


PROBATION VIOLATOR
COMMUNITY CONTROL VIOLATOR
RETRIAL
RESENTENCE
AMENDED


INSTR # 2230624
OR BK 02473 PG 2609
Pgs 2609 - 2618; (10pgs)
RECORDED 08/31/2010 03:02:37 PM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
RECORDED BY L Bettineschi

STATE OF FLORIDA

-VS-

DAMIAN T LOUISSAINT

IN THE CIRCUIT COURT,
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA
FELONY DIVISION

CASE NUMBER: 432009CF393A

JUDGMENT

The Defendant, **DAMIAN T LOUISSAINT**, being personally before this Court represented by **James Volpi** the attorney of record and the state represented by **Adam Guzi** and having:

- Been tried and found guilty by jury/~~by court~~ of the following crime(s)
- _____ Entered a plea of guilty to the following crime(s)
- _____ Entered a plea of nolo contendere to the following crime(s)
- _____ Admits VOP / VOCC

<u>CT</u>	<u>CRIME</u>	<u>OFFENSE STATUTE NUMBERS</u>	<u>LEVEL/DEGREE OF CRIME</u>
1	ROBBERY WITH A DEADLY WEAPON	812.13 2 a	F/1
2	ROBBERY WITH A DEADLY WEAPON	812.13 2 a	F/1

Prior adjudication on _____

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

and being a qualified offender pursuant to s. 943.325, the 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.

DONE AND ORDERED in open court in Martin County, Florida this 20th day of August, 2010

FILED FOR RECORD
MARTIN CO., FL

2010 AUG 27 AM 10: 02

MARSHA EWING
CLERK OF CIRCUIT COURT

BY  D.C.



Circuit Judge SHERWOOD BAUER JR

FEES/COSTS

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

- \$ 50.00 for the Crimes Compensation Fund F.S. 938.03
- \$ 3.00 for the Additional Court Cost Clearing Trust Fund F.S. 938.01(1)
- \$ 2.00 for the County or Municipal Criminal Justice Education Fund F.S. 938.15(1)
- \$ 225.00 for the Local Government Criminal Justice Trust Fund. (Felony cases) F.S. 938.05(1)
- \$ 60.00 for the Local Government Criminal Justice Trust Fund (Misdemeanor cases) F.S. 938.05(1)
- \$ _____ Fine plus a 5% surcharge of _____ F.S. 775.083 and 938.04.
- \$ 20.00 for the Crime Stoppers Trust Fund. F.S. 938.06 *ct 1*
- \$ 750.00 Public Defender Fees to the State F.S. 938.29
- \$ 50.00 Public Defender Application Fee F.S. 27.52 and 938.29. [\$50.00]
- \$ _____ for the Alcohol and Drug Abuse Trust Fund (For violations 856.011, 856.015, Chapters 562.567, 568 and 893) F.S. 938.21 / 938.23.
- \$ 100.00 Cost of Prosecution F.S. 938.27(1)
- \$ 50.00 Cost of Investigation F.S. 938.27(1)
- \$ 100.00 for the FDLE Statewide Criminal Analysis Lab. (F.S. Chapter 893.13 offenses only) F.S. 938.25
- \$ 135.00 Additional mandatory Court costs in DUI cases. F.S. 938.07
- \$ 15.00 (In misdemeanor cases only where unlawful use of alcohol or drugs is involved.) F.S. 938.13
- \$ 500.00 for Prostitution violation F.S. 796.07(6)
- \$ 151.00 for any offense against a minor F.S. 938.10(1)
- \$151.00 for Rape Crisis Trust Fund. F.S. 938.085
- \$ 201.00 for Domestic Violence Trust Fund. F.S. 938.08 and 741.01
- \$ 20.00 for Crime Prevention Trust Fund. (Misdemeanor) F.S. 775.083(2)
- \$ 50.00 for Crime Prevention Trust Fund (Felony) F.S. 775.083(2) *ct 1*
- \$ 30.00 for Court Facility Fund. M.C. Ordinance 642. F.S. 318.18(13)(2)
- \$ 65.00 for Additional Court Costs. M.C. Ordinance 642. F.S. 939.185(1)(a) *each*
- \$ 3.00 for State Radio System F.S. 318.18 (17) (For Chapter 316 Criminal Violations)
- \$65.00 for Administrative TF for Dept of Health (For 316.192 & 316.191 violations)
- \$ _____ Cost of Extradition.
- \$ _____ Other costs.

DONE AND ORDERED in open court in Martin County, Florida this 20th day of August, 2010

Circuit Judge SHERWOOD BAUER JR

DEFENDANT: DAMIAN T LOUISSAINT
CASE NUMBER: 432009CF393A
OBTS NUMBER: 4302036329

SENTENCE

(As to Count 1 & 2)

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

(CHECK ONE IF APPLICABLE)

- and the Court having on _____ deferred 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 probation/community control and having subsequently revoked the defendant's Probation/Community Control.

It Is The Sentence of The Court that:

- The defendant pay a fine of \$ _____ pursuant to section 775.083, Florida Statute, plus \$ _____ as the 5% surcharge required by section 960.25 Florida Statutes.
- The defendant is hereby committed to the custody of the Department of Corrections.
- The defendant is hereby committed to the custody of the Sheriff of _____ County, Florida.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (CHECK ONE; UNMARKED SECTIONS ARE INAPPLICABLE.):

- For a term of natural life.
- For a term of _____.
- Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "Split" Sentence, complete the appropriate paragraph:

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

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

DEFENDANT DAMIAN T LOUISSAINT

CASE NUMBER 432009CF393A

OTHER PROVISIONS:

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

Jail Credit It is further ordered that the defendant shall be allowed a total of 520 / 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 Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count _____ (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).

_____ 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).

_____ It is further ordered that the defendant shall 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 only pursuant to section 921.0017, Florida Statutes, on case/ count _____ (Offenses committed on or after January 1, 1994)

Consecutive/ Concurrent It is further ordered that the sentence imposed for this count 2 shall run (CHECK ONE)

As to Other Counts Consecutive to _____ Concurrent with the sentence
Set for in count 1 of this case.

_____ All Counts concurrent with each other.

Consecutive/Concurrent As to Other Convictions _____ It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (CHECK ONE)

_____ Consecutive to _____ Concurrent with the sentence
(CHECK ONE)

_____ any active sentence being served.

_____ specific sentences: _____

DEFENDANT DAMIAN T LOUISSAINT

CASE NUMBER 432009CF393A

SPECIAL PROVISIONS

(As to Count 1 & 2)

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

Mandatory/Minimum Provisions:

Firearm/Weapon

It is further ordered that the 10 - year minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this court.

Drug Trafficking

It is further ordered that the _____ year mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this court.

Controlled Substance Within 1,000 Feet of School/Park/Community Center

It is further ordered that the 3 - year minimum imprisonment provisions of section 893.13, Florida Statutes, is hereby imposed for the sentence specified in this court.

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 the extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act

It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense

It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle Shotgun, Machine Gun

It is further ordered that the 5 - year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this court.

Continuing Criminal Enterprise

It is further ordered that the 25 - year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this court.

Taking a Law Enforcement Officer's Firearm

It is further ordered that the 3 - year mandatory minimum imprisonment provision of section 775.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this court.

DEFENDANT DAMIAN T LOUISSAINT

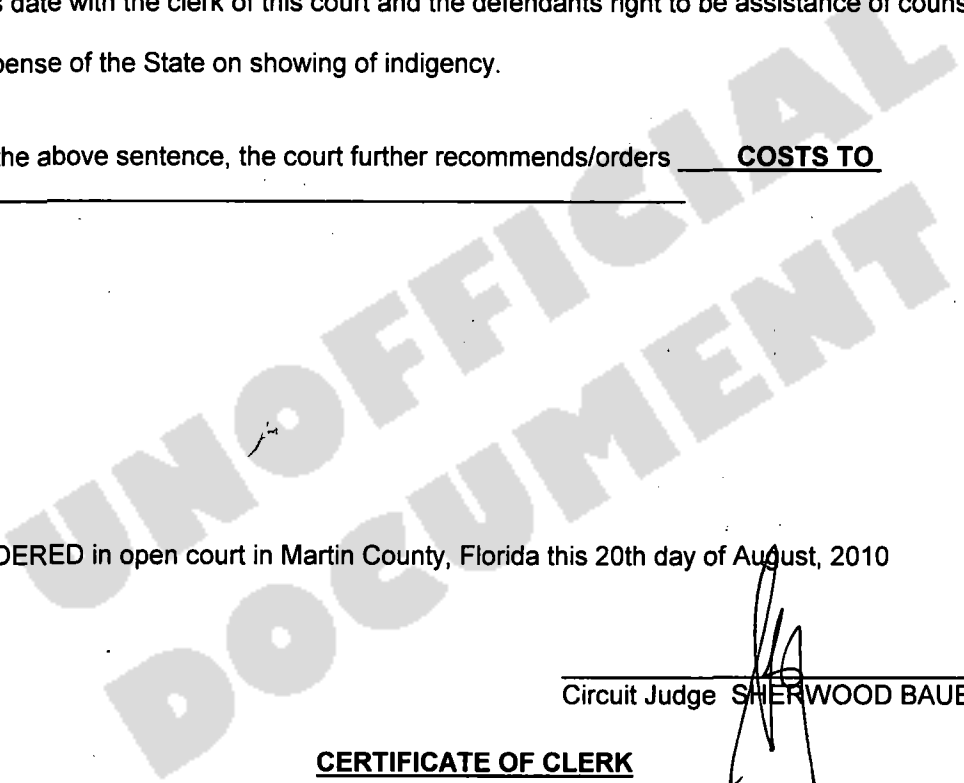
CASE NUMBER 432009CF393A

OTHER PROVISIONS (Continued):

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

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

In imposing the above sentence, the court further recommends/orders COSTS TO
LIEN



DONE AND ORDERED in open court in Martin County, Florida this 20th day of August, 2010

Circuit Judge SHERWOOD BAUER JR

CERTIFICATE OF CLERK

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by US Mail and/or Courthouse box to the Defense Counsel this 27 day of Aug, 2010.

Marsha Ewing, Clerk

BY: _____
Deputy Clerk

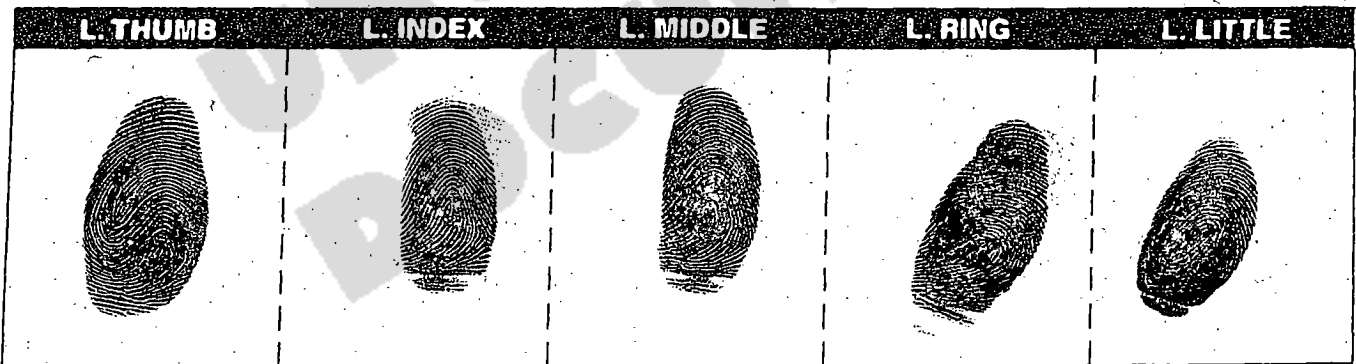
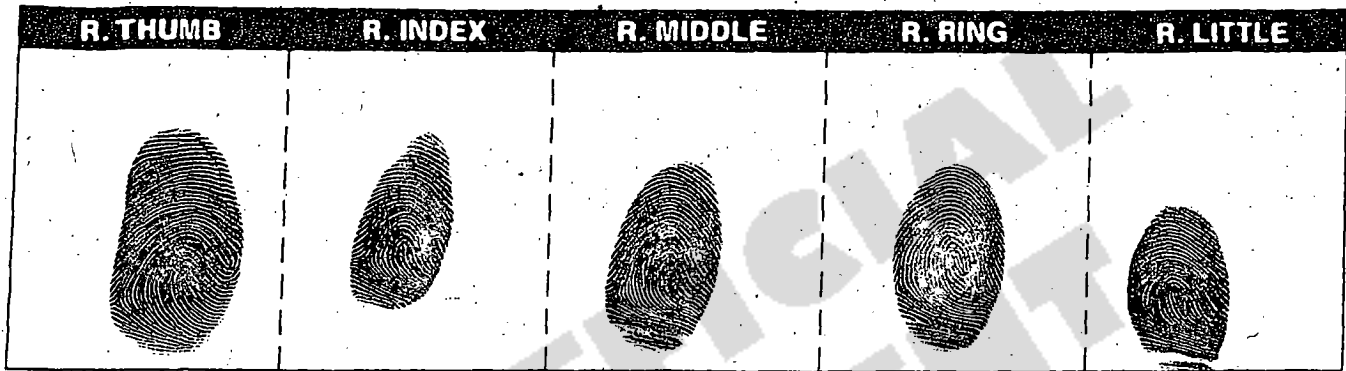
STATE OF FLORIDA

-VS-

DAMIAN LOUSSAINT
DEFENDANT

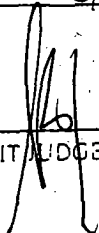
CASE NUMBER 09-393 CFA

FINGERPRINTS OF DEFENDANT



FINGERPRINTS TAKEN BY: D/S J Jells 917 NAME BAKER/MC90 TITLE

I Hereby Certify that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant Damian Loussaint
and that they were placed thereon by the defendant in my presence in open court this 20 day of Aug 2010


CIRCUIT JUDGE

RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCORESHEET

1. DATE OF SENTENCE 8/20/10	2. PREPARER'S NAME <input type="checkbox"/> DC <input checked="" type="checkbox"/> SAO Guzi	3. COUNTY Martin	4. SENTENCING JUDGE Bauer
5. NAME (LAST, FIRST, MI.I.) Louissaint, Dawian	6. DOB 1/15/88	8. RACE <input checked="" type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE 3/18/10
	7. DC #	9. GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET # 09-393-CFA
			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
F1/PBL	812.13	Robbery w/ Firearm	9	92

(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			COUNTS	POINTS
				A	S	C		
4	F1/PBL	812.13	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	46
Description: Robbery w/ Firearm								
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Description: 								
				<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 **46**

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 MARSHA EYING
 CLERK OF CIRCUIT COURT
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 MARTIN CO., FL

III. **VICTIM INJURY:**

	Number	Total		Number	Total
2 nd Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

III.

IV. **PRIOR RECORD:** Supplemental page attached

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
M	322	M	<input type="checkbox"/>	NUD	1	.2	.2
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				

(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

DISTRIBUTION:
 White / Original / Clerk
 Green / DC Data
 Canary / State Attorney

Pink / Defense Attorney
 Goldenrod / DC Offender File

Page 1 Subtotal:

IV. **.2**
138.2

800/10

- V. Legal Status violation = 4 Points
- VI. Community Sanction violation before the court for sentencing
6 points x each successive violation OR
New felony conviction = 12 points x each successive violation
- VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points
- VIII. Prior Serious Felony = 30 Points

09-393CFA

- V. _____
- VI. _____
- VII. _____
- VIII. _____

Subtotal Sentence Points _____

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

Law Enforcement Protection ____ x 1.5 ____ x 2.0 ____ x 2.5	Drug Trafficking ____ x 1.5	Grand Theft Motor Vehicle ____ x 1.5	Street Gang ____ x 1.5	Domestic Violence (offenses committed on or after 10-1-97) ____ x 1.5
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Enhanced Subtotal Sentence Points IX. _____
TOTAL SENTENCE POINTS 138.2

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction.

If total sentence points are greater than 44:

$$\frac{138.2}{\text{total sentence points}} \text{ minus } 28 = 110.2 \times .75 = 82.65 \text{ mos}$$
 lowest permissible prison sentence in months

20 yrs. due to statute 775.087

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.
Life
 maximum sentence in years

TOTAL SENTENCE IMPOSED

<input type="checkbox"/> State Prison	<input checked="" type="checkbox"/> Life	Years	Months	Days
<input type="checkbox"/> County Jail	<input type="checkbox"/> Time Served	_____	_____	_____
<input type="checkbox"/> Community Control		_____	_____	_____
<input type="checkbox"/> Probation		_____	_____	_____

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

Other Reason _____

JUDGE'S SIGNATURE _____

9/27/10

THE STATE OF FLORIDA

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

The Circuit Court of the Nineteenth Judicial Circuit of Florida, in and for Martin County.

Spring Term, 2010 in the Case Number: 432009CF393A

STATE OF FLORIDA

vs.

DAMIAN T LOUISSAINT

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

The above named Defendant having been duly charged with the offense specified herein in the above styled court, and the Defendant 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 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 to a Reception Center designated by the Department of Corrections; and this is to command you, the said Department of Corrections, 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 SHERWOOD BAUER JR
Judge of said Court, and also, the Clerk and the Seal thereof, this
20th day of August, 2010

MARSHA EWING, CLERK

By: _____
Deputy Clerk

