order.
- ☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence will be suspended and the defendant shall be placed on Probation/Community Control for a period of _____, under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control set forth in a separate order.

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

SPECIAL PROVISIONS

As to Count(s) 1

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

Mandatory/Minimum Provisions:

- Firearm** ☐ It is further ordered that the _____ minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking** ☐ It is further ordered that the _____ minimum imprisonment provisions of Section 893.135 Florida Statutes, is hereby imposed for the sentence specified in this count, and that the Defendant pay a fine of \$_____, pursuant to section 893.135, Florida Statutes, plus \$_____ as a 5% surcharge.
- Law Enforcement** ☐ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.
(Offenses committed before January 1, 1994.)
- Controlled Substance Within 1,000 Feet of School** ☐ It is further ordered that the _____ minimum imprisonment provision of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence in this count.
- Habitual Felony Offender** ☐ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent Felony Offender** ☐ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Violent Career Criminal** ☐ The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes, a minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997)
- Capital Offense** ☐ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1) Florida Statutes.
(For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995)
- Prison Release** ☐ Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.
- Sexual Predator** ☐ Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.

Other Provisions:

- Jail Credit** ☒ It is further ordered that the Defendant shall be allowed a total of 1156 days as credit for time incarcerated before imposition of this sentence.
- Credit for Time Served in Resentencing After Violation of Probation or Community Control** ☐ It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and un-forfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count 1 (Offenses committed between October 1, 1989, and December 31, 1993)

The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(6), Florida Statutes.

The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1), Florida Statutes.

It is further ordered that the Defendant be allowed time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/ count. (Offenses committed on or after January 1, 1994)

- Consecutive/Concurrent As To Other Counts** ☐ It is further ordered that the sentence imposed for this count shall run Consecutive to/Concurrent with the sentence set forth in count _____ of this case.

IN THE CIRCUIT COURT, NINETEENTH
JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE
COUNTY, FLORIDA

- ☐ Modified
- ☐ Resentence
- ☐ Amended
- ☐ Corrected
- ☐ Mitigated
- ☐ Community Control Violator, Previously Adjudged Guilty
- ☐ Probation Violator, Previously Adjudged Guilty

Defendant: ERIESE ALPHONSO TISDALE

Case Number: 562013CF000608AXXXX
OBTS Number: 5601187356

SENTENCE

As to Count (s) 2

The Defendant, being personally before this court, accompanied by the Defendant's attorney of record, MARY CELIDONIO, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

- ☐ and the Court having on _____ differed imposition of sentence until this date.
- ☐ and the Court having previously entered a judgment in this case on _____ now resentsences the Defendant.
- ☐ and the Court having placed the defendant on and having subsequently revoked the Defendant's.

It is The Sentence of Court that:

- ☐ The defendant pay a fine in the amount of \$_____, pursuant to section 775.083, Florida Statutes, plus \$_____ as the 5% surcharge required by section 938.04, Florida Statutes.
- ☒ The defendant is hereby committed to the custody of the Department of Corrections.
- ☐ The defendant is hereby committed to the custody of the Sheriff of Saint Lucie County, Florida.
- ☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

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

- ☐ For a term of Natural Life.
- ☐ For a term of Natural Life with a 25 year mandatory minimum.
- ☒ For a term of FIFTEEN (15) YEARS.
- ☐ The SENTENCE IS SUSPENDED for a period of _____ subject to conditions set forth in this Order.

If a "split" sentence, complete the appropriate paragraph.

- ☐ Followed by a period of _____ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order.
- ☐ Followed by a period of _____ Probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order.
- ☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence will be suspended and the defendant shall be placed on Probation/Community Control for a period of _____, under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control set forth in a separate order.

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

SPECIAL PROVISIONS

As to Count(s) 2

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

Mandatory/Minimum Provisions:

- Firearm ☒ It is further ordered that the THREE(3) YEAR minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking ☐ It is further ordered that the _____ minimum imprisonment provisions of Section 893.135 Florida Statutes, is hereby imposed for the sentence specified in this court, and that the Defendant pay a fine of \$_____, pursuant to section 893.135, Florida Statutes, plus \$_____ as a 5% surcharge.
- Law Enforcement ☐ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.
(Offenses committed before January 1, 1994.)
- Controlled Substance Within 1,000 Feet of School ☐ It is further ordered that the _____ minimum imprisonment provision of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence in this count.
- Habitual Felony Offender ☐ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent Felony Offender ☐ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Violent Career Criminal ☐ The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes, a minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997)
- Capital Offense ☐ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1) Florida Statutes.
(For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995)
- Prison Release ☐ Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.
- Sexual Predator ☐ Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.

Other Provisions:

- Jail Credit ☒ It is further ordered that the Defendant shall be allowed a total of 1156 days as credit for time incarcerated before imposition of this sentence.
- Credit for Time Served in Resentencing After Violation of Probation or Community Control ☐ It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count 1 (Offenses committed between October 1, 1989, and December 31, 1993)

The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(6), Florida Statutes.

The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1), Florida Statutes.

It is further ordered that the Defendant be allowed time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/ count. (Offenses committed on or after January 1, 1994)

Consecutive/Concurrent
As To Other Counts

- ☒ It is further ordered that the sentence imposed for this count shall run Consecutive with the sentence set forth in count 1 of this case.

IN THE CIRCUIT COURT, NINETEENTH
JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE
COUNTY, FLORIDA

- ☐ Modified
- ☐ Resentence
- ☐ Amended
- ☐ Corrected
- ☐ Mitigated
- ☐ Community Control Violator, Previously Adjudged Guilty
- ☐ Probation Violator, Previously Adjudged Guilty

Defendant: ERIESE ALPHONSO TISDALE

Case Number: 562013CF000608AXXXXX
OBTS Number: 5601187356

SENTENCE

As to Count (s) 3

The Defendant, being personally before this court, accompanied by the Defendant's attorney of record, MARY CELIDONIO, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

- ☐ and the Court having on _____ differed imposition of sentence until this date.
- ☐ and the Court having previously entered a judgment in this case on _____ now resentsences the Defendant.
- ☐ and the Court having placed the defendant on _____ and having subsequently revoked the Defendant's _____.

It is The Sentence of Court that:

- ☐ The defendant pay a fine in the amount of \$_____, pursuant to section 775.083, Florida Statutes, plus \$_____ as the 5% surcharge required by section 938.04, Florida Statutes.
- ☒ The defendant is hereby committed to the custody of the Department of Corrections.
- ☐ The defendant is hereby committed to the custody of the Sheriff of Saint Lucie County, Florida.
- ☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (check one; unmarked sections are Inapplicable):

- ☐ For a term of Natural Life.
- ☐ For a term of Natural Life with a 25 year mandatory minimum.
- ☒ For a term of FIFTEEN (15) YEARS.
- ☐ The SENTENCE IS SUSPENDED for a period of _____ subject to conditions set forth in this Order.

If a "split" sentence, complete the appropriate paragraph.

- ☐ Followed by a period of _____ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order.
- ☐ Followed by a period of _____ Probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order.
- ☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence will be suspended and the defendant shall be placed on Probation/Community Control for a period of _____, under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control set forth in a separate order.

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

SPECIAL PROVISIONS

As to Count(s) 3

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

Mandatory/Minimum Provisions:

- Firearm ☒ It is further ordered that the THREE(3) YEARS minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking ☐ It is further ordered that the _____ minimum imprisonment provisions of Section 893.135 Florida Statutes, is hereby imposed for the sentence specified in this court, and that the Defendant pay a fine of \$_____, pursuant to section 893.135, Florida Statutes, plus \$_____ as a 5% surcharge.
- Law Enforcement ☐ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes. (Offenses committed before January 1, 1994.)
- Controlled Substance Within 1,000 Feet of School Habitual Felony Offender ☐ It is further ordered that the _____ minimum imprisonment provision of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence in this count.
- Habitual Violent Felony Offender ☐ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Violent Career Criminal ☐ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Capital Offense ☐ The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes, a minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997)
- Prison Release ☐ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1) Florida Statutes. (For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995)
- Sexual Predator ☐ Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.
- ☐ Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.

Other Provisions:

- Jail Credit ☒ It is further ordered that the Defendant shall be allowed a total of 1156 days as credit for time incarcerated before imposition of this sentence.
- Credit for Time Served in Resentencing After Violation of Probation or Community Control ☐ It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and un-forfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count 1 (Offenses committed between October 1, 1989, and December 31, 1993)

The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 949.06(6), Florida Statutes.

The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1), Florida Statutes.

It is further ordered that the Defendant be allowed time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/ count. (Offenses committed on or after January 1, 1994)

Consecutive/Concurrent
As To Other Counts

- ☒ It is further ordered that the sentence imposed for this count shall run Consecutive with the sentence set forth in count 2 of this case.

IN THE CIRCUIT COURT, NINETEENTH
JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE
COUNTY, FLORIDA

- ☐ Modified
- ☐ Resentence
- ☐ Amended
- ☐ Corrected
- ☐ Mitigated
- ☐ Community Control Violator, Previously Adjudged Guilty
- ☐ Probation Violator, Previously Adjudged Guilty

Defendant: ERIESE ALPHONSO TISDALE

Case Number: 562013CF000608AXXXXX
OBTS Number: 5601187356

SENTENCE

As to Count (s) 4

The Defendant, being personally before this court, accompanied by the Defendant's attorney of record, MARY CELIDONIO, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

- ☐ and the Court having on _____ differed imposition of sentence until this date.
- ☐ and the Court having previously entered a judgment in this case on _____ now resentences the Defendant.
- ☐ and the Court having placed the defendant on and having subsequently revoked the Defendant's.

It is The Sentence of Court that:

- ☐ The defendant pay a fine in the amount of \$_____, pursuant to section 775.083, Florida Statutes, plus \$_____ as the 5% surcharge required by section 938.04, Florida Statutes.
- ☒ The defendant is hereby committed to the custody of the Department of Corrections.
- ☐ The defendant is hereby committed to the custody of the Sheriff of Saint Lucie County, Florida.
- ☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

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

- ☐ For a term of Natural Life.
- ☐ For a term of Natural Life with a 25 year mandatory minimum.
- ☒ For a term of FIFTEEN (5) YEARS.
- ☐ The SENTENCE IS SUSPENDED for a period of _____ subject to conditions set forth in this Order.

If a "split" sentence, complete the appropriate paragraph.

- ☐ Followed by a period of _____ on Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order.
- ☐ Followed by a period of _____ Probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order.
- ☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence will be suspended and the defendant shall be placed on Probation/Community Control for a period of _____, under the supervision of the Department of Corrections according to the terms and conditions of Probation/Community Control set forth in a separate order.

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

SPECIAL PROVISIONS

As to Count(s) 4

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

Mandatory/Minimum Provisions:

- Firearm ☐ It is further ordered that the minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking ☐ It is further ordered that the _____ minimum imprisonment provisions of Section 893.135 Florida Statutes, is hereby imposed for the sentence specified in this count, and that the Defendant pay a fine of \$_____, pursuant to section 893.135, Florida Statutes, plus \$_____ as a 5% surcharge.
- Law Enforcement ☐ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes. (Offenses committed before January 1, 1994.)
- Controlled Substance Within 1,000 Feet of School ☐ It is further ordered that the _____ minimum imprisonment provision of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence in this count.
- Habitual Felony Offender ☐ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent Felony Offender ☐ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Violent Career Criminal ☐ The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(d), Florida Statutes, a minimum of _____ must be served prior to release. The requisite findings of the Court as set forth in a separate order or stated on the record in open court. (For crimes committed on or after May 24, 1997)
- Capital Offense ☐ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1) Florida Statutes. (For first degree murder committed prior to May 25, 1994, and for any other capital felony committed prior to October 1, 1995)
- Prison Release ☐ Defendant is adjudged a prison releasee reoffender in accordance with the provision of section 775.082(9), FL Statutes.
- Sexual Predator ☐ Defendant is adjudged a sexual predator in accordance with provision of section 775.21, Florida Statutes.

Other Provisions:

- Jail Credit ☒ It is further ordered that the Defendant shall be allowed a total of 1156 days as credit for time incarcerated before imposition of this sentence.
- Credit for Time Served In Resentencing After Violation of Probation or Community Control ☐ It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and un-forfeited gain time previously awarded on case/count _____ (Offenses committed before October 1, 1989)

It is further ordered that the Defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Correction shall apply original jail time credit and shall compute and apply credit for time served on case/count 1 (Offenses committed between October 1, 1989, and December 31, 1993)

The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 949.06(6), Florida Statutes.

The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1), Florida Statutes.

It is further ordered that the Defendant be allowed time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/ count. (Offenses committed on or after January 1, 1994)

Consecutive/Concurrent
As To Other Counts

- ☒ It is further ordered that the sentence imposed for this count shall run Consecutive with the sentence set forth in count 3 of this case.

- ☐ Modified
- ☐ Resentence
- ☐ Amended
- ☐ Corrected
- ☐ Mitigated
- ☐ Community Control Violator, Previously Adjudged Guilty
- ☐ Probation Violator, Previously Adjudged Guilty

Defendant: ERIESE ALPHONSO TISDALE

Case Number: 562013CF000608AXXXX

Other Provisions continued:

Consecutive/Concurrent To Other
Convictions

☐ It is further ordered that the composite term of all sentences imposed for the counts specified in the order will run ☐ Concurrent/ ☐ Consecutive with the following:

(Check one):

- ☐ any active sentence being served.
- ☐ specific sentences

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

The Defendant in open court was advised of the right to appeal from this Sentence by filing notice of appeal within 30 days from this date with the Clerk of this Court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the state upon a showing of indigency.

In imposing the above sentence, the Court further recommends / orders _____

DONE AND ORDERED in Open Court at St. Lucie County, Florida, on 04/29/2016.

☐ Nunc Pro Tunc to:

Circuit Judge DAN L VAUGHN

1. DATE OF SENTENCE 4/29/16		2. PREPARER'S NAME Hendricks		3. COUNTY St. Lucie		4. SENTENCING JUDGE Vaughn	
5. NAME (LAST, FIRST, M.I.) Tisdale, Ericse		6. DOB 6/13/87		8. RACE <input checked="" type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> OTHER		10. PRIMARY OFF. DATE 2/28	
		7. DC#		9. GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F		11. PRIMARY DOCKET #	
						12. PLEA <input type="checkbox"/> TRIAL <input checked="" type="checkbox"/>	

I. PRIMARY OFFENSE: If Qualifier, please check ☐ A ☐ S ☐ C ☐ R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification)

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
2	784	Agg/Asslt/L&O	6	36.0

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony triples Primary Offense points ☐II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
	3	3	3	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	3	2.4	
DESCRIPTION: Fleeing / Eluding							
	2	790	5	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	5	5.4	
DESCRIPTION: Fleeing / Felon							
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
DESCRIPTION:							
				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
DESCRIPTION:							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony triples Additional Offense points ☐

Supplemental page points

II. **7.8**

III. VICTIM INJURY:

	Number	Total		Number	Total
2nd Degree Murder	240 x		Slight	4 x	
Death	120 x		Sex Renetration	80 x	
Severe	40 x		Sex Contact	40 x	
Moderate	16 x				

III.

IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
3	893	3	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Pass/Cont/Subs	11	X	= 3.2
M	322	M	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	DWLS		X	= 0.8
M	893	M	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Mari-Cannabis		X	= 0.8
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			X	=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			X	=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			X	=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			X	=
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			X	=

(Level = Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV. **3.6**Page 1 Subtotal: **167.4**

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998 and subsequent revisions.

V. Legal Status violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to appear ☐ Supersedeas bond ☐ Incarceration ☐ Pretrial intervention or diversion program
☐ Court imposed or post prison release community supervision resulting in a revocation

V. _____

VI. Community Sanction violation before the court for sentencing

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion

VI. _____

- ☐ 6 points for any violation other than new felony conviction x _____ each successive violation OR
☐ New felony conviction = 12 points x _____ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR
☐ 12 points x _____ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR
☐ New felony conviction = 24 points x _____ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points

VII. _____

VIII. Prior Serious Felony - 30 Points

VIII. _____

Subtotal Sentence Points _____

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enf. Protect.

Drug Trafficker

Motor Vehicle Theft

Criminal Gang Offense

Domestic Violence in the Presence of
Related Child

(offenses committed on or after 3/12/07)

x1.5 x2.0 x2.5

x1.5

x1.5

x1.5

x1.5

Enhanced Subtotal Sentence Points _____

IX. _____

TOTAL SENTENCE POINTS 167.4 147.4

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

147.4
~~167.4~~
 total sentence points

minus 28 =

119.4

x .75 =

89.55

lowest permissible prison sentence in months

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the Code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

35

maximum sentence in years

TOTAL SENTENCE IMPOSED

☒ State Prison☐ LifeDeath

Years

Months

Days

☐ County Jail☐ Time Served☐ Community Control☐ Probation ☐ Modified

Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career criminal, ☐ prison releasee reoffender, or a ☐ mandatory minimum applies.

☐ Mitigated Departure ☐ Plea Bargain ☐ Prison Diversion Program

Other Reason _____

JUDGE'S SIGNATURE

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998, and subsequent revisions.

IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST LUCIE COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA

CASE NO 562013CF000608AXXXX

vs.

Defendant: **ERIESE ALPHONSO TISDALE**
Address: 3245 MURA DRIVE
FORT PIERCE, FL 34982
DOB: 06/13/1987

FINAL JUDGMENT FOR FINES, FEES, COSTS, AND ADDITIONAL CHARGES

On April 29, 2016 an Order Assessing Fines, Fees, Costs and Additional Charges was entered against the Defendant requiring payment of the unpaid amounts of:

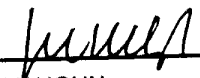
AMOUNT	ASSESSMENT
\$50.00	CT:1 - Public Defender Application
\$418.00	CT:1 - CF Court Cost
\$151.00	CT:1 - Rape Crisis Trust Fund
\$201.00	CT:1 - Domestic Violence Surcharge
\$100.00	CT:1 - Cost of Prosecution
\$50.00	CT:1 - Cost of Investigation
\$109,135.35	CT:1 - Public Defender Fees
\$110,105.35	

is **ADJUDGED** that the Clerk of the Circuit Court of St. Lucie County, Florida 201 S. Indian River Drive, 4th Floor Central Cashiering, Ft. Pierce, Florida 34950 on behalf of St. Lucie County, Florida, and the State of Florida, Office of Comptroller, Tallahassee, Florida 32399 recover from the Defendant the remaining unpaid fines, fees, costs and additional charges listed above, the amount of which will bear interest at the rate prescribed by law until satisfied.

FOR WHICH SUM LET EXECUTION ISSUE:

DONE AND ORDERED in open Court in St. Lucie County, Florida, April 29, 2016.

NUNC PRO TUNC TO _____


DAN L VAUGHN
CIRCUIT JUDGE

***Accepted forms of Payment are Credit Card, Money Order or Cashier Check Only.

**Upon payment of fees in full, a satisfaction of lien can be requested through the clerk's office at an additional cost.

Automated credit card payments can be made by phone or via the internet.

Pay by phone: 1-855-894-2407

Pay online: Visit www.stlucieclerk.com.

**IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST LUCIE COUNTY, FLORIDA
CRIMINAL DIVISION**

You must pay in full or set up a payment agreement within (30) thirty days of the date of this notice unless directed to pay through Probation. If incarcerated, within thirty days of date of release. Please visit Clerk of the Circuit Court, Collection Department, 201 S. Indian River Drive, 4th Floor, Fort Pierce, FL to make payment or set up a payment plan.

cc

County Attorney

State Attorney

Defense Attorney

Defendant

THOMAS RICHARD BAKKEDAHL

MARY CELIDONIO 216 S 2ND ST, FORT PIERCE, FL 34950

Send to Jail

**STATE OF FLORIDA
UNIFORM COMMITMENT TO CUSTODY
OF DEPARTMENT OF CORRECTIONS**

The Circuit Court of NINETEENTH JUDICIAL CIRCUIT IN AND FOR ST. LUCIE COUNTY
in the FALL Term, 2015 in the case of 562013CF000608AXXXX

STATE OF FLORIDA
- VS -
ERIESE ALPHONSO TISDALE
Defendant

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

The above named defendant having been duly charged with the offense specified herein in the above
styled Court, and he having been duly convicted and adjudged guilty of and sentenced for said offense
by said Court, as appears from the attached certified copies of Indictment/Information, Judgment and
Sentence, and Felony Disposition and Sentence Data form which are hereby made parts hereof;

Now therefore, this is to command you, the said Sheriff, to take and keep and, within a reasonable
time after receiving this commitment, safely deliver the said defendant; together with any pertinent
Investigation Report prepared in this case, into the custody of the Department of Corrections of the
State of Florida; and this is to command you the said Department of Corrections, by and through your
Secretary, Regional Directors, Superintendents and other officials to keep and safely imprison the said
defendant for the term of said sentence in the institution in the state correctional system to which you,
the said Department of Corrections, may cause the said defendant to be conveyed or thereafter
transferred. And these presents shall be your authority for the same. Herein fail not.

WITNESS the Honorable /s/ DAN L VAUGHN

Judge of said Court, as also /s/ JOSEPH E. SMITH

Clerk, and the Seal thereof, this

29th day of April, 2016
/s/ JOSEPH E. SMITH, CLERK

Lesley Norman
STATE OF FLORIDA
ST. LUCIE COUNTY
LESLEY NORMAN, Deputy Clerk

THIS IS TO CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF THE
ORIGINAL.

JOSEPH E. SMITH, CLERK

By: [Signature]

Deputy Clerk

Date: 4-29-16

