

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 48-2006-CF-15201-O

Plaintiff,

v.

JOHN W. DOBBS,

Defendant.

FILED IN USDC COURT
THIS 1 DAY OF March 2007
BY [Signature] Clerk
D.C.

JURY INSTRUCTIONS

INTRODUCTION TO FINAL INSTRUCTIONS

Members of the jury, I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you.

STATEMENT OF CHARGE

JOHN DOBBS, the defendant in this case, has been accused of the crimes of Second Degree Murder with a Weapon, two counts of Aggravated Battery with a Deadly Weapon or Causing Great Bodily Harm, Aggravated Assault with a Firearm, and Shooting from a Vehicle.

INTRODUCTION TO HOMICIDE

In this case JOHN DOBBS is accused of Second Degree Murder.

Second Degree Murder includes the lesser crime of Manslaughter, both of which are unlawful.

A killing that is excusable or was committed by the use of justifiable deadly force is lawful.

If you find WILLIAM TROY was killed by JOHN DOBBS, you will then consider the circumstances surrounding the killing in deciding if the killing was Second Degree Murder or was Manslaughter, or whether the killing was excusable or resulted from justifiable use of deadly force.

JUSTIFIABLE HOMICIDE

The killing of a human being is justifiable homicide and lawful if necessarily done while resisting an attempt to murder or commit a felony upon the defendant, or to commit a felony in any dwelling house in which the defendant was at the time of the killing.

EXCUSABLE HOMICIDE

The killing of a human being is excusable, and therefore lawful, under any one of the following two circumstances:

1. When the killing is committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution and without any unlawful intent, or
2. When the killing occurs by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation.

I now instruct you on the circumstances that must be proved before JOHN DOBBS may be found guilty of Second Degree Murder or any lesser included crime.

MURDER - SECOND DEGREE

§ 782.04(2), Fla. Stat.

(Count One)

To prove the crime of Second Degree Murder, the State must prove the following three elements beyond a reasonable doubt:

1. WILLIAM TROY is dead.
2. The death was caused by the criminal act of JOHN DOBBS.
3. There was an unlawful killing of WILLIAM TROY by an act imminently dangerous to another and demonstrating a depraved mind without regard for human life.

An "act" includes a series of related actions arising from and performed pursuant to a single design or purpose.

An act is "imminently dangerous to another and demonstrating a depraved mind" if it is an act or series of acts that:

1. a person of ordinary judgment would know is reasonably certain to kill or do serious bodily injury to another, and
2. is done from ill will, hatred, spite or an evil intent, and

3. is of such a nature that the act itself indicates an indifference to human life.

In order to convict of Second Degree Murder, it is not necessary for the State to prove the defendant had an intent to cause death.

MANSLAUGHTER
§ 782.07, Fla. Stat.
(lesser included offense of count one)

To prove the crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. WILLIAM TROY is dead.
2. JOHN DOBBS intentionally caused the death of WILLIAM TROY.

OR

The death of WILLIAM TROY was caused by the culpable negligence of JOHN DOBBS.

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

In order to convict of manslaughter by intentional act, it is not necessary for the State to prove that the defendant had a premeditated intent to cause death.

AGGRAVATED BATTERY
§ 784.045, Fla. Stat.
(Count Two)

To prove the crime of Aggravated Battery, the State must prove the following two elements beyond a reasonable doubt. The first element is a definition of battery.

1. JOHN DOBBS intentionally touched or struck FRANCISCO GOTAY against his will or intentionally caused bodily harm to FRANCISCO GOTAY.
2. JOHN DOBBS in committing the battery
 - a. intentionally or knowingly caused great bodily harm, permanent disability or permanent disfigurement to FRANCISCO GOTAY.

OR

- b. used a deadly weapon.

A weapon is a "deadly weapon" if it is used or threatened to be used in a way likely to produce death or great bodily harm.

AGGRAVATED BATTERY
§ 784.045, Fla. Stat.
(Count Three)

To prove the crime of Aggravated Battery, the State must prove the following two elements beyond a reasonable doubt. The first element is a definition of battery.

1. JOHN DOBBS intentionally touched or struck ANDRE BLANCO against his will or intentionally caused bodily harm to ANDRE BLANCO.
2. JOHN DOBBS in committing the battery
 - a. intentionally or knowingly caused great bodily harm, permanent disability or permanent disfigurement to ANDRE BLANCO.

OR

- b. used a deadly weapon.

A weapon is a "deadly weapon" if it is used or threatened to be used in a way likely to produce death or great bodily harm.

AGGRAVATED ASSAULT
§ 784.021, Fla. Stat.
(Count Four)

To prove the crime of Aggravated Assault, the State must prove the following four elements beyond a reasonable doubt. The first three elements define assault.

1. JOHN DOBBS intentionally and unlawfully threatened, either by word or act, to do violence to HANZEL HOLIDAY.
2. At the time, the defendant appeared to have the ability to carry out the threat.
3. The act of the defendant created in the mind of the victim a well-founded fear that the violence was about to take place.
4. The assault was made with a firearm.

A "firearm" is legally defined as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive or the frame or receiver of any such weapon.

It is not necessary for the State to prove that the defendant had an intent to kill.

SHOOTING FROM A VEHICLE
§ 790.15, Fla. Stat.
(Count Five)

To prove the crime of Shooting from a Vehicle, the State must prove the following two elements beyond a reasonable doubt:

1. JOHN DOBBS was the occupant of a vehicle.
2. JOHN DOBBS knowingly and willfully discharged a firearm from the vehicle within 1,000 feet of any person.

"Knowingly" means with full knowledge and intentionally.

"Willfully" means intentionally and purposely.

A "firearm" is legally defined as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive or the frame or receiver of any such weapon.

It is a defense to this charge that the defendant was lawfully defending life or property, or performing official duties requiring the discharge of a firearm.

SELF DEFENSE (as to Count One)

The law of self defense is set forth in two different instructions – Justifiable Use of Deadly Force and Justifiable Use of Non-Deadly Force depending upon the force used. If you find that force was used, you must determine whether that force was likely or not likely to cause death or great bodily harm. If you find that any force used was likely to cause death or great bodily harm, then you shall use the instruction titled Justifiable Use of Deadly Force. If you find that any force used was not likely to cause death or great bodily harm, then you shall use the instruction titled Justifiable Use of Non-Deadly Force.

JUSTIFIABLE USE OF DEADLY FORCE

An issue in this case is whether the defendant acted in self-defense. It is a defense to the offense with which JOHN DOBBS is charged if the death of WILLIAM TROY resulted from the justifiable use of deadly force.

“Deadly force” means force likely to cause death or great bodily harm.

The use of deadly force is justifiable only if the defendant reasonably believes that the force is necessary to prevent imminent death or great bodily harm to the defendant while resisting:

1. another's attempt to murder the defendant, or
2. any attempt to commit felony battery upon the defendant.

“Felony battery” is the actual touching or striking of someone against their will and causing great bodily harm.

Persons are justified in using deadly force if they reasonably believe that such force is necessary to prevent:

1. imminent death or great bodily harm to themselves or another, or
2. the imminent commission of felony battery against themselves or another.

However, the use of deadly force is not justifiable if you find the defendant initially provoked the use of force against himself, unless:

- (a) The force asserted toward the defendant was so great that the defendant reasonably believed that the defendant was in imminent danger of death or great bodily harm and had exhausted every reasonable means to escape the danger, other than using deadly force on WILLIAM TROY.

had not yet

37 (Wes)

- (b) In good faith, the defendant withdrew from physical contact with WILLIAM TROY and indicated clearly to WILLIAM TROY that the defendant wanted to withdraw and stop the use of deadly force, but WILLIAM TROY continued or resumed the use of force.

In deciding whether the defendant was justified in the use of deadly force, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

If the defendant was not engaged in an unlawful activity and was attacked in any place where the defendant had a right to be, the defendant had no duty to retreat and had the right to stand his or her ground and meet force with force, including deadly force, if the defendant reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of the defendant and WILLIAM TROY.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether the defendant was justified in the use of deadly force, you should find the defendant not guilty.

However, if from the evidence you are convinced that the defendant was not justified in the use of deadly force, you should find the defendant guilty if all the elements of the charge have been proved.

JUSTIFIABLE USE OF NON-DEADLY FORCE

An issue in this case is whether the defendant acted in self-defense. It is a defense to the offense with which JOHN DOBBS is charged if the death of WILLIAM TROY resulted from the justifiable use of non-deadly force.

"Non-deadly" force means force not likely to cause death or great bodily harm.

JOHN DOBBS would be justified in using non-deadly force against WILLIAM TROY if the following two facts are proved:

1. The defendant must have reasonably believed that such conduct was necessary to defend himself, herself or another against WILLIAM TROY'S imminent use of unlawful force against the defendant or another person.
2. The use of unlawful force by WILLIAM TROY must have appeared to the defendant to be ready to take place.

If the defendant was not engaged in an unlawful activity and was attacked in any place where the defendant had a right to be, the defendant had no duty to retreat and had the right to stand his or her ground and meet force with force, including deadly force, if the defendant reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

A person does not have a duty to retreat if the person is in a place where the person has a right to be.

The use of non-deadly force is not justifiable if you find the defendant initially provoked the use of force against himself, unless:

- (a) The force asserted toward the defendant was so great that the defendant reasonably believed that he was in imminent danger of death or great bodily harm and had exhausted every reasonable means to escape the danger, other than using non-deadly force on WILLIAM TROY.
- (b) In good faith, the defendant withdrew from physical contact with WILLIAM TROY and indicated clearly to WILLIAM TROY that the defendant wanted to withdraw and stop the use of non-deadly force, but WILLIAM TROY continued or resumed the use of force.

In deciding whether the defendant was justified in the use of non-deadly force, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of non-deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of the defendant and the victim.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether the defendant was justified in the use of non-deadly force, you should find the defendant not guilty.

However, if from the evidence you are convinced that the defendant was not justified in the use of non-deadly force, then you should find the defendant guilty if all the elements of the charge have been proved.

NECESSITY
(as to Count One)

An issue in this case is whether JOHN DOBBS acted out of necessity in committing the crime of Second Degree Murder or Manslaughter.

It is a defense to Second Degree Murder and Manslaughter if the defendant acted out of necessity. In order to find the defendant committed Second Degree Murder or Manslaughter out of necessity, you must find the following six elements:

1. The defendant reasonably believed a danger existed which was not intentionally caused by the defendant.
2. The danger threatened significant harm to the defendant or a third person.
3. The threatened harm must have been real, imminent and impending.
- cont 1/21* - 4. The defendant had no reasonable means to avoid the danger except by committing Second Degree Murder or Manslaughter.
5. The Second Degree Murder or Manslaughter must have been committed out of necessity to avoid the danger.
- cont 1/21* - 6. The harm that the defendant avoided must outweigh the harm caused by committing Second Degree Murder or Manslaughter.

"Imminent and impending" means the danger is about to take place and cannot be avoided by using other means. A threat of future harm is not sufficient to prove this defense. Nor can the defendant use the defense of necessity if the defendant committed the crime after the danger from the threatened harm had passed.

The reasonableness of the defendant's belief that a danger existed should be examined in the light of all the evidence.

In deciding whether it was necessary for the defendant to commit Second Degree Murder or Manslaughter, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the crime was committed.

The danger facing the defendant need not have been actual; however to justify the commission of Second Degree Murder or Manslaughter, the appearance of the danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only by committing Second Degree Murder or Manslaughter. Based upon appearances, the defendant must have actually believed that the danger was real.

If you find from the evidence that the defendant committed Second Degree Murder or Manslaughter out of necessity you should find the defendant not guilty.

However, if you find that the defendant did not commit the Second Degree Murder or Manslaughter out of necessity you should find the defendant guilty if all the elements of the charge have been proved.

SELF DEFENSE (as to Count Two)

The law of self defense is set forth in two different instructions – Justifiable Use of Deadly Force and Justifiable Use of Non-Deadly Force depending upon the force used. If you find that force was used, you must determine whether that force was likely or not likely to cause death or great bodily harm. If you find that any force used was likely to cause death or great bodily harm, then you shall use the instruction titled Justifiable Use of Deadly Force. If you find that any force used was not likely to cause death or great bodily harm, then you shall use the instruction titled Justifiable Use of Non-Deadly Force.

JUSTIFIABLE USE OF DEADLY FORCE

An issue in this case is whether the defendant acted in self-defense. It is a defense to the offense with which JOHN DOBBS is charged if the injury to FRANCISCO GOTAY resulted from the justifiable use of deadly force.

“Deadly force” means force likely to cause death or great bodily harm.

The use of deadly force is justifiable only if the defendant reasonably believes that the force is necessary to prevent imminent death or great bodily harm to the defendant while resisting:

1. another's attempt to murder the defendant, or
2. any attempt to commit felony battery upon the defendant.

“Felony battery” is the actual touching or striking of someone against their will and causing great bodily harm.

Persons are justified in using deadly force if they reasonably believe that such force is necessary to prevent:

1. imminent death or great bodily harm to themselves or another, or
2. the imminent commission of felony battery against themselves or another.

However, the use of deadly force is not justifiable if you find the defendant initially provoked the use of force against himself, unless:

- (a) The force asserted toward the defendant was so great that the defendant reasonably believed that the defendant was in imminent danger of death or great bodily harm and had exhausted every

reasonable means to escape the danger, other than using deadly force on FRANCISCO GOTAY.

- (b) In good faith, the defendant withdrew from physical contact with FRANCISCO GOTAY and indicated clearly to FRANCISCO GOTAY that the defendant wanted to withdraw and stop the use of deadly force, but FRANCISCO GOTAY continued or resumed the use of force.

In deciding whether the defendant was justified in the use of deadly force, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

If the defendant was not engaged in an unlawful activity and was attacked in any place where the defendant had a right to be, the defendant had no duty to retreat and had the right to stand his or her ground and meet force with force, including deadly force, if the defendant reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of the defendant and FRANCISCO GOTAY.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether the defendant was justified in the use of deadly force, you should find the defendant not guilty.

However, if from the evidence you are convinced that the defendant was not justified in the use of deadly force, you should find the defendant guilty if all the elements of the charge have been proved.

JUSTIFIABLE USE OF NON-DEADLY FORCE

An issue in this case is whether the defendant acted in self-defense. It is a defense to the offense with which JOHN DOBBS is charged if the injury to FRANCISCO GOTAY resulted from the justifiable use of non-deadly force.

"Non-deadly" force means force not likely to cause death or great bodily harm.

JOHN DOBBS would be justified in using non-deadly force against FRANCISCO GOTAY if the following two facts are proved:

1. The defendant must have reasonably believed that such conduct was necessary to defend himself, herself or another against FRANCISCO GOTAY'S imminent use of unlawful force against the defendant or another person.

2. The use of unlawful force by FRANCISCO GOTAY must have appeared to the defendant to be ready to take place.

If the defendant was not engaged in an unlawful activity and was attacked in any place where the defendant had a right to be, the defendant had no duty to retreat and had the right to stand his or her ground and meet force with force, including deadly force, if the defendant reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

A person does not have a duty to retreat if the person is in a place where the person has a right to be.

The use of non-deadly force is not justifiable if you find the defendant initially provoked the use of force against himself, unless:

- (a) The force asserted toward the defendant was so great that the defendant reasonably believed that he was in imminent danger of death or great bodily harm and had exhausted every reasonable means to escape the danger, other than using non-deadly force on FRANCISCO GOTAY.
- (b) In good faith, the defendant withdrew from physical contact with FRANCISCO GOTAY and indicated clearly to FRANCISCO GOTAY that the defendant wanted to withdraw and stop the use of non-deadly force, but FRANCISCO GOTAY continued or resumed the use of force.

In deciding whether the defendant was justified in the use of non-deadly force, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of non-deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of the defendant and the victim.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether the defendant was justified in the use of non-deadly force, you should find the defendant not guilty.

However, if from the evidence you are convinced that the defendant was not justified in the use of non-deadly force, then you should find the defendant guilty if all the elements of the charge have been proved.

NECESSITY
(as to Count Two)

An issue in this case is whether JOHN DOBBS acted out of necessity in committing the crime of Aggravated Battery.

It is a defense to Aggravated Battery if the defendant acted out of necessity. In order to find the defendant committed the Aggravated Battery out of necessity, you must find the following six elements:

1. The defendant reasonably believed a danger existed which was not intentionally caused by the defendant.
2. The danger threatened significant harm to the defendant or a third person.
3. The threatened harm must have been real, imminent and impending.
4. The defendant had no reasonable means to avoid the danger except by committing Aggravated Battery.
5. The Aggravated Battery must have been committed out of necessity to avoid the danger.
6. The harm that the defendant avoided must outweigh the harm caused by committing the Aggravated Battery.

"Imminent and impending" means the danger is about to take place and cannot be avoided by using other means. A threat of future harm is not sufficient to prove this defense. Nor can the defendant use the defense of necessity if the defendant committed the crime after the danger from the threatened harm had passed.

The reasonableness of the defendant's belief that a danger existed should be examined in the light of all the evidence.

In deciding whether it was necessary for the defendant to commit Aggravated Battery, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the crime was committed.

The danger facing the defendant need not have been actual; however to justify the commission of Aggravated Battery, the appearance of the danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only by committing Aggravated Battery. Based upon appearances, the defendant must have actually believed that the danger was real.

If you find from the evidence that the defendant committed the Aggravated Battery out of necessity you should find the defendant not guilty.

However, if you find that the defendant did not commit Aggravated Battery out of necessity you should find the defendant guilty if all the elements of the charge have been proved.

SELF DEFENSE (as to Count Three)

The law of self defense is set forth in two different instructions – Justifiable Use of Deadly Force and Justifiable Use of Non-Deadly Force depending upon the force used. If you find that force was used, you must determine whether that force was likely or not likely to cause death or great bodily harm. If you find that any force used was likely to cause death or great bodily harm, then you shall use the instruction titled Justifiable Use of Deadly Force. If you find that any force used was not likely to cause death or great bodily harm, then you shall use the instruction titled Justifiable Use of Non-Deadly Force.

JUSTIFIABLE USE OF DEADLY FORCE

An issue in this case is whether the defendant acted in self-defense. It is a defense to the offense with which JOHN DOBBS is charged if the injury to ANDRE BLANCO resulted from the justifiable use of deadly force.

“Deadly force” means force likely to cause death or great bodily harm.

The use of deadly force is justifiable only if the defendant reasonably believes that the force is necessary to prevent imminent death or great bodily harm to the defendant while resisting:

1. another's attempt to murder the defendant, or
2. any attempt to commit felony battery upon the defendant.

“Felony battery” is the actual touching or striking of someone against their will and causing great bodily harm.

Persons are justified in using deadly force if they reasonably believe that such force is necessary to prevent:

1. imminent death or great bodily harm to themselves or another, or
2. the imminent commission of felony battery against themselves or another.

However, the use of deadly force is not justifiable if you find the defendant initially provoked the use of force against himself, unless:

- (a) The force asserted toward the defendant was so great that the defendant reasonably believed that the defendant was in imminent danger of death or great bodily harm and had exhausted every

reasonable means to escape the danger, other than using deadly force on ANDRE BLANCO.

- (b) In good faith, the defendant withdrew from physical contact with ANDRE BLANCO and indicated clearly to ANDRE BLANCO that the defendant wanted to withdraw and stop the use of deadly force, but ANDRE BLANCO continued or resumed the use of force.

In deciding whether the defendant was justified in the use of deadly force, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

If the defendant was not engaged in an unlawful activity and was attacked in any place where the defendant had a right to be, the defendant had no duty to retreat and had the right to stand his or her ground and meet force with force, including deadly force, if the defendant reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of the defendant and ANDRE BLANCO.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether the defendant was justified in the use of deadly force, you should find the defendant not guilty.

However, if from the evidence you are convinced that the defendant was not justified in the use of deadly force, you should find the defendant guilty if all the elements of the charge have been proved.

JUSTIFIABLE USE OF NON-DEADLY FORCE

An issue in this case is whether the defendant acted in self-defense. It is a defense to the offense with which JOHN DOBBS is charged if the injury to ANDRE BLANCO resulted from the justifiable use of non-deadly force.

"Non-deadly" force means force not likely to cause death or great bodily harm.

JOHN DOBBS would be justified in using non-deadly force against ANDRE BLANCO if the following two facts are proved:

1. The defendant must have reasonably believed that such conduct was necessary to defend himself, herself or another against ANDRE BLANCO'S imminent use of unlawful force against the defendant or another person.

2. The use of unlawful force by ANDRE BLANCO must have appeared to the defendant to be ready to take place.

If the defendant was not engaged in an unlawful activity and was attacked in any place where the defendant had a right to be, the defendant had no duty to retreat and had the right to stand his or her ground and meet force with force, including deadly force, if the defendant reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

A person does not have a duty to retreat if the person is in a place where the person has a right to be.

The use of non-deadly force is not justifiable if you find the defendant initially provoked the use of force against himself, unless:

- (a) The force asserted toward the defendant was so great that the defendant reasonably believed that he was in imminent danger of death or great bodily harm and had exhausted every reasonable means to escape the danger, other than using non-deadly force on ANDRE BLANCO.
- (b) In good faith, the defendant withdrew from physical contact with ANDRE BLANCO and indicated clearly to ANDRE BLANCO that the defendant wanted to withdraw and stop the use of non-deadly force, but ANDRE BLANCO continued or resumed the use of force.

In deciding whether the defendant was justified in the use of non-deadly force, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of non-deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of the defendant and the victim.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether the defendant was justified in the use of non-deadly force, you should find the defendant not guilty.

However, if from the evidence you are convinced that the defendant was not justified in the use of non-deadly force, then you should find the defendant guilty if all the elements of the charge have been proved.

NECESSITY
(as to Count Three)

An issue in this case is whether JOHN DOBBS acted out of necessity in committing the crime of Aggravated Battery.

It is a defense to the Aggravated Battery if the defendant acted out of necessity. In order to find the defendant committed the Aggravated Battery out of necessity, you must find the following six elements:

1. The defendant reasonably believed a danger existed which was not intentionally caused by the defendant.
2. The danger threatened significant harm to the defendant or a third person.
3. The threatened harm must have been real, imminent and impending.
4. The defendant had no reasonable means to avoid the danger except by committing Aggravated Battery.
5. The Aggravated Battery must have been committed out of necessity to avoid the danger.
6. The harm that the defendant avoided must outweigh the harm caused by committing the Aggravated Battery.

"Imminent and impending" means the danger is about to take place and cannot be avoided by using other means. A threat of future harm is not sufficient to prove this defense. Nor can the defendant use the defense of necessity if the defendant committed the crime after the danger from the threatened harm had passed.

The reasonableness of the defendant's belief that a danger existed should be examined in the light of all the evidence.

In deciding whether it was necessary for the defendant to commit the Aggravated Battery, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the crime was committed.

The danger facing the defendant need not have been actual; however to justify the commission of Aggravated Battery, the appearance of the danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only by committing Aggravated Battery. Based upon appearances, the defendant must have actually believed that the danger was real.

If you find from the evidence that the defendant committed Aggravated Battery out of necessity, you should find the defendant not guilty.

However, if you find that the defendant did not commit Aggravated Battery out of necessity, you should find the defendant guilty if all the elements of the charge have been proved.

SELF DEFENSE
(as to Count Four)

The law of self defense is set forth in two different instructions – Justifiable Use of Deadly Force and Justifiable Use of Non-Deadly Force depending upon the force used. If you find that force was used, you must determine whether that force was likely or not likely to cause death or great bodily harm. If you find that any force used was likely to cause death or great bodily harm, then you shall use the instruction titled Justifiable Use of Deadly Force. If you find that any force used was not likely to cause death or great bodily harm, then you shall use the instruction titled Justifiable Use of Non-Deadly Force.

JUSTIFIABLE USE OF DEADLY FORCE

An issue in this case is whether the defendant acted in self-defense. It is a defense to the offense with which JOHN DOBBS is charged if the injury to HANZEL HOLIDAY resulted from the justifiable use of deadly force.

“Deadly force” means force likely to cause death or great bodily harm.

The use of deadly force is justifiable only if the defendant reasonably believes that the force is necessary to prevent imminent death or great bodily harm to the defendant while resisting:

1. another's attempt to murder the defendant, or
2. any attempt to commit Aggravated Battery upon the defendant, or
3. any attempt to commit Aggravated Battery upon or in any vehicle occupied by the defendant.

“Aggravated battery” is the actual touching or striking of someone against their will with a deadly weapon or intentionally causing great bodily harm, permanent disability or permanent disfigurement.

Persons are justified in using deadly force if they reasonably believe that such force is necessary to prevent:

1. imminent death or great bodily harm to themselves or another, or
2. the imminent commission of Aggravated Battery against themselves or another.

However, the use of deadly force is not justifiable if you find the defendant initially provoked the use of force against himself, unless:

- (a) The force asserted toward the defendant was so great that the defendant reasonably believed that the defendant was in imminent danger of death or great bodily harm and had exhausted every reasonable means to escape the danger, other than using deadly force on HANZEL HOLIDAY.
- (b) In good faith, the defendant withdrew from physical contact with HANZEL HOLIDAY and indicated clearly to HANZEL HOLIDAY that the defendant wanted to withdraw and stop the use of deadly force, but HANZEL HOLIDAY continued or resumed the use of force.

In deciding whether the defendant was justified in the use of deadly force, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

If the defendant was not engaged in an unlawful activity and was attacked in any place where the defendant had a right to be, the defendant had no duty to retreat and had the right to stand his or her ground and meet force with force, including deadly force, if the defendant reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

If the defendant was in an occupied vehicle where the defendant had a right to be, the defendant is presumed to have had a reasonable fear of imminent death or great bodily harm to himself or herself or another if the victim had unlawfully and forcibly entered or removed or attempted to remove another person against that person's will from that occupied vehicle and the defendant had reason to believe that had occurred. The defendant had no duty to retreat under such circumstances.

A person who unlawfully and by force enters or attempts to enter another's occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of the defendant and HANZEL HOLIDAY.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether the defendant was justified in the use of deadly force, you should find the defendant not guilty.

However, if from the evidence you are convinced that the defendant was not justified in the use of deadly force, you should find the defendant guilty if all the elements of the charge have been proved.

JUSTIFIABLE USE OF NON-DEADLY FORCE

An issue in this case is whether the defendant acted in self-defense. It is a defense to the offense with which JOHN DOBBS is charged if the injury to HANZEL HOLIDAY resulted from the justifiable use of non-deadly force.

"Non-deadly" force means force not likely to cause death or great bodily harm.

JOHN DOBBS would be justified in using non-deadly force against HANZEL HOLIDAY if the following two facts are proved:

1. The defendant must have reasonably believed that such conduct was necessary to defend himself, herself or another against HANZEL HOLIDAY'S imminent use of unlawful force against the defendant or another person.
2. The use of unlawful force by HANZEL HOLIDAY must have appeared to the defendant to be ready to take place.

If the defendant is in the defendant's occupied vehicle, the defendant is presumed to have held a reasonable fear of imminent peril of death or bodily injury to himself or herself or another if the victim has unlawfully and forcibly entered or has removed or attempted to remove another person against that person's will from that occupied vehicle and the defendant had reason to believe that had occurred. The defendant had no duty to retreat under such circumstances.

A person who unlawfully and by force enters or attempts to enter another's occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

If the defendant was not engaged in an unlawful activity and was attacked in any place where the defendant had a right to be, the defendant had no duty to retreat and had the right to stand his or her ground and meet force with force, including deadly force, if the defendant reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

A person does not have a duty to retreat if the person is in a place where the person has a right to be.

The use of non-deadly force is not justifiable if you find the defendant initially provoked the use of force against himself, unless:

- (a) The force asserted toward the defendant was so great that the defendant reasonably believed that he was in imminent danger of death

or great bodily harm and had exhausted every reasonable means to escape the danger, other than using non-deadly force on HANZEL HOLIDAY.

- (b) In good faith, the defendant withdrew from physical contact with HANZEL HOLIDAY and indicated clearly to HANZEL HOLIDAY that the defendant wanted to withdraw and stop the use of non-deadly force, but HANZEL HOLIDAY continued or resumed the use of force.

In deciding whether the defendant was justified in the use of non-deadly force, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of non-deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of the defendant and the victim.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether the defendant was justified in the use of non-deadly force, you should find the defendant not guilty.

However, if from the evidence you are convinced that the defendant was not justified in the use of non-deadly force, then you should find the defendant guilty if all the elements of the charge have been proved.

NECESSITY (as to Count Four)

An issue in this case is whether JOHN DOBBS acted out of necessity in committing the crime of Aggravated Assault with a Firearm.

It is a defense to Aggravated Assault with a Firearm if the defendant acted out of necessity. In order to find the defendant committed Aggravated Assault with a Firearm out of necessity, you must find the following six elements:

1. The defendant reasonably believed a danger existed which was not intentionally caused by the defendant.
2. The danger threatened significant harm to the defendant or a third person.
3. The threatened harm must have been real, imminent and impending.
4. The defendant had no reasonable means to avoid the danger except by committing Aggravated Assault with a Firearm.

5. The Aggravated Assault with a Firearm must have been committed out of necessity to avoid the danger.
6. The harm that the defendant avoided must outweigh the harm caused by committing Aggravated Assault with a Firearm.

"Imminent and impending" means the danger is about to take place and cannot be avoided by using other means. A threat of future harm is not sufficient to prove this defense. Nor can the defendant use the defense of necessity if the defendant committed the crime after the danger from the threatened harm had passed.

The reasonableness of the defendant's belief that a danger existed should be examined in the light of all the evidence.

In deciding whether it was necessary for the defendant to commit the Aggravated Assault with a Firearm, you must judge the defendant by the circumstances by which the defendant was surrounded at the time the crime was committed.

The danger facing the defendant need not have been actual; however to justify the commission of Aggravated Assault with a Firearm, the appearance of the danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only by committing Aggravated Assault with a Firearm. Based upon appearances, the defendant must have actually believed that the danger was real.

If you find from the evidence that the defendant committed Aggravated Assault with a Firearm out of necessity, you should find the defendant not guilty.

However, if you find that the defendant did not commit Aggravated Assault with a Firearm out of necessity, you should find the defendant guilty if all the elements of the charge have been proved.

PLEA OF NOT GUILTY; REASONABLE DOUBT; AND BURDEN OF PROOF

The defendant has entered a plea of not guilty. This means you must presume or believe the defendant is innocent. The presumption stays with the defendant as to each material allegation in the information through each stage of the trial unless it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt.

To overcome the defendant's presumption of innocence the State has the burden of proving the following: The crime with which the defendant is charged was committed and the defendant is the person who committed the crime.

The defendant is not required to present evidence or prove anything.

Whenever the words "reasonable doubt" are used you must consider the following:

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof.

A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence or the lack of evidence.

If you have a reasonable doubt, you should find the defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty.

WEIGHING THE EVIDENCE

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence, and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable, or less reliable than other evidence.

You should consider how the witnesses acted, as well as what they said. Some things you should consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?
3. Was the witness honest and straightforward in answering the attorneys' questions?
4. Did the witness have some interest in how the case should be decided?
5. Does the witness' testimony agree with the other testimony and other evidence in the case?
6. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave in court?
7. Was it proved that the witness had been convicted of a crime?

You may rely upon your own conclusion about the witness. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

EXPERT WITNESSES

Expert witnesses are like other witnesses, with one exception - the law permits an expert witness to give his or her opinion.

However, an expert's opinion is only reliable when given on a subject about which you believe him or her to be an expert.

Like other witnesses, you may believe or disbelieve all or any part of an expert's testimony.

DEFENDANT TESTIFYING

The defendant in this case has become a witness. You should apply the same rules to consideration of the defendant's testimony that you apply to the testimony of the other witnesses.

RULES FOR DELIBERATION

These are some general rules that apply to your discussion. You must follow these rules in order to return a lawful verdict:

1. You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending upon you to make a wise and legal decision in this matter.
2. This case must be decided only upon the evidence that you have heard from the testimony of the witnesses and have seen in the form of the exhibits in evidence and these instructions.
3. This case must not be decided for or against anyone because you feel sorry for anyone, or are angry at anyone.
4. Remember, the lawyers are not on trial. Your feelings about them should not influence your decision in this case.
5. Your duty is to determine if the defendant has been proven guilty or not, in accord with the law. It is the judge's job to determine a proper sentence if the defendant is guilty.
6. Whatever verdict you render must be unanimous, that is, each juror must agree to the same verdict.

7. It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom. The witness should not be discredited by talking to a lawyer about his or her testimony.
8. Your verdict should not be influenced by feelings of prejudice, bias or sympathy. Your verdict must be based on the evidence, and on the law contained in these instructions.

CAUTIONARY INSTRUCTION

Deciding a verdict is exclusively your job. I cannot participate in that decision in any way. Please disregard anything I may have said or done that made you think I preferred one verdict over another.

VERDICT

You may find the defendant guilty as charged in the information or guilty of such lesser included crime as the evidence may justify or not guilty.

If you return a verdict of guilty, it should be for the highest offense which has been proven beyond a reasonable doubt. If you find that no offense has been proven beyond a reasonable doubt, then, of course, your verdict must be not guilty.

Only one verdict may be returned as to any crime charged. This verdict must be unanimous, that is, all of you must agree to the same verdict. The verdict must be in writing and for your convenience the necessary forms of verdict have been prepared for you. They are as follows (read verdict forms):

SINGLE DEFENDANT, MULTIPLE COUNTS

A separate crime is charged in each count of the information and while they have been tried together each crime and the evidence applicable to it must be considered separately and a separate verdict returned as to each. A finding of guilty or not guilty as to one crime must not affect your verdict as to the other crimes charged.

SUBMITTING CASE TO JURY

In just a few moments you will be taken to the jury room by the court deputy. The first thing you should do is elect a foreperson. The foreperson presides over your deliberations like a chairperson of a meeting. It is the foreperson's job to sign and date the verdict form when all of you have agreed on a verdict in this case. The foreperson will bring the verdict back to the courtroom when you return.

Your verdict finding the defendant either guilty or not guilty must be unanimous. The verdict must be the verdict of each juror, as well as of the jury as a whole.

In closing, let me remind you that it is important that you follow the law spelled out in these instructions in deciding your verdict. There are no other laws that apply to this case. Even if you do not like the laws that must be applied, you must use them. For two centuries we have agreed to a constitution and to live by the law. No juror has the right to violate rules we all share.

DOCKETED BY A. HOLMES

July Questions
Ob CF-15201
John Dobbs

FILED IN OPEN COURT
THIS 1 DAY OF March, 2007
Lyle G. Jeter, Clerk
BY [Signature] b.c.

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

JOHN W. DOBBS
Defendant.

CASE NO: 48-2006-CF-15201-O

DIVISION: 16

CHARGES: COUNT 1
SECOND DEGREE MURDER

VERDICT

X WE, THE JURY, find the Defendant guilty of Second Degree Murder, as charged in the Information.

 WE, THE JURY, find the Defendant guilty of the lesser included offense of Manslaughter.

 WE, THE JURY, find the Defendant not guilty.

SO SAY WE ALL.

DATED at Orlando, Orange County, Florida, on this 1 day of March, 2007.

FILED IN OPEN COURT
THIS 1 DAY OF March 2007
Lydia Gardner, Clerk
BY [Signature] D.C.

[Signature]
FOREPERSON

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

CASE NO.: 48-2006-CF-15201-O

DIVISION: 16

vs.

JOHN W. DOBBS

Defendant.

SPECIAL FINDING COUNT 1

X WE, THE JURY, find the Defendant did carry, display, use, threaten to use, or attempt to use any weapon in the course of committing said offense.

 WE, THE JURY, find the Defendant did not carry, display, use, threaten to use, or attempt to use any weapon in the course of committing said offense.

SO SAY WE ALL.

DATED at Orlando, Orange County, Florida, on this 1 day of March,
2007.

FILED IN OPEN COURT
THIS 1 DAY OF MARCH 2007
Lydia Gardner, Clerk
BY [Signature]

[Signature]
FOREPERSON

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

JOHN W. DOBBS
Defendant.

CASE NO: 48-2006-CF-15201-O

DIVISION: 16

CHARGES: COUNT 3
AGGRAVATED BATTERY

VERDICT

X WE, THE JURY, find the Defendant guilty of Aggravated Battery with a Deadly Weapon
or Causing Great Bodily Harm, as charged in the Information.

 WE, THE JURY, find the Defendant not guilty.

SO SAY WE ALL.

DATED at Orlando, Orange County, Florida, on this 1 day of March, 2007.

FILED IN OPEN COURT
THIS 1 DAY OF March, 2007
Lydia Gardner, Clerk
BY [Signature] D.C.

[Signature]
FOREPERSON

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

JOHN W. DOBBS
Defendant.

CASE NO: 48-2006-CF-15201-O

DIVISION: 16

CHARGES: COUNT 4
AGGRAVATED ASSAULT WITH A
FIREARM

VERDICT

X

WE, THE JURY, find the Defendant guilty of Aggravated Assault With A Firearm, as charged in the Information.

 WE, THE JURY, find the Defendant not guilty.

SO SAY WE ALL.

DATED at Orlando, Orange County, Florida, on this 1 day of March, 2007.

FILED IN OPEN COURT
THIS 1 DAY OF March, 2007
Lydia Gardner, Clerk
BY [Signature] D.C.

[Signature]
FOREPERSON

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

CASE NO: 48-2006-CF-15201-O

DIVISION: 16

JOHN W. DOBBS
Defendant.

SPECIAL FINDING AS TO COUNT 4

____ WE THE JURY, find that the Defendant did actually possess and discharge a firearm in the course of committing said offense.

☒ WE THE JURY, find that the Defendant did actually possess but did not discharge a firearm in the course of committing said offense.

____ WE THE JURY, find that the Defendant did not actually possess or discharge a firearm in the course of committing said offense.

SO SAY WE ALL.

DATED at Orlando, Orange County, Florida, on this 1 day of March, 2007.

FILED IN OPEN COURT
THIS 1 DAY OF March 2007
Lydia Gardner, Clerk
BY [Signature] D.C.

[Signature]
FOREPERSON

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

JOHN W. DOBBS
Defendant.

CASE NO: 48-2006-CF-15201-O

DIVISION: 16

CHARGES: COUNT 5
SHOOTING FROM A VEHICLE

VERDICT

____ WE, THE JURY, find the Defendant guilty of Shooting From A Vehicle, as charged in the Information.

X WE, THE JURY, find the Defendant not guilty.

SO SAY WE ALL.

DATED at Orlando, Orange County, Florida, on this 1st day of March, 2007.

FILED IN OPEN COURT
THIS 1 DAY OF March 2007
Lydia Gardner, Clerk
BY [Signature] D.C.

[Signature]
FOREPERSON

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48-06-CF-15201- / A

DIVISION NO: 16

STATE OF FLORIDA,
Plaintiff,
vs.

JOHN W DOBBS,
Defendant.

Order (Jury Trial)

Court opened on 3/1/2007, with the following officers present:

Honorable Lisa T. Munyon, Judge Presiding.

Asst. State Atty.: Kimberly Laskoff / *D. Barza* Court Reporter: Rebecca Ruiz

Court Deputy: Al Alemany

This case came on this day for Jury Trial . The Defendant was present with counsel. Counsel's Name: M. Vickers/C. Chien.

Count(s): Ct. 001) 782.04(2)

Verdict

Petit Jury sworn.

The Defendant was tried by Jury and found guilty of: 782.04(2)

Judgment

Defendant was adjudicated guilty.

Set / Reset

Reset for Sentencing 1 1/2 hour on 03/08/2007 at 09:00 AM , in Room #10-D at the Orange County Courthouse 425 N. Orange Avenue, Room 210, Orlando, FL 32801

Sentence

Misc. Orders / Events

- State Motion in Limine was granted on 02/27/2007.
- Special Finding: The jury found that the defendant did carry, display, use, threaten to use, or attempt to use any weapon in the course of committing said offense.

Count(s): Ct. 002) 784.045(1)(A)(1)

Verdict

Petit Jury sworn.

The Defendant was tried by Jury and found guilty of: 784.045(1)(A)(1)

JOHN W DOBBS

03/01/2007 2:53 PM Page 1 of 3

48-06-CF-15201- / A

Judgment

Defendant was adjudicated guilty.

Set / Reset

Reset for Sentencing 1 1/2 hour on 03/08/2007 at 09:00 AM , in Room #10-D at the Orange County Courthouse 425 N. Orange Avenue, Room 210, Orlando, FL 32801

Sentence**Misc. Orders / Events**

- State Motion in Limine was granted on 02/27/2007.

Count(s): Ct. 003) 784.045(1)(A)(1)

Verdict

Petit Jury sworn.

The Defendant was tried by Jury and found guilty of: 784.045(1)(A)(1)

Judgment

Defendant was adjudicated guilty.

Set / Reset

Reset for Sentencing 1 1/2 hour on 03/08/2007 at 09:00 AM , in Room #10-D at the Orange County Courthouse 425 N. Orange Avenue, Room 210, Orlando, FL 32801

Sentence**Misc. Orders / Events**

- State Motion in Limine was granted on 02/27/2007.

Count(s): Ct. 004) ^{Hag} Assault 784.021(1)(A)

Verdict

Petit Jury sworn.

The Defendant was tried by Jury and found guilty of: 784.021(1)(A)

Judgment

Defendant was adjudicated guilty.

Set / Reset

Reset for Sentencing 1 1/2 hour on 03/08/2007 at 09:00 AM , in Room #10-D at the Orange County Courthouse 425 N. Orange Avenue, Room 210, Orlando, FL 32801

Sentence**Misc. Orders / Events**

- State Motion in Limine was granted on 02/27/2007.

- Special Finding: The jury found that the defendant did actually possess but did not discharge a firearm in the course of committing said offense.

Count(s): Ct. 005) *Shopping Gun & Vehicle*
~~Assault~~ 790.15(2)

Verdict

Petit Jury sworn.

The Defendant was tried by Jury and found Not Guilty of: 790.15(2)

Sentence

Misc. Orders / Events

- State Motion in Limine was granted on 02/27/2007.

Filed in Open Court this 1st day of March, 2007.

Done and Ordered at Orange County, Florida this 1st day of March, 2007.

Lydia Gardner

Clerk of the Circuit and County Courts

By: Cherie Estevez,
 Deputy Clerk in Attendance


 Honorable Lisa T. Munyon, Judge Presiding

____ ACS	____ Dockets	____ Defendant	____ Booking	____ Court Security
____ CFSC	____ Court Deputy	____ P&P/Com Cont	____ Surety	____ S.O. on _____
____ Other: _____				

I certify that a copy hereof has been furnished to _____ by (mail) (delivery) this ____ day of _____, 20 ____.

By: _____
 Deputy Clerk

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48- 06-CF- 15201- / A

DIVISION NO: 16

STATE OF FLORIDA,
Plaintiff,
vs.

JOHN W DOBBS,
Defendant.

JUDGMENT OF ACQUITTAL

You, JOHN W DOBBS, being now before the Court, attended by your attorney, M. Vickers/C. Chien, and a Jury having returned a verdict of Not Guilty as to Count(s) Ct. 005) ~~Assault~~ 790.15(2), the Court Adjudges that you are Not Guilty of said offense(s). *Shooting from a Vehicle*

The Defendant, if in custody, shall be immediately discharged therefrom unless he is in custody on some other charge; if he is at large on bail, his Sureties shall be exonerated and if money or bonds have been deposited as bail, such money or bonds shall be refunded.

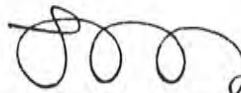
Filed in Open Court this 1st day of March, 2007.

Done and Ordered at Orange County, Florida this 1st day of
March, 2007.

Lydia Gardner

Clerk of the Circuit and County Courts

By: Cherie Estevez,
Deputy Clerk in Attendance



Honorable Lisa T. Munyon, Judge Presiding

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48- 06-CF- 15201- / A

DIVISION NO: 16

STATE OF FLORIDA,
Plaintiff,
vs.

JOHN W DOBBS,
Defendant.

DOCKETED BY: A. H. 100-1000

The defendant, JOHN W DOBBS, being personally before this court represented by M. Vickers/C. Chien, the attorney of record, and the state represented by Kimberly Laskoff, and having been tried and found guilty by jury of the following crime(s):

Count	Crime	Offense Statute Number(s)	Degree of Crime	OBTS Number
001	Second Degree Murder (With a Weapon)	782.04(2) 775.087 (1)	FL	8888888888
002	Aggravated Battery with a Deadly Weapon or Causing Great Bodily Harm	784.045(1)(A) (1) 784.045 (1)(a)(2)	FS	8888888888
003	Aggravated Battery with a Deadly Weapon or Causing Great Bodily Harm	784.045(1)(A) (1) 784.045 (1)(a)(2)	FS	8888888888

004	Aggravated Assault with a Firearm (20 Year Minimum Mandatory)	784.021(1)(A) 775.087 (2)	FT	8888888888
-----	--	---------------------------------	----	------------

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED that the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

Filed in Open Court this 1st day of March, 2007.

Lydia Gardner
Clerk of the Circuit and County Courts

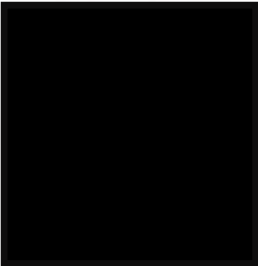
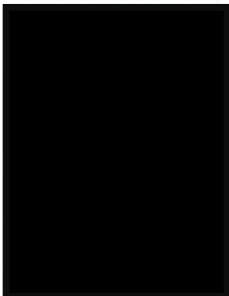
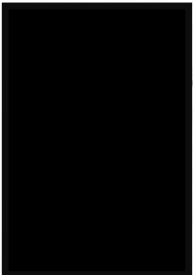
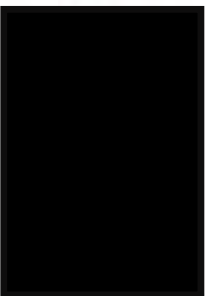
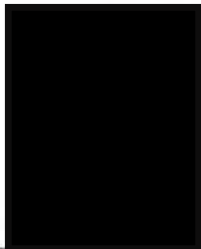
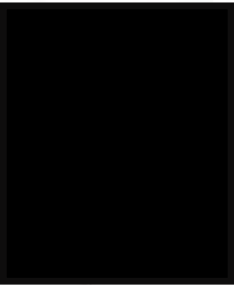
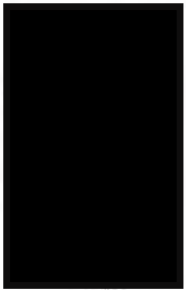

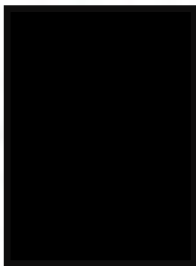

By: Cherie Estevez,
Deputy Clerk in Attendance

Defendant John W. Dobbs

48-2006-CF-15201

Case Number _____

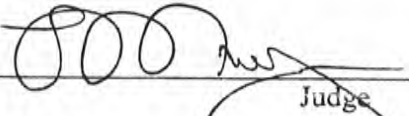
FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
1. Left Thumb	2. Left Index	3. Left Middle	4. Left Ring	5. Left Little
				

Fingerprints taken by: VICTOR D. GAYTAN _____
Name Title

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

DONE AND ORDERED in open court in ORANGE County, Florida, this 1 day of March, 20 07.


Judge

**IN THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT
CRIMINAL JUSTIC DIVISION
IN AND FOR ORANGE COUNTY FLORIDA**

STATE OF FLORIDA
Plaintiff

Case No. 48-2006- CF-015201-O
The Honorable Judge Strickland

V
JOHN W. DOBBS
Defendant

EDWARD LAWRENCE DOBBS (P47580)
(Attorney for the Defendant, licensed in Michigan)
1410 Washington Blvd, Suite 1805
Detroit, MI 48226
(313) 961-6133

RECEIVED
MAR 05 2007
STATE ATTORNEY'S OFFICE

MOTION FOR SUBSTITUTION OF COUNSEL

NOW COME, the defendant John W. Dobbs, by and through his father, Edward Lawrence Dobbs, a licensed attorney and member in good standing of the State Bar of Michigan, to move the court to 1) Substitute Counsel, 2) Renewed Judgment of Acquittal heard a the close of the States case and for 3) Judgment of Acquittal under FCR 3.580 and 4) New Trial under FCR 3.580 and in support states the following:

1) That in support of the motion for substation of counsel defendant states:

- a. That I, Edward Lawrence Dobbs, am a member in good standing of the State Bar of Michigan and with the Practitioner number of 48750.
- b. That I have over 14 years experience in criminal law as a private practitioner and worked as an Assistant Prosecuting Attorney in training for the Wayne County Prosecutor's office after graduating law school in 1985.
- c. That I am fully prepared on the subject matter of this case and capable to handle this case at this time
- d. That this motion is consented to by Kathrine Chien and Melissa Vickers, attorneys of record.
- e. That my work address and phone number are as described in the heading

Consent signatures

Kathrine Chien

Melissa Vickers

Docketed By:
A. ODEN

Edward Lawrence Dobbs; Monday, March 05, 2007

FILED IN OFFICE
07 MAR -5 PM 1:31
JULIA GARDNER
CLERK OF COURT

IN THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT
CRIMINAL JUSTIC DIVISION
IN AND FOR ORANGE COUNTY FLORIDA

STATE OF FLORIDA
Plaintiff

Case No. 48-2006- CF-015201-O
The Honorable Judge Strickland

V
JOHN W. DOBBS
Defendant

EDWARD LAWRENCE DOBBS (P47580)
(Attorney for the Defendant, licensed in Michigan)
1410 Washington Blvd, Suite 1805
Detroit, MI 48226
(313) 961-6133

RECEIVED
MAR 05 2007
STATE ATTORNEY'S OFFICE

MOTION FOR SUBSTITUTION OF COUNSEL
AND
JUDGMENT OF ACQUITTAL
OR
MOTION FOR NEW TRIAL

NOW COME, the defendant John W. Dobbs, by and through his father, Edward Lawrence Dobbs, a licensed attorney and member in good standing of the State Bar of Michigan, to move the court to 1) Substitute Counsel, 2) Renewed Judgment of Acquittal heard at the close of the State's case and for 3) Judgment of Acquittal under FCR 3.580 and 4) New Trial under FCR 3.580 and in support states the following:

- 1) **That in support of the motion for substitution of counsel defendant states:**
 - a. That I, Edward Lawrence Dobbs, am a member in good standing of the State Bar of Michigan and with the Practitioner number of 48750.
 - b. That I have over 14 years experience in criminal law as a private practitioner and worked as an Assistant Prosecuting Attorney in training for the Wayne County Prosecutor's office after graduating law school in 1985.
 - c. That I am fully prepared on the subject matter of this case and capable to handle this case at this time
 - d. That this motion is consented to by Kathrine Chien and Melissa Vickers, attorneys of record.
 - e. That my work address and phone number are as described in the heading

2) That in support of the defendant motion to renew it motion for directed verdict at the conclusion of the States evidence the defendant states:

a. That the motion was not granted due to the ineffective assistance of counsel and should have been argued as follows:

The State opened it case with the testimony of Andre Blanco, followed by Francisco Gotay and Anthony Ralono, three of the 4 men the defendant alleges attacked him. Andre Blanco, as well as Francisco Gotay and Anthony Ralono testified that John Dobbs 'drove' his Acura up to him as he stood by his Chrysler 300, jumped out of his car and attacked him with a knife. Francisco Gotay and Anthony Ralono testified that they witnessed John Dobbs 'drive' his Acura up and attack Andre Blanco, (actually describing the rout the Acura took), and the testifying that moving along a line toward the entrance of the night club (Doll House) where they were all exiting, Dobbs attacked the in succession using his knife, which was unseen, severely injuring Francisco Gotay with the knife, and wounded William Troy before Anthony Ralono grabbed and restrained him from behind. It is apparent from the tragic loss of life that night that someone should be held responsible and the witnesses know, as does the State's attorney, that if they are found to have attacked John Dobbs they would be subject to criminal prosecution for assaulting Dobbs and felony murder death of their companion. As a result they all share the same motive to lie.

John Dobbs version of events is and has always been that Andre Blanco walked up on him as he exited and walked around the rear of his Acura, and in standing his ground against threats wagged at him was struck by Andre Blanco and fought back. It is Dobbs's contention that he only hit Andre Blanco back in self-defense and the fight ensued between the two with Andre Blanco's companions coming to aide their friend in the fight on at time until they had him surrounded. Confronted with overwhelming numbers as the companions advanced on Dobbs he was forced to use his pocket knife to defend him-self and his girlfriend who attempted to assist John Dobbs after he became surrounded.

The resolution of who attacked who in this distinctly detailed and diverse recollection of facts is simple; did John Dobbs drive his Acura over to where Andre Blanco was parked or did Andre Blanco and his companions walk over to where John Dobbs was parked. The two descriptions of the event are so divergent as not to be confused by impartial observance and what ever party is lying about advancing on the other is the aggressor. Although the intentions of John Dobbs within the fight might be difficult to discern the movement of the parties is empirical.

Three impartial witnesses were question by the police directly after the incident, Phillip Westfall, Justin Idle and Leonard Bolanos, two of whom were called by the State as witnesses at trial in it case in chief. Phillip Westfall and Justin Idle testified and no explanation for the failure to call Leonard Bolanos has been given. Both impartial witnesses gave the same testimony as to who advanced upon whom, contradicting the testimony of Andre Blanco, Francisco Gotay and Anthony Ralono; stating emphatically

that they witnessed the 4, alone with the deceased William Troy advance on John Dobbs, his car parked at its original location. John Dobbs's car can be found to have been at its original location because the comment made to Dobbs is that it appeared as if security was walking him from the club to his car just before Andre Blanco walked up on him. In this case it appears the sequestration of the States witnesses worked in favor of the defendant and Phillip Westfall and Justin Idle testified as to what they actually saw.

Justin Idle testified that he saw the defendant surrounded by four men desiring to win the fight. As a result it can be safely said that the State proved 'beyond a reasonable doubt' in its case in chief, that Andre Blanco and his companions were lying, or at least raised reasonable doubt as to whether the testimony of these complainants was true as presented in the States case in chief. Consequently the version of how the fight ensued presented by Andre Blanco, Francisco Gotay and Anthony Ralono is inherently unreliable and legally insufficient to support a conviction and the question of defendant's guilt should not have been presented to a jury.

While a court should not grant a motion for judgment of acquittal unless the evidence is such that in no view a jury could lawfully hold it verdict favorable to the State or sustain it under the law, see Lynch v. State, 293 So. 2d 44, 45 (Fla. 1974); see Darling v. State, 808 So. 2d 145, 155 (Fla. 2002); Beasley v. State, 774 So. 2d 649, 657 (Fla. 2000); State v. Brockman, 827 So. 2d 299, 303 (Fla. 1st DCA 2002), it is axiomatic that the state has the burden of proving each element of an offense [and in this case disproving the defendant's allegation of self-defense] in order to avoid the entry of a judgment of acquittal; therefore proof of guilt must be established by legally sufficient evidence. Penton v. State, 548 So. 2d 273, 274 (Fla. 1st DCA 1989).

b. The States testimonial evidence from complaining witness and companion was legally insufficient to be presented to a jury as the testimony violates Giglio v. United State, see standard:

In this case the defendant contends that the State presented evidence it knew or should have known was perjured and prejudicial that it lacks creditability and is legally insufficient as a matter of law

In Mooney v. Holohan, 294 U.S. 103, 112 (1935), the Supreme Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with "rudimentary demands of justice." This was reaffirmed in Pyle v. Kansas, 317 U.S. 213 (1942), and in Napue v. Illinois, 360 U.S. 264 (1959), as the supreme court said that the same result is obtained when the State, although not soliciting false evidence, allows it to go uncorrected when it appears."

Giglio v. United States, 405 U.S. 150; 92 S.Ct. 763; 31 L. Ed. 2d 104; (1972). To establish a Giglio violation, it must be shown that: (1) the testimony given was false; (2) the prosecutor knew the testimony was false; and (3) the statement was material." Guzman v. State, 868 So. 2d 498 (Fla. 2003); and in support of its contention that the State's case violates Giglio states the following; 1) That the testimony given by Andre

Blanco, Francisco Gotay and Anthony Ralono was false, 2) That the State know it to be false as it was impeached by the States supporting evidence and so deviated on the material element of self-defense as to be unavoidably apparent and 3) That the evidence was material to the defendant assertion of self-defense.

The Florida Constitution provides that "[n]o person shall be deprived of life, liberty or property without due process of law." Art. I, § 9, Fla. Const. The state violates that section when it requires a person to stand trial and defend himself or herself against charges that it knows are based upon perjured, material evidence. Governmental misconduct that violates a defendant's due process rights under the Florida constitution requires dismissal of criminal charges. State v. Glosson, 462 So. 2d 1082, 1085 (Fla. 1985).

As well, it is the defendant's position that the State was bound to prove Andre Blanco and their companions version of events happened 'beyond a reasonable doubt', i.e. that John Dobbs 'drove' his car up to Andre Balnco and attacked him with a knife and as a result the fight ensued as he then attacked Francisco Gotay, and William Troy, mortally wounding him, and then encountering Anthony Ralono as they were exiting the club (Doll house). The State cannot disprove their complaining witnesses claim and simply abandon that scenario and construct a theory of guilt independent of their testimony as there testimony is proved false by the States own evidence and claim to have proven anything beyond a reasonable doubt. If the State cannot reconcile their testimony with the rest of its case it must 'concede its case, not argue for conviction regardless.

Finally the idea that one man attacked four men is absurd and doesn't stand to reason. That doesn't mean it's not true, simply that it doesn't stand to reason. So as the State reasonably listens to the conflicting stories of the parties to the fight and finds that the supporting testimony leans toward the more rational scenario of four guys ganging up on one guy, why attempt to prove the absurd. The State's own evidence conflicts with itself and consequently the defendant is entitled to a directed verdict of acquittal as the State made no effort to reconcile its evidence.

- c. If the court holds that the State can rely upon the circumstantial evidence it presented to support its conviction a special test controlling motions directed verdict is applicable requiring competent substantial evidence, see Boyd v. State infra.**

The conviction should not be reversed if it is supported by competent substantial evidence. Boyd v. State, 910 So. 2d 167, 180 (Fla. 2005) (citing Pagan v. State, 830 So. 2d 792, 803 (Fla. 2002)

Defendant asserts that the verdict is not supported by competent substantial evidence, consequently defend looks to the trial judge to review the evidence to determine whether competent evidence exists "from which the jury could infer guilt to the exclusion of all other inferences." Boyd, 910 So. 2d at 180. If upon examining the competence of the

prosecutions evidence the court finds an inference that the defendant acted in self defense the verdict should be reversed.

The State is only required to introduce competent evidence which is inconsistent with the defendant's theory of events, and is not required to conclusively rebut every possible variation of events which can be inferred from the evidence. Once the State meets its threshold burden of creating an inconsistency with the defendant's theory, the trial court should deny a motion for judgment of acquittal and allow the jury to resolve the inconsistency "to determine whether the evidence is sufficient to exclude every reasonable hypothesis of innocence beyond a reasonable doubt." Id. at 180-81.

The circumstantial evidence does not exclude the reasonable hypothesis that John Dobbs was defending himself in the use of his pocket knife. The blood pattern clearly shows that John Dobbs' Acura was not parked near the Chrysler 300 and the occupants of that car had to travel some distance to get to Dobbs. As well, the blood on Dobbs's Acura and the dent all support the defendant's testimony and therefore his assertion of self-defense.

3) That in support of the motion for new trial defendant states the jury verdict goes against the great weight of evidence and he simply ineffective assistance of counsel and in support states the following:

a. Failure to impeach

The defense team failed to impeach any of the assailants with there prior taped transcript testimony in which none of them ever mentioned the defendant ever 'driving' his car up to Andre Blanco and attacking him with a knife. In fact the complaining witness taped transcript so deviates from the trial testimony as the failure to impeach on this one issue alone is cause for a new trial.

As well the defense team failed to properly cross examine Phillip Westfall as his taped transcript testimony recounts what he saw and exactly when and how he saw William Troy fall. *"People started ripping their shirts off and fighting with the gentleman."* When he says people, he means the party of 4 in particularly William Troy, as he witnessed John Dobbs being held by his shirt as Anthony Ralono hit him from behind. The act of taking ones shirt off is a preparatory act for a fight and a person who is suddenly and unexpectedly attacked doesn't have the opportunity to take his shirt off. In his transcript Westfall says when the fight ended *"The gentlemen with the shirt off took about five steps back towards his car. He was probably six steps away from me. He had blood all over his chest and his waist and a little bit on his face and I was looking to see if everybody was okay, make sure that 'the couple' was getting into their car. That's when I kind of got between everybody. Um... I turned and looked at the guy with no shirt on and he fell back on his back. And I was like... nothing hap... I was thinking to myself nothing just happened to you, what's wrong? As he was laying on the ground I ran over and looked down and witness two puncture wounds in his chest."* This establishes clearly that William Troy did not fall until the fight was over and therefore his companions were

not rushing to his rescue when they were attacking the defendant John Dobbs. The failure of the defense team to bring this to light is case for a new trial.

As well this evidence was available to the State. The state argument that the complaining witnesses were rushing to their fallen comrade is and was simply untrue and the State knew or should have known it when it made that argument and that is cause for a new trial.

b. Failure to bring out significance of blood pattern evidence and dent on the defendant's car in closing argument

The defense team utterly failed to bring out the significance of the blood pattern evidence in closing. The defendant's car was dented at the rear on the passenger side and a large amount of blood was splattered about the rear and onto the rear window. It was the defendant claim that he was repeatedly slung against the rear panel of his car by Anthony Ralono as Anthony held him tightly by the back of his shirt; being held in such a position that he could not reach back toward Anthony and instead could only lash out at those in front of him. Smothered in blows, using his knife now instead of his fists, each time one of the assailant in front of him would find themselves within reach they suddenly found themselves bleeding without realizing the defendant was now using a knife instead of his fists. Since he's being held at the rear of his car and beat against the back of his head by Anthony Ralono, and these guys began bleeding as they get closer to him there, there is a large blood spatter pattern at the location where is Acura was parked and on the rear passenger panel of the Acura. Accordingly, these individuals did not stop bleeding as they attempted to return to there car, the Chrysler 300, parked at the other end, therefore there is a blood pattern which extends from where the Acura was parked going towards the Chrysler 300 as received into evidence. One of the distinctive and identifying factor brought out by the arresting officer was that the Acura was a bloody mess. In the complainants story the defendant attacked Andre Blanco as he stood by his car the Chrysler 300 and rushed toward his companions as they were exiting the club. Had this been the case the blood pattern would travel alone a line from the Chrysler 300 toward the entrance of the club and no dent or blood would have been found on the Acura, except that which might have been inside, his bleeding upon reentering.

c. Failure to object constructively

The defense attorney continued to frivolously objected and many times important defense information was only gotten in as the court over ruled her objections.

d. Failure to stress the significance of conflicting evidence of State's case, in closing argument and that the State was locked into proving beyond a reasonable doubt that the defendant 'drove' his car up to where Andre Blanco was entering his car and attacked him 'with a knife'

The defense utterly failed to remind or stress upon the jury that the State had utterly failed to show that the defendant 'drove' his car up to Andre Blanco and that all three remaining assailants had testified to him having done so. Even the State's attorney had

adopted another scenario as to the occurrence of events. This alone could and should have convinced a reasonable jury that the State had failed to make its case. The State doesn't have the option of changing its position or adopting another scenario of events as the trial proceeds.

e. Failure to bring out the significance of the fact that no one seen the knife!

The reason no one seen or realized the defendant had a knife is because when the defendant used the knife he was actually surrounded and being smothered by his assailants! The parties gave to distinctly different scenario of events. In the States case the defendant is in the open attacking individuals one after the other in the defendant's he is surrounded and being attacked simultaneously until his actually smothered by blows. When an individual is surrounded and smothered by his assailants they are actually blocking themselves and other from seeing the person under attack and what that person may have or doing is difficult to discern. On the other hand if two people are fighting out in the open and one has a knife and the other doesn't the knife is obvious to observation, and especially to the two people fighting. It's impossible for someone to openly attack you with a knife and you not know he has a knife, yet highly likely that those attacking and smothering a person with blows might not be aware that that person suddenly begins using a knife to strike back at them until they began suddenly bleeding unexpectedly. The reason everyone was surprised about the blood was because they could not see the knife and the reason they could not see the knife was because the defendant was surrounded and smothered by his assailants.

In order to prove ineffective assistance of counsel, a petitioner must demonstrate both that counsel's performance was deficient and that the deficiency caused prejudice. Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). To be deficient, the performance must fall below an objective standard of reasonableness based on prevailing professional norms. Id. at 688, and a reviewing court must indulge a strong presumption that counsel's conduct fell within the wide range of reasonable professional assistance. Id. at 688-89. In order to constitute reversible error, the standard requires the defendant to show that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 694. A reasonable probability is defined as "a probability sufficient to undermine confidence in the outcome." Id.

The two attorneys representing the defendant from the Public Defenders office failure to address the above inconsistencies in the States case in arguing for directed verdict must be considered below a reasonable standard. In fact the attorney made substantially no argument for directed verdict when called upon to do and acquiesced to the States simple assertion that it raised issue of fact to be resolved by a jury.

I submitted through the Public Defender a statement of ineffective assistance of counsel on day two the defendant's trial. I resubmit that document along with this motion in support of the defendant's claim of ineffective assistance of counsel.

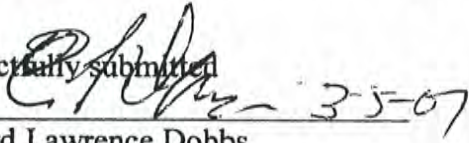
- 4) That it is the defendant's position that inquiry be made into whether the State's attorney knew the complaining witnesses testimony would be perjured before it was presented at trial yet presented it anyway or was simply unprepared and surprised by the inconsistency, yet preceded to prosecute despite the conflict in her evidence.

At some point, if only for appeal purposes, the State will be forced to construct a scenario of events for factual presentation. The State will be unable to argue in the alternative, that either the defendant drove over to Andre Blanco or Andre Blanco walked over to the defendant car, and either way he attacked Andre Blanco. If Andre Blanco walked over to the defendant's car the State cannot argue that the defendant angry at him after being egged on by his girlfriend attacked Andre Blanco, as it has no evidence of such an attack as Andre Blanco denies having been there. On the other hand if the State says in its rendition of the facts that it established beyond a reasonable doubt that the defendant 'drove' his car over to Andre Blanco and attacked him it would be indicating that its impartial witnesses lied when they said they saw Andre Blanco walk over to the defendant's car.

In closing I submit that the jury verdict goes against the 'weight of the evidence' and was rendered only due to the inexperience and ineffective assistance of counsel presented by the Public Defenders office.

As a result of this motion I ask the court to inquire of the State which of the two scenarios it wishes this court to adopt in sustaining the jury verdict!

Respectfully submitted


Edward Lawrence Dobbs
Attorney for the defendant
1410 Washington Blvd. Suite 1805
Detroit, MI 48226
(313) 965-6133

**IN THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT
CRIMINAL JUSTIC DIVISION
IN AND FOR ORANGE COUNTY FLORIDA**

STATE OF FLORIDA
Plaintiff

Case No. 48-2006- CF-015201-O
The Honorable Judge Strickland

V

JOHN W. DOBBS
Defendant

Prepared by
EDWARD LAWRENCE DOBBS (P47580)
(Defendant's father a licensed attorney in Michigan)
1410 Washington Blvd, Suite 1805
Detroit, MI 48226
(313) 961-6133

STATEMENT OF INEFFECTIVE ASSISTANCE OF COUNSEL

NOW COME, the defendant John W. Dobbs, by and through his father, a licensed attorney practicing in the state of Michigan, to make the court aware of possibility malpractice and/or ineffective assistance of counsel on the part of the public defender's office, and in support states the following:

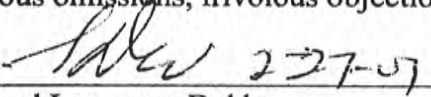
1. That John W. Dobbs is not a resident of the State of Florida
2. That John W. Dobbs is unable to afford an attorney and therefore relies upon the public defender's office
3. That although I am an attorney I am not licensed to practice in the State of Florida
4. That even if I had been given the opportunity to represent my son in this matter it would have been impossible for me to properly represent him in this matter in this state as I would not have been unable to fly back and forth from Michigan to Florida with the frequency necessary for proper representation
5. That I have repeatedly attempted to contact the public defender's office about my son's case yet my phone calls were not unreturned
6. That upon arriving in Florida before my son's trial I was told by the public defender's officer that due to attorney client privilege they would not discuss my son's defense with me
7. That on the day the trial began, asserting that my son had given permission for me to be informed of his defense and its preparation, I was told by the public defender's office that due to 'work product' privilege the public defender's office would not discuss my son's defense with me

8. That upon the arrival of the defense's primary witness, Diana Washington, she was rebuked and sent to talk to the prosecutor as if a witness for the prosecution, when attempting to present her concerns about the timing of her testimony
9. That I had previously been informed by my son that he felt that the public defender's office was not representing him properly, yet I believed that this case could be handled by the public defender's office as the issue of self-defense is so apparent
10. That the issue of self-defense relies heavily upon the fact that the defendant was fighting 4 attackers at the same time
11. That all the evidence adduced per testimony from witnesses directly after the incident attest to the defendant fighting off 4 men
12. That after witnessing the public defender's office failure to rebut the testimony of the accusing witnesses on the issue of self defense knowing that the witnesses testimony at trial differs significantly from their deposition testimony taken at the scene immediately after the incident I believe my son is not being properly represented
13. That when I questioned why they failed to impeach the witnesses I was again told that due to the some privilege held by the public defenders office they would not discuss their defense strategy with me
14. That the defendant, my son's defense relies upon entirely upon the doctrine of self defense
15. That three complaining witnesses at trial, who admit to fighting the defendant, my son, testified at trial that he drove his car to where they were and parked it there whereupon he and his girlfriend got out and attacked them, yet the allegation that he drove his car to them is absent within there prior testimony taken immediately after the incident, yet this allegation was not impeached by his public defender although the prior testimony of the witnesses is available and had been sent to me by my son some time ago
16. That Andre Blanco testified at trial that he was the first person attacked, yet in his transcript testimony he testifies that "But I came to help" and when asked "Now after the fight broke out you ran over there, right, to help?" he answers "Yeah"; this testimony differs greatly from the testimony given at trial
17. That his transcript testimony differs significantly from his trial testimony and the creditability of his trial testimony could and should have been impeached by showing the jury the inconsistency in between his statements
18. That there is no creditable strategy whereby the omission of impeachment of witnesses would or should be employed in this instance
19. That Fransico Gotay testified in his statement before the trial that "I was already in the car waiting for my friends to come out the club", yet at trial his testimony is that he had not reached the car when he saw the defendant attack his friend; he also states "Nall I didn't see the knife at all cause I , I'm sure if I would have seen a knife, I would have back up off him", an admission that he was 'on top him', as the defendant says,
20. It could be critical to the defense that it show that these alleged victims were simultaneously fighting the defendant and within the transcripts of their prior

testimony there are numerous statement which support that, yet not once did the defense refer to any of these witnesses prior statements

21. That Anthony Ralono, testified that he pulled the girl off of one of his friends and then grabbed the defendant by the back of his shirt, yet if he had pulled the girl off his friend he would have been facing the back of his friend and not the back of the defendant, as the girl was not on the defendant's back and this friend would have been fighting the defendant at the same time that he grabbed him, yet this point was not made or addressed
22. That as well Anthony Ralono's trial testimony differs greatly from his previous statements
23. That the failure to properly defend the defendant, my son is either due to the a failure to prepare and know what the witness prior testimony was or is a purposeful malpractice failure

For the foregoing reasons I ask the court to pay close attention to public defendant's obvious omissions, frivolous objections to assure the defendant a fair trial.


Edward Lawrence Dobbs

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO: 48-2006-CF-15201-O

Plaintiff,

v.

JOHN W. DOBBS,

Defendant.


**ORDER ON EDWARD DOBBS' MOTION FOR SUBSTITUTION OF COUNSEL
AND JUDGMENT OF ACQUITTAL OR MOTION FOR NEW TRIAL**

THIS CAUSE having come to be heard before this Court on Edward Dobbs' Motion for Substitution of Counsel and Judgment of Acquittal or Motion for New Trial, and this Court being fully advised in the premises, the Court finds that it has denied Edward Dobbs' Motion for Substitution of Counsel as legally insufficient by separate order and further finds that defendant is represented by the Office of the Public Defender and that appointed counsel has not adopted the motion, it is therefore

ORDERED AND ADJUDGED that Edward Dobbs' Motion for Substitution of Counsel is DENIED by separate order executed on March 5, 2007. It is further

ORDERED that Edward Dobbs' Motion for Judgment of Acquittal and Motion for New Trial should be and the same is hereby STRICKEN.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 6th day of March, 2007.



LISA T. MUNYON
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished by United States Mail/hand-delivery to Catherine Chien, Esquire, and Melissa Vickers, Esquire, Office of the Public Defender, 435 North Orange Avenue, Suite 400, Orlando, Florida, 32801; Kimberly Laskoff, Esquire, Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida 32801; and Edward Dobbs, Esquire, 1410 Washington Blvd, Suite 1805, Detroit, MI, 48226, on this 6th day of March, 2007.



Judicial Assistant

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO: 48-2006-CF-15201-O

Plaintiff,

v.

JOHN W. DOBBS,

Defendant.

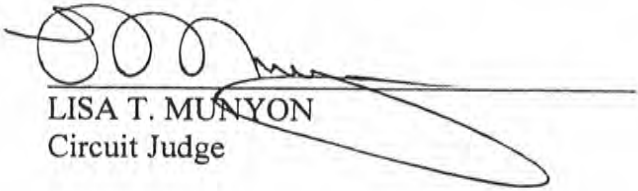
ORDER ON EDWARD DOBBS' MOTION FOR SUBSTITUTION OF COUNSEL

THIS CAUSE having come to be heard before this Court on Edward Dobbs' Motion for Substitution of Counsel, and this Court being fully advised in the premises, the Court finds as follows:

Edward Dobbs requests substitution as counsel of record in the above case. Edward Dobbs is not an attorney licensed to practice in the State of Florida and can seek pro hac vice admission to practice before a Florida court only upon meeting the requirements set forth in Rule 1-3.10 of the Rules Regulating the Florida Bar. Edward Dobbs' motion fails to meet the requirements of the rule and is legally insufficient. Based upon the foregoing, it is hereby

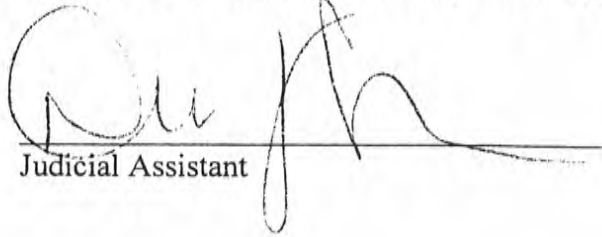
ORDERED and ADJUDGED that Edward Dobbs' Motion for Substitution of Counsel should be and the same is hereby DENIED.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 5th day of March, 2007.


LISA T. MUNYON
Circuit Judge

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Order has been furnished by United States Mail/hand-delivery to Catherine Chien, Esquire, and Melissa Vickers, Esquire, Office of the Public Defender, 435 North Orange Avenue, Suite 400, Orlando, Florida, 32801; Kimberly Laskoff, Esquire, Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida 32801; and Edward Dobbs, Esquire, 1410 Washington Blvd, Suite 1805, Detroit, MI, 48226, on this 5th day of March, 2007.


Judicial Assistant

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48- 06-CF- 15201- / A

DIVISION NO: 16

STATE OF FLORIDA,
Plaintiff,

vs.

JOHN W DOBBS,
Defendant.

Order (Sentencing)

Court opened on 3/8/2007, with the following officers present:

Honorable Lisa T. Munyon, Judge Presiding.

Asst. State Atty.: Div. 15

Court Deputy: Al Alemany

Court Reporter: Tammy Kriner

This case came on this day for Sentencing . The Defendant was present with counsel. Counsel's Name: M.VICKERS/C.CHIEN-PD
OFFICE.

Count(s): Ct. 001) 782.04(2)

STATE WITNESSES SWORN AND TESTIFIED:

1)WILLIAM TROY III 2)RUBY TROY 3) TAMMY

DEFENSE WITNESSES SWORN AND TESTIFIED:

1)EDWARD DOBBS 2) JOHN DOBBS

Sentence

Jail

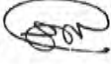
The defendant is ordered to serve Life in the Department of Corrections with credit for 135 Day(s) time served. This count to run concurrent with EACH COUNT.

Restitution ORDERED AND RESERVED AS TO AMOUNT..

Fines

The Defendant is hereby ordered to pay the following amounts: Court Costs: \$ 5.00; CCF: \$ 50.00; LGCJTF: \$ 200.00;
CRIMESTP: \$ 20.00; CRIMEPREV: \$ 50.00;
\$65.00 pursuant to section 939.185, Florida Statutes (Criminal Ordinance Fee)

Additional Costs

~~The Defendant is hereby ordered to pay a \$ 500.00 Public Defender Fee.~~ 

The Defendant is hereby ordered to pay a \$ 40.00 DERP fee.

- Failure to pay financial obligations will result in the suspension of your driving privileges.

Misc. Orders / Events

- ALL COURT COST IMPOSED ARE REDUCED TO JUDGMENT

Count(s): Ct. 002) 784.045(1)(A)(1)

STATE WITNESSES SWORN AND TESTIFIED:
1) WILLIAM TROY III 2) RUBY TROY 3) TAMMY
DEFENSE WITNESSES SWORN AND TESTIFIED:
1) EDWARD DOBBS 2) JOHN DOBBS

Sentence

Jail

The defendant is ordered to serve 15 Year(s) in the Department of Corrections with credit for 135 Day(s) time served. This count to run concurrent with EACH COUNT.

Count(s): Ct. 003) 784.045(1)(A)(1)

STATE WITNESSES SWORN AND TESTIFIED:
1) WILLIAM TROY III 2) RUBY TROY 3) TAMMY
DEFENSE WITNESSES SWORN AND TESTIFIED:
1) EDWARD DOBBS 2) JOHN DOBBS

Sentence

Jail

The defendant is ordered to serve 15 Year(s) in the Department of Corrections with credit for 135 Day(s) time served. This count to run concurrent with EACH COUNT.

Count(s): Ct. 004) Assault 784.021(1)(A)

STATE WITNESSES SWORN AND TESTIFIED:
1) WILLIAM TROY III 2) RUBY TROY 3) TAMMY
DEFENSE WITNESSES SWORN AND TESTIFIED:
1) EDWARD DOBBS 2) JOHN DOBBS

Sentence

Jail

The defendant is ordered to serve 5 Year(s) in the Department of Corrections with credit for 135 Day(s) time served. This count to run concurrent with EACH COUNT.

With the Following Minimum/Mandatory Provisions Imposed:

Firearm

It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Shooting Gun & Vehicle
Count(s): Ct. 005) Assault 790.15(2)

Misc. Orders / Events

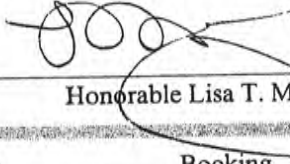
- PREVIOUSLY ACQUITTED.

Filed in Open Court this 8th day of March, 2007.

Done and Ordered at Orange County, Florida this 8th day of
March, 2007.

Lydia Gardner
Clerk of the Circuit and County Courts

By: T. Thompson,
Deputy Clerk in Attendance


Honorable Lisa T. Munyon, Judge Presiding

Docketed By:
A. ODEN

<input type="checkbox"/> ACS	<input type="checkbox"/> Dockets	<input type="checkbox"/> Defendant	<input type="checkbox"/> Booking	<input type="checkbox"/> Court Security
<input type="checkbox"/> CFSC	<input type="checkbox"/> Court Deputy	<input type="checkbox"/> P&P/Com Cont	<input type="checkbox"/> Surety	<input type="checkbox"/> S.O. on _____
<input type="checkbox"/> Other: _____				

I certify that a copy hereof has been furnished to _____ by (mail) (delivery) this _____ day of
_____, 20 ____.

By: _____
Deputy Clerk

SENTENCE

(as to Count 001)

The defendant being personally before this court, accompanied by the defendant's attorney of record, M.VICKERS/C.CHIEN-PD OFFICE, 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,

IT IS THE SENTENCE OF THE COURT THAT:

The Defendant is hereby committed to the custody of the Department of Corrections.

TO BE IMPRISONED:

For a term of natural life.

It is further ordered that the sentence imposed for this count shall run concurrent with EACH COUNT.

SPECIAL PROVISIONS

(As to Count 001)

The following provision(s) apply to the sentence imposed:

Other Provisions:

Jail Credit

It is further ordered that the defendant shall be allowed a total of 135 Day(s) as credit for time incarcerated before imposition of this sentence.

SENTENCE

(as to Count 002)

The defendant being personally before this court, accompanied by the defendant's attorney of record, M.VICKERS/C.CHIEN-PD OFFICE, 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,

IT IS THE SENTENCE OF THE COURT THAT:

The Defendant is hereby committed to the custody of the Department of Corrections.

TO BE IMPRISONED:

For a term of 15 Year(s).

It is further ordered that the sentence imposed for this count shall run concurrent with EACH COUNT.

SPECIAL PROVISIONS

(As to Count 002)

The following provision(s) apply to the sentence imposed:

Other Provisions:

Jail Credit

It is further ordered that the defendant shall be allowed a total of 135 Day(s) as credit for time incarcerated before imposition of this sentence.

SENTENCE

(as to Count 003)

The defendant being personally before this court, accompanied by the defendant's attorney of record, M.VICKERS/C.CHIEN-PD OFFICE, 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,

IT IS THE SENTENCE OF THE COURT THAT:

The Defendant is hereby committed to the custody of the Department of Corrections.

TO BE IMPRISONED:

For a term of 15 Year(s).

It is further ordered that the sentence imposed for this count shall run concurrent with EACH COUNT.

SPECIAL PROVISIONS

(As to Count 003)

The following provision(s) apply to the sentence imposed:

Other Provisions:

Jail Credit

It is further ordered that the defendant shall be allowed a total of 135 Day(s) as credit for time incarcerated before imposition of this sentence.

SENTENCE

(as to Count 004)

The defendant being personally before this court, accompanied by the defendant's attorney of record, M.VICKERS/C.CHEN-PD OFFICE, 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,

IT IS THE SENTENCE OF THE COURT THAT:

The Defendant is hereby committed to the custody of the Department of Corrections.

TO BE IMPRISONED:

For a term of 5 Year(s).

It is further ordered that the sentence imposed for this count shall run concurrent with EACH COUNT.

SPECIAL PROVISIONS

(As to Count 004)

The following provision(s) apply to the sentence imposed:

Mandatory/Minimum Provisions:

Firearm

It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Other Provisions:

Jail Credit

It is further ordered that the defendant shall be allowed a total of 135 Day(s) as credit for time incarcerated before imposition of this sentence.

Defendant: JOHN W DOBBS

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

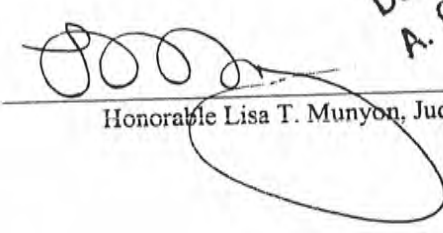
The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to assistance of counsel in taking the appeal at the expense of the State on showing of indigence.

Filed in Open Court this 8th day of March, 2007.

Done and Ordered at Orange County, Florida this 8th day of March, 2007.

Lydia Gardner
Clerk of the Circuit and County Courts

By: T. Thompson,
Deputy Clerk in Attendance


Honorable Lisa T. Munyon, Judge Presiding

Docketed By
A. ODEN

Rule 3.9 Criminal Punishment Code Worksheet

1. Date of Sentence 3-8-77	2. Preparer's Name Laskoff, Kimberly	<input type="checkbox"/> DC <input checked="" type="checkbox"/> SAO	3. County Orange	4. Sentencing Judge Lisa Munyon
5. Name (Last, First, M.I.) DOBBS, JOHN W	6. DOB 09/18/1974	8. Race <input checked="" type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> Other	10. Primary Off. Date 10/25/2006	12. Plea <input type="checkbox"/>
	7. DC#	9. Gender <input checked="" type="checkbox"/> M <input type="checkbox"/> F	11. Primary Docket # 48-2006-CF-015201-O	Trial <input checked="" type="checkbox"/>

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

FEL DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
L	782.04(2)-1	SECOND DEGREE MURDER (WITH A WEAPON)	10	116.0

(Level = Pts: 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
48-2006-CF-015201-O	2	784.045(1)(A)(1)-7	7	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	2 X	28.0	= 56.0

Description: **AGGRAVATED BATTERY (ALTERNATIVE)**

48-2006-CF-015201-O	3	784.021(1)(A)-15	6	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	1 X	18.0	= 18.0
----------------------------	----------	-------------------------	----------	---	------------	-------------	---------------

Description: **AGGRAVATED ASSAULT WITH A FIREARM**

				<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		=
--	--	--	--	---	---	--	---

Description: _____
(Level = Pts: 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)

Supplemental page points **0.0**

II. **74.0**

III. VICTIM INJURY:

Number	Total	Number	Total
2nd Degree Murder 240 X 1 = 240		Slight 4 X 0 = 0	
Death 120 X 0 = 0		Sex Penetration 80 X 0 = 0	
Severe 40 X 0 = 0		Sex Contact 40 X 0 = 0	
Moderate 18 X 2 = 36			

III. **276.0**

IV. PRIOR RECORD: Supplemental page attached: ☐

DOCKET #	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
SCI-3888-98 QUEENS, NY	3	110-265.02 04	1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	1 X	0.5	= 0.5

Description: **ATTEMPTED CRIMINAL POSSESSION OF A WEAPON (FIREARM)**

	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		=
--	---	---	--	---

Description: _____

	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		=
--	---	---	--	---

Description: _____

	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		=
--	---	---	--	---

Description: _____

	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	X		=
--	---	---	--	---

Description: _____

(Level = Pts: 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 **0.0**

IV. **0.5**

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

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48- 06-CF- 15201- / A

DIVISION NO: 16

STATE OF FLORIDA,
Plaintiff,

vs.

JOHN W DOBBS,
Defendant.

FINAL JUDGMENT

This case came on to be heard this date and the Court having assessed a public defender fee and the amount of lien to be imposed, pursuant to Florida Statute 938.29, it is

ORDERED AND ADJUDGED as follows:

1. The County of Orange, State of Florida, shall have and recover, of and from JOHN W DOBBS, whose date of birth is 09/18/1974, social security number is 347-86-5915, and whose address is , , the sum of \$ 500.00.
2. By virtue of Florida Statute 938.29, a lien in said amount in favor of the County of Orange, State of Florida, is hereby ordered and imposed against the assets both real and personal, which persons named in paragraph 1 may now or hereafter have.
3. The Clerk of this Court shall record this Judgment in the Official Records of this County.
4. Payment of this Judgment may be made in lump sum or installment payments by Cashier's check or money order in person or by mail to:

Name of defendant and case number must accompany payment(s). For further information call .

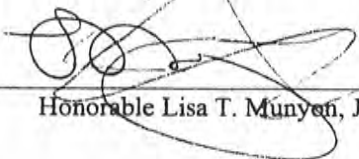
5. Upon payment in full of this lien, or upon settlement, compromise or other disposition of this debt and lien, the said Clerk of Courts shall send to the above-named person(s) by mail a Satisfaction of Lien.

Filed in Open Court this 8th day of March, 2007.

Lydia Gardner
Clerk of the Circuit and County Courts

By: T. Thompson,
Deputy Clerk in Attendance

Done and Ordered at Orange County, Florida this 8th day of
March, 2007.


Honorable Lisa T. Munyon, Judge Presiding

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 48- 06-CF- 15201- / A

DIVISION NO: 16

STATE OF FLORIDA,
Plaintiff,

vs.

JOHN W DOBBS,
Defendant.

Charges/Costs/Fees

The Defendant is hereby ordered to pay the following sums:

- Clerk 3/12/07*
- \$50.00 pursuant to section 938.03, Florida Statutes (Crimes Compensation Trust Fund).
 - \$3.00 as a court cost pursuant to section 938.01, Florida Statutes (Additional Court Costs Clearing Trust Fund).
 - \$2.00 as a court cost pursuant to section 938.15, Florida Statutes (Criminal Justice Education by Municipalities and Counties).
 - A sum of \$200.00 pursuant to section 938.05, Florida Statutes (Local Government Criminal Justice Trust Fund).
 - \$20.00 pursuant to 938.06, Florida Statutes (CrimeStoppers Trust Fund).
 - A sum of \$50.00 pursuant to section 775.083, Florida Statutes (Crime Prevention Ordinance).
 - \$65.00 pursuant to section 939.185, Florida Statutes (Criminal Ordinance Fee)

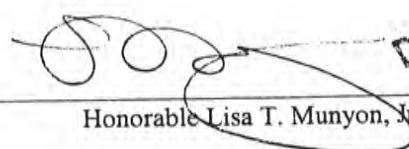
~~A sum of \$ 500.00 pursuant to section 938.29, Florida Statutes (Public Defender Fee).~~
\$ 40.00 pursuant to section 27.52, Florida Statutes (DERP).

Filed in Open Court this 8th day of March, 2007.

Done and Ordered at Orange County, Florida this 8th day of
March, 2007.

Lydia Gardner
Clerk of the Circuit and County Courts

By: T. Thompson,
Deputy Clerk in Attendance


Honorable Lisa T. Munyon, Judge Presiding

Docketed
A. ODEN

IN THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

JOHN W. DOBBS
Defendant.

CASE NO: 48-2006-CF-015201-O

DIVISION: 16

Docketed By: 16
A. ODEN

FILED IN OPEN COURT
THIS 8 DAY OF March, 2007
Lydia Gardner, Clerk
BY [Signature] D.C.

RESTITUTION ORDER AND FINAL JUDGEMENT

THIS CAUSE came on to be heard upon proper notice on the matter of what restitution, if any, the Defendant should be required to make pursuant to Sec. 775.089, Florida Statutes.

Therefore, it is

ORDERED AND ADJUDGED as follows:

1. _____ Restitution is not ordered as it is not applicable.
2. _____ Restitution is not ordered due to the financial resources of the Defendant.
3. X Restitution is ordered at this time; however, additional information is needed from the victim. The Court retains jurisdiction to determine the correct amount of restitution at a later date
4. _____ Based either upon the preponderance of the evidence presented or the victim's claim and the Defendant's agreement, this Court finds that Defendant's offense directly or indirectly caused damage or loss to the victim. The Defendant shall pay to the victim, , as restitution the sum of
5. Sections 775.089(5) and (10), Florida Statutes, provide that "an order of restitution may be enforced by the State or a victim named in the order in the same manner as a judgment in a civil action", and that "any default in payment of restitution may be collected by any means authorized by law for enforcement of a judgment".

8th DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this day of March, 2007

[Signature]
Stan Strickland
CIRCUIT COURT JUDGE

Copies to:

Kimberly Laskoff - Office of the State Attorney, Division 16

Catherine Chien - Defense Counsel, 435 N. Orange Avenue, Suite 400, Orlando, FL 32801

John W. Dobbs - Defendant, 1955 Bells Ferry Road, Marietta, GA 30066

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO: 48-2006-CF-015201-O

Plaintiff,
vs.

DIVISION: 16

JOHN W. DOBBS

Defendant.

Docketed By
A. ORTEGA
FILED IN OPEN COURT
THIS 8 DAY OF March 20 07
Lydia Gardner, Clerk
BY [Signature] D.C.

NAME AND ADDRESS OF VICTIM

As required by Florida Statute 944.605, the State Attorney hereby provides the Sheriff with the name and latest address of the victim to be delivered to the Department of Corrections (DOC) with other documents required by Florida Statute 944.17 before the DOC can accept an inmate for service of his or her sentence.

Unless otherwise requested by the victim or the personal representative of the victim, the DOC will notify the victim or personal representative of the victim within six months before the inmate's release.

Victim's Name and Address:

William John Troy SR.



☐ This information is not available.

☐ There is no identifiable victim in this case other than the State of Florida.

FILED this _____ day of March, 2007.

[Signature]

Kimberly Laskoff
Assistant State Attorney
Florida Bar # 136476

415 N. Orange Avenue, P.O. Box 1673
Orlando, FL 32802
(407)836-2416

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO: 48-2006-CF-015201-O


Plaintiff,

DIVISION: 16

vs.

JOHN W. DOBBS

Defendant.

FILED IN OPEN COURT
THIS 8 DAY OF March 07
Lydia Garcia, Clerk
BY 

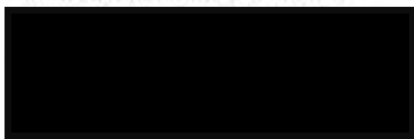
NAME AND ADDRESS OF VICTIM

As required by Florida Statute 944.605, the State Attorney hereby provides the Sheriff with the name and latest address of the victim to be delivered to the Department of Corrections (DOC) with other documents required by Florida Statute 944.17 before the DOC can accept an inmate for service of his or her sentence.

Unless otherwise requested by the victim or the personal representative of the victim, the DOC will notify the victim or personal representative of the victim within six months before the inmate's release.

Victim's Name and Address:

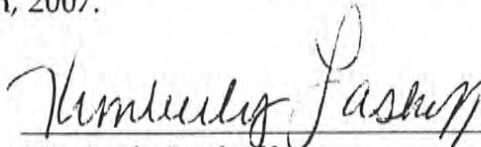
Andre Ramon Blanco



☐ This information is not available.

☐ There is no identifiable victim in this case other than the State of Florida.

FILED this _____ day of March, 2007.



Kimberly Laskoff

Assistant State Attorney

Florida Bar # 136476

415 N. Orange Avenue, P.O. Box 1673

Orlando, FL 32802

(407)836-2416

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO: 48-2006-CF-015201-O

Plaintiff,

DIVISION: 16

vs.

JOHN W. DOBBS

Defendant.

FILED IN ORANGE COUNTY
8 March
[Signature]

NAME AND ADDRESS OF VICTIM

As required by Florida Statute 944.605, the State Attorney hereby provides the Sheriff with the name and latest address of the victim to be delivered to the Department of Corrections (DOC) with other documents required by Florida Statute 944.17 before the DOC can accept an inmate for service of his or her sentence.

Unless otherwise requested by the victim or the personal representative of the victim, the DOC will notify the victim or personal representative of the victim within six months before the inmate's release.

Victim's Name and Address:

Francisco Gotay

[REDACTED]

- ☐ This information is not available.
- ☐ There is no identifiable victim in this case other than the State of Florida.

FILED this _____ day of March, 2007.

[Signature]

Kimberly Laskoff
Assistant State Attorney

Florida Bar # 136476
415 N. Orange Avenue, P.O. Box 1673
Orlando, FL 32802
(407)836-2416

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO: 48-2006-CF-015201-O

Plaintiff,

DIVISION: 16

vs.

JOHN W. DOBBS

Defendant.

NAME AND ADDRESS OF VICTIM

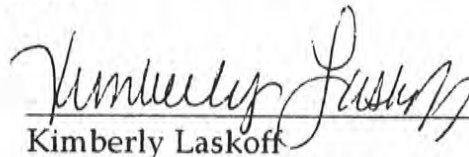
As required by Florida Statute 944.605, the State Attorney hereby provides the Sheriff with the name and latest address of the victim to be delivered to the Department of Corrections (DOC) with other documents required by Florida Statute 944.17 before the DOC can accept an inmate for service of his or her sentence.

Unless otherwise requested by the victim or the personal representative of the victim, the DOC will notify the victim or personal representative of the victim within six months before the inmate's release.

Victim's Name and Address:

Hanzel Holiday

- ☐ This information is not available.
- ☐ There is no identifiable victim in this case other than the State of Florida.
- FILED this _____ day of March, 2007.



Kimberly Laskoff
Assistant State Attorney
Florida Bar # 136476
415 N. Orange Avenue, P.O. Box 1673
Orlando, FL 32802
(407)836-2416

IN THE Circuit COURT IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO. CF06-15201

STATE OF FLORIDA,
Plaintiff,

-vs-

John Dobbis

Defendant,

AFFIDAVIT OF INSOLVENCY FOR PURPOSE OF APPEAL

STATE OF FLORIDA
COUNTY OF ORANGE

Personally appeared before me, the above named Defendant, John Dobbis, who, being first duly sworn by me, deposes and says under oath that he/she is totally insolvent and utterly unable to pay the charges, costs or fees in this cause, either in whole or part; that he/she has no property or other means of payment, either in his/her possession or under his/her control that he/she has not divested himself/herself of any property, either real or personal, for the purpose of receiving benefit from this oath; that he/she, at this time, is wholly without funds and, unless this court makes and enters an order adjudging this Defendant insolvent for purposes of appeal, he/she will be deprived of his/her rights under the law. This Affiant offers himself/herself up to the court now or at such future time as the court may see fit for the purpose of further examination into his/her insolvency.

Affiant further says that he/she has been informed that a lien for the value of the services rendered by the Public Defender/Court Appointed Counsel may be filed and impressed by law on any property he/she now has, or may hereafter have; and that Affiant has further been informed that, before any such lien is filed and impressed, he/she will be provided with a notice of hearing for purposes of being heard as to any such lien.

X [Signature]
Signature of Affiant

Sworn to and subscribed before me this

3 day of March, 2007
LYDIA GARDNER, Clerk

By [Signature]
Deputy Clerk

Docketed By: FILED IN OPEN COURT
THIS 8 DAY OF March 07
A. ODEN
Lydia Gardner, Clerk
BY [Signature] D.C.

ORDER

Based on the foregoing Affidavit, the above-named Defendant is hereby adjudged insolvent for purposes of appeal and the Public Defender of the Ninth Judicial Circuit/~~Court Appointed Counsel~~, [Signature], is hereby appointed as counsel to represent the Defendant in the appeal in the above-styled cause.

DONE AND ADJUDGED in Orange County Courthouse in Orlando, Florida, this 8th day of March, 20 07.

[Signature]
JUDGE OF THE Circuit COURT

cc: Public Defender/Court Appointed Counsel

C1 Appeals 3/12/07

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO: 48-2006-CF-15201-O

Plaintiff,

v.

JOHN W. DOBBS,

Defendant.

Docketed By:
A. ODEN

FILED IN OPEN COURT
THIS 8 DAY OF March, 2007
Lydia Gardner, Clerk
BY [Signature] D.C.

**ORDER ON EDWARD DOBBS' MOTION FOR SUBSTITUTION OF COUNSEL
AND JUDGMENT OF ACQUITTAL OR MOTION FOR NEW TRIAL**

THIS CAUSE having come to be heard before this Court on Edward Dobbs' Motion for Substitution of Counsel and Judgment of Acquittal or Motion for New Trial, and this Court being fully advised in the premises, the Court finds that it has denied Edward Dobbs' Motion for Substitution of Counsel as legally insufficient by separate order and further finds that defendant is represented by the Office of the Public Defender and that appointed counsel has not adopted the motion, it is therefore

ORDERED AND ADJUDGED that Edward Dobbs' Motion for Substitution of Counsel is DENIED by separate order executed on March 5, 2007. It is further

ORDERED that Edward Dobbs' Motion for Judgment of Acquittal and Motion for New Trial should be and the same is hereby STRICKEN.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 6th day of March, 2007.

[Signature]
LISA T. MUNYON
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished by United States Mail/hand-delivery to Catherine Chien, Esquire, and Melissa Vickers, Esquire, Office of the Public Defender, 435 North Orange Avenue, Suite 400, Orlando, Florida, 32801; Kimberly Laskoff, Esquire, Office of the State Attorney, 415 N. Orange Avenue, Orlando, Florida 32801; and Edward Dobbs, Esquire, 1410 Washington Blvd, Suite 1805, Detroit, MI, 48226, on this 6th day of March, 2007.



Judicial Assistant

IN THE CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA


STATE OF FLORIDA,
Plaintiff,

CASE NO. 48-2006-CF-015201-O
DIVISION 16

vs.

JOHN W. DOBBS,
Defendant.

Docketed By:
A. ODEN

FILED IN OPEN COURT
THIS 8 DAY OF March, 2007
Lydia Gardner, Clerk
BY  D.C.

MOTION FOR NEW TRIAL

COMES NOW the Defendant, John W. Dobbs, by and through the undersigned attorney, pursuant to Florida Rule of Criminal Procedure 3.580 and 3.600, and moves this Court to enter its Order granting a new trial as to the offense contained in the above-styled cause. In support of this motion the Defendant would show:

1. Pursuant to 3.600 (a)(2), the verdict is contrary to the law or the weight of the evidence.
2. Pursuant to 3.600 (b)(6), the Court erred in denying Defendant's Motion for Judgment of Acquittal made at the close of the State's case and at the close of all of the evidence. This case is similar to Jenkins v. State, 942 So. 2d 910, in which the court in that case found that the State's witnesses uniformly identified the victim as the aggressor who invited the fight and threw the first punch. The witnesses in Jenkins stated that the defendant never moved toward the victim and was instead rushed by the victim and did not have time to retreat. The Jenkins court held that the State was unable to present the competent, substantial evidence necessary to overcome the defendant's defense and in fact presented evidence consistent with the defense.

Similarly in this case, all of the State's witnesses either did not see how the fight began or indicated that it was the group of alleged victims that actually initiated the fight. The independent witness, Justin Idle, testified that it was the group of alleged victims that yelled out words to the Defendant and that at least 3 of the 4 advanced towards the Defendant. The other independent witness Phillip Westfall testified that he saw a Hispanic male from the group of 4 walk 30 feet to the Defendant. In addition, Crime Scene Investigator Allison Wright testified that the blood on the parking lot spanned 55 feet and is consistent with both, independent witnesses and defense

witnesses, as to the fact that the Defendant stayed by his parked car and that it was the alleged victims that moved towards the Defendant. Both independent witnesses testified that they never saw the Defendant move his car and that it was the alleged victims that rushed the Defendant. The State in this case failed to present competent, substantial evidence necessary to overcome the Defendant's defense of self-defense.

3. Pursuant to 3.600 (b)(7), the Court erroneously instructed the jury on a matter of law or refused to give a proper instruction requested by the Defendant. The Defendant, through his counsel, requested that the Court instruct the jury that the state has the burden of proving beyond every reasonable doubt that this was not a case of self-defense.

4. Pursuant to 3.600 (b)(8), the Defendant did not receive a fair and impartial trial through no fault of his own. The jury disregarded the testimony of two independent witnesses (Justin Idle and Phillip Westfall) who fully support the defense of self-defense. Instead, the jury must have relied upon the testimony of Andre Blanco, Francisco Gotay, and Anthony Riollano whose testimonies even contradicted each other. In addition, the state's own witnesses indicated that it was the alleged victims that began the fight by advancing towards the Defendant. Furthermore, the forensic evidence offered at trial impeached the testimony of all three of the alleged victims. Crime Scene Investigator Allison Wright testified that the blood found at the parking lot of the Dollhouse spanned approximately 55 feet. This contradicts the victims' testimony that the Defendant drove up to them and began the fight.

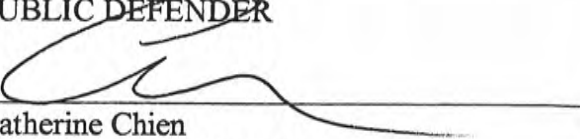
5. The Defendant reserves the right to orally amend this Motion to state additional grounds for why this Court should grant this Motion for New Trial.

CERTIFICATE OF SERVICE

I CERTIFY that a copy hereof has been furnished to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida, by mail/hand delivery on the 8th day of March, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By:


Catherine Chien
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Ave., Ste. 400
Orlando, Florida 32801
(407)836-4816

IN THE CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO. 48-2006-CF-015201-O
DIVISION 16

vs.

JOHN W. DOBBS,
Defendant.

Docketed By:
A. ODEN

FILED IN OPEN COURT
THIS 8 DAY OF March 2007
BY [Signature] D.C.

MOTION FOR JUDGMENT OF ACQUITTAL NOTWITHSTANDING THE VERDICT

COMES NOW the Defendant, John W. Dobbs, by and through the undersigned attorney, and moves this Court to enter its Order granting this motion for judgment of acquittal notwithstanding the verdict in the above-styled cause. In support of this motion the Defendant would show:

There was insufficient evidence presented by the State to support the verdict. The Court erred in denying Defendant's Motion for Judgment of Acquittal made at the close of the State's case and at the close of all of the evidence. This case is similar to Jenkins v. State, 942 So. 2d 910, in which the court in that case found that the State's witnesses uniformly identified the victim as the aggressor who invited the fight and threw the first punch. The witnesses in Jenkins stated that the defendant never moved toward the victim and was instead rushed by the victim and did not have time to retreat. The Jenkins court held that the State was unable to present the competent, substantial evidence necessary to overcome the defendant's defense and in fact presented evidence consistent with the defense.

Similarly in this case, all of the State's witnesses either did not see how the fight began or indicated that it was the group of alleged victims that actually initiated the fight. The independent witness, Justin Idle, testified that it was the group of alleged victims that yelled out words to the Defendant and that at least 3 of the 4 advanced towards the Defendant. The other independent witness Phillip Westfall testified that he saw a Hispanic male from the group of 4 walk 30 feet to the Defendant. In addition, Crime Scene Investigator Allison Wright testified that the blood on the parking lot spanned 55 feet and is consistent with both, independent witnesses and defense witnesses, as to the fact that the Defendant stayed by his parked car and that it was the alleged

victims that moved towards the Defendant. Both independent witnesses testified that they never saw the Defendant move his car and that it was the alleged victims that rushed the Defendant. The State in this case failed to present competent, substantial evidence necessary to overcome the Defendant's defense of self-defense.

The Defendant reserves the right to orally amend this Motion to state additional grounds for why this Court should grant this Motion for Judgment of Acquittal Notwithstanding the Verdict.

CERTIFICATE OF SERVICE

I CERTIFY that a copy hereof has been furnished to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida, by mail/hand delivery on the 8th day of March, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By: _____

Catherine Chien
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Ave., Ste. 400
Orlando, Florida 32801
(407)836-4816

IN THE CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO. 48-2006-CF-015201-O
DIVISION 16

vs.

JOHN W. DOBBS,
Defendant.

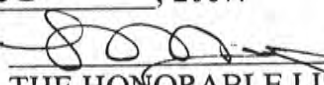
FILED IN OFFICE
CRIMINAL JUSTICE DIVISION
2007 MAR 12 AM 9:04
CLERK OF CIRCUIT COURT
ORANGE COUNTY, FLORIDA

ORDER FOR NEW TRIAL

THIS CAUSE having come on before the Honorable Lisa Munyon, in and for Orange County, Florida, upon the Defendant's Motion for New Trial, and the Court having been fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that Defendant's Motion for New Trial be, and the same is hereby denied.

DONE AND ORDERED in Chambers at the Orange County Courthouse in Orlando, Florida, this the 8th day of March, 2007.

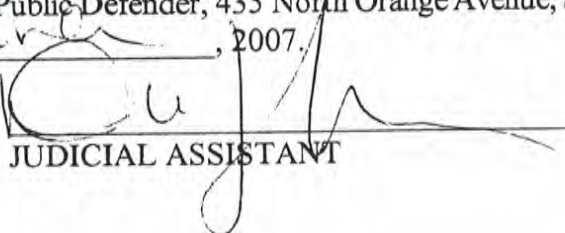


THE HONORABLE LISA MUNYON
CRIMINAL JUSTICE DIVISION

Docketed by:
K. M. P. D.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by inter-office mail delivery to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida and to Catherine Ghien, Office of the Public Defender, 435 North Orange Avenue, Suite. 400, Orlando, Florida, this 8th day of March, 2007.



JUDICIAL ASSISTANT

IN THE CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO. 48-2006-CF-015201-0
DIVISION 16

vs.

JOHN W. DOBBS,
Defendant.

FILED IN OFFICE
CRIMINAL DIVISION
2007 MAR 12 AM 9:03
LYDIA GARDNER
CLERK CIRCUIT COURT
ORANGE CO., FL

ORDER FOR JUDGMENT OF ACQUITTAL NOTWITHSTANDING THE VERDICT

THIS CAUSE having come on before the Honorable Lisa Munyon, in and for Orange County, Florida, upon the Defendant's Motion for Judgment of Acquittal Notwithstanding the Verdict, and the Court having been fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that Defendant's Motion for Judgment of Acquittal Notwithstanding the Verdict be, and the same is hereby denied.

DONE AND ORDERED in Chambers at the Orange County Courthouse in Orlando, Florida, this the 8th day of March, 2007.

Docketed by:
MARTINS



THE HONORABLE LISA MUNYON
CRIMINAL JUSTICE DIVISION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by inter-office mail delivery to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida and to Catherine Chien, Office of the Public Defender, 435 North Orange Avenue, Suite. 400, Orlando, Florida, this 8th day of March, 2007.



JUDICIAL ASSISTANT

**CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA**

**CASE NO. 06CF-15201
DIVISION 16**

JOHN DOBBS,

Defendant/Appellant,

vs.

STATE OF FLORIDA,

Plaintiff/Appellee.

NOTICE OF APPEAL

NOTICE IS GIVEN that the Defendant/Appellant, JOHN DOBBS, appeals to the Fifth District Court of Appeal the Orders of this Court rendered on the 1st day of March, 2007 and the 8th day of March, 2007. The nature of the Order is final Order of Judgment and Sentence.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/hand delivery to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida; and to the Office of the Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118, this the 15 day of March, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By: 

CATHERINE CHIEN
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Avenue
Suite 400
Orlando, Florida 32801
(407) 836-4816

Docketed By:
T. THOMPSON

**CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA**

**CASE NO. 06CF-15201
DIVISION 16**

Docketed By:
J. T. J. J. J.

JOHN DOBBS,

Defendant/Appellant,

vs.

STATE OF FLORIDA,

Plaintiff/Appellee.

FILED
MAR 15 11 30 AM '07
CLERK OF COURT
ORANGE COUNTY, FLORIDA

STATEMENT OF JUDICIAL ACTS TO BE REVIEWED

COMES NOW the Defendant/Appellant, JOHN DOBBS, by and through the undersigned attorney, to state the following acts of the lower tribunal which are in error and upon which he shall rely for appeal:

1. The finding of probable cause at the adversarial preliminary hearing by Judge Strickland on 12-22-06.
2. Judge Strickland granting the State's request for a continuance on 1-26-07.
3. Judge Strickland denial in part of the Motion to Suppress that was heard 2-15-07 and denial for defense's request for a rehearing.
4. Judge Strickland's denial of the Defendant's request for a bench trial on 2-15-07.
5. Judge Munyon overruling the defense's objection during the State's opening when the State discussed the innocence of the Defendant which is not the standard of proof.
6. Judge Munyon allowing the addition of new witnesses and new discovery and evidence being allowed into evidence when they were handed to the Defendant after trial began and throughout the trial.

7. Judge Munyon's denial to allow the jury to hear all of Donald Swift's proffered testimony.
8. Judge Munyon overruling the defense objections and allowing the state to introduce cumulative photos of all the victims and in particular the Medical Examiner's photographs.
9. Judge Munyon admitting the testimony of witnesses to give their expert opinion when their testimony was not relevant to the case.
10. Judge Munyon's failure to adequately inquire of the Defendant once a Statement of Ineffective Assistance of Counsel was submitted by Edward Dobbs.
11. Judge Munyon overruling the defense's objections throughout the trial that had they been sustained, it would have resulted in a favorable verdict to the Defendant.
12. The denial of the Defendant's opportunity to speak to the court.
13. Throughout the trial, the deceased's family was visibly upset and disrupted the trial on more than one occasion.
14. The denial of the special jury instruction that the state has the burden to prove beyond every reasonable doubt that this was not self-defense, pursuant to State v. Jenkins, 942 So. 2d 910.
15. The denial of Defense's request to exclude jury instruction on the Defendant testifying on the grounds that it highlighted and emphasized the weight of the Defendant's testimony.
16. The denial of Defense's objection of the Manslaughter charge.
17. Judge Munyon admitted evidence with the condition that the state show its relevance at a later time with other subsequent witnesses and the Judge failed to require the state to follow through and show the relevance and never held a hearing to determine if the state met its obligation.
18. Based on the cumulative errors at trial, Judge Munyon should have ordered a mistrial.

19. The State's refusal to provide 911 tapes and tapes of the interviews of witnesses the police officers interviewed on the night of the incident. The only tape provided was of the Defendant's interview of the police which contained numerous errors.

20. Judge Munyon's denial of Motion for New Trial.

21. Judge Munyon's denial of Motion for Judgment of Acquittal Notwithstanding the Verdict.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/hand delivery to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida, and to the Office of the Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118, this the 15 day of March, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By: 

CATHERINE CHIEN
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Avenue
Suite 400
Orlando, Florida 32801
(407) 836-4816

**CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA**

**CASE NO. 06CF-15201
DIVISION 16**

JOHN DOBBS,

Defendant/Appellant,

vs.

STATE OF FLORIDA,

Plaintiff/Appellee.

DIRECTIONS TO THE CLERK

The Clerk of the above-styled Court is directed to prepare the Automatic Record on Appeal in the above-styled cause pursuant to Florida Rule of Appellate Procedure 9.200(a)(1), including the transcripts specified in the Designation to the Court Reporter.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/hand delivery to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida, and to the Office of the Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118, this the 15 day of March, 2007.

**ROBERT WESLEY
PUBLIC DEFENDER**

By: _____

CATHERINE CHIEN
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Avenue
Suite 400
Orlando, Florida 32801
(407) 836-4816

FILED IN OFFICE
CRIMINAL JUSTICE
2007 MAR 15 PM 3:25
LYDIA CARPENEZ
CLERK OF CIRCUIT COURT
ORANGE CO., FL.

Docketed By:
J. THOMPSON

**CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA**

**CASE NO. 06CF-15201
DIVISION 16**

JOHN DOBBS,

Defendant/Appellant,

vs.

STATE OF FLORIDA,

Plaintiff/Appellee.

Docketed By:
J. THOMPSON

FILED IN OFFICE
CRIMINAL DIVISION
2007 MAR 15 PM 3:26
LYDIA SAMPSON
CLERK CIRCUIT COURT
ORANGE CO., FL.

I. DESIGNATION

Defendant/Appellant, JOHN DOBBS, files this Designation to Reporter and directs the Official Court Reporter to transcribe an original and two (2) copies of the following portions of the trial and/or other proceeding to be used in this appeal.

1. The hearing proceeding as recorded by the Reporter on December 22, 2006, before the Honorable Stan Strickland.
2. The hearing proceeding as recorded by the Reporter on January 26, 2007, before the Honorable Stan Strickland.
3. The hearing proceeding as recorded by the Reporter on February 15, 2007, before the Honorable Stan Strickland.
4. The trial proceeding, including Voir Dire, as recorded by the Reporter on February 26, 2007 through March 1, 2007, before the Honorable Lisa T. Munyon.
5. The sentencing proceeding as recorded by the Reporter on March 8, 2007, before the Honorable Lisa T. Munyon.
6. The Court Reporter is directed to file the original and two (2) copies with the clerk of the lower tribunal.

I, Counsel for Appellant, certify that satisfactory financial arrangements have been made with the court reporter for preparation of the transcript, in that Appellant has been found indigent and the Public Defender has been appointed to represent Appellant in this appeal.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/hand delivery to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida, and to the Official Court Reporters, 435 North Orange Avenue, Suite 100, Orlando, Florida this the 15 day of March, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By: 

CATHERINE CHIEN
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Avenue
Suite 400
Orlando, Florida 32801
(407) 836-4816

II. REPORTER'S ACKNOWLEDGMENT
JOHN DOBBS; 06CF-15201

1. The foregoing designation was served on _____, 2007 and received on _____, 2007.

2. Appellant has been determined indigent for purposes of appeal.

3. Number of trial or hearing days _____.

4. Estimated number of transcript pages _____.

5. () The transcript will be available within 30 days of service of the foregoing designation and will be filed on or before the _____ day of _____, 2007.

() For the following reason(s) the court reporter requests an extension of time of _____ days for preparation of the transcript that will be filed on or before the _____ day of _____, 2007.

Reason for Extension: _____

6. Completion and filing of this acknowledgment by the court reporter constitutes submission to the jurisdiction of the court for all purposes in connection with these appellate proceedings.

7. The undersigned court reporter certifies that the foregoing is true and correct and that a copy has been furnished by mail () hand delivery () this _____ day of _____, 2007, to each of the parties or their counsel.

Official Court Reporter

**CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA**

**CASE NO. 06CF-15201
DIVISION 16**

JOHN DOBBS,
Appellant,
vs.
STATE OF FLORIDA,
Appellee.

Docketed By:
J. THOMPSON
FILED IN OFFICE
CRIMINAL DIVISION
2007 MAR 15 PM 3:26
LYDIA GARDNER
CLERK CIRCUIT COURT
ORANGE CO., FL.

MOTION FOR TRANSCRIPTION OF PROCEEDINGS

COMES NOW the Defendant/Appellant, JOHN DOBBS, by and through the undersigned attorney, and moves this Honorable Court to enter its Order directing the Court Reporter to transcribe all notes taken at the following proceedings in the above-styled cause.

1. The hearing proceeding as recorded by the Reporter on December 22, 2006, before the Honorable Stan Strickland.
2. The hearing proceeding as recorded by the Reporter on January 26, 2007, before the Honorable Stan Strickland.
3. The hearing proceeding as recorded by the Reporter on February 15, 2007, before the Honorable Stan Strickland.
4. The trial proceeding, including Voir Dire, as recorded by the Reporter on February 26, 2007 through March 1, 2007, before the Honorable Lisa T. Munyon.
5. The sentencing proceeding as recorded by the Reporter on March 8, 2007, before the Honorable Lisa T. Munyon.

The Defendant/Appellant, would show unto the Court that said Order is requested in preparation for an appeal taken in the above-styled cause.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/hand delivery to the Office of the State Attorney, 415 North Orange Avenue, Orlando, Florida, and to the Official Court Reporters, 435 North Orange Avenue, Suite 100, Orlando, Florida, this 15 day of March, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By: 

CATHERINE CHIEN
Florida Bar No. 0663271
Assistant Public Defender
435 North Orange Avenue
Suite 400
Orlando, Florida 32801
(407) 836-4816

COPY

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NUMBER: 06CF-15201

JOHN DOBBS,

DIVISION: 16

Defendant.

REPORTER'S ACKNOWLEDGMENT OF DESIGNATION

1. The designation requesting transcription of the proceedings held on January 26, 2007 and February 15, 2007, before the Honorable Stan Strickland, to be included in the record for appeal was served on March 15, 2007 and received on March 15, 2007.

2. Satisfactory arrangements have (X) have not () been made for the transcript cost. The financial arrangements were completed on March 16, 2007.

3. Number of trial or hearing days: Two

4. Estimated number of pages: 130

5. Transcript will be completed: *May 15, 2007

*For the following reason, the court reporter requests an extension of time of 30 days for preparation of the transcripts that will be filed on or about the 15th day of May, 2007.

Reason for extension: Due to court reporters' workload, additional time is needed to complete the transcripts requested.

DATE: April 2, 2007


DIGITAL COURT REPORTER

CLERK OF COURT
ORANGE CO
FLORIDA

2007 APR -3 AM 8:58

Decoded By:
J. THOMPSON

FILED IN
CASE NO. 06CF-15201
APPEAL

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JOHN DOBBS,

Appellant,

v.

CASE NO. 5D07-1057

STATE OF FLORIDA,

Appellee.

DATE: April 9, 2007

BY ORDER OF THE COURT:

ORDERED that the Court Reporter's Request For An Enlargement Of Time filed pursuant to Florida Rule of Appellate Procedure 9.200(b)(3) is granted and the time for filing the Transcript of Proceedings with the clerk of the lower court is hereby extended to and including May 15, 2007.

I hereby certify that the foregoing is
(a true copy of the original Court order.


SUSAN WRIGHT, CLERK

cc: Clerk of the Court, Orange County (06-CF-15201)
Court Reporter
Office of the Attorney General, Daytona Beach
Office of the Public Defender, Orlando

Docketed By:
J. THOMPSON

APR 11 PM 3:00
CLERK OF COURT
ORANGE COUNTY
FLORIDA

12

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JOHN DOBBS,

Appellant,

CIRCUIT NO. 06CF-15201
DCA NO. 5D07-1057

vs.

STATE OF FLORIDA,

Appellee.

**SECOND
MOTION FOR EXTENSION OF TIME FOR FILING RECORD**

The Appellant, JOHN DOBBS, by and through the undersigned attorney, pursuant to Florida Rules of Criminal Procedure 9.200(e) and 9.300, moves this Honorable Court to enter its Order extending the time within which the Record on Appeal must be filed with this Court. As grounds therefor the Appellant states as follows:

1. Notice of Appeal and Designation to the Court Reporter were filed in this cause with the Clerk of the Circuit Court, Ninth Judicial Circuit, on March 15, 2007.
2. The Record on Appeal is due May 25, 2007.
3. Additional time is required to complete the designated transcripts in this cause due to the workload of the Official Court Reporter.
4. To allow adequate time for the completion of the necessary transcripts and for the Clerk to transmit the Record to this Court, Appellant respectfully requests this Honorable Court to extend the time for filing the Record for thirty (30) days from the due date and thirty (30) days thereafter for the filing of the Initial Brief.
5. Opposing counsel, Assistant Attorney General Jeffrey Casey, has been contacted and is authorized to represent that the State of Florida has no objection to the proposed extension of time.

WHEREFORE, Appellant respectfully requests this Honorable Court to enter its Order extending the time for filing the Record on Appeal for thirty (30) days from the due date and thirty (30) days thereafter for the filing of the Initial Brief.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/hand delivery to the Official Court Reporters, 425 North Orange Avenue, Room 360, Orlando, Florida; to the Office of the Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118; to the Clerk of the Circuit Court, Orange County Courthouse, Orlando Florida; and to the Office of the Public Defender, 444 Seabreeze Boulevard, Suite 210, Daytona Beach, Florida, this the 24 day of May, 2007.

ROBERT WESLEY
PUBLIC DEFENDER

By: Eileen Forrester
EILEEN FORRESTER
Florida Bar No. 0326356
Chief Assistant Public Defender
435 North Orange Avenue
Suite 400
Orlando, Florida 32801
(407) 836-4808

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JOHN DOBBS,

Appellant,

v.

CASE NO. 5D07-1057

STATE OF FLORIDA,

Appellee.

DATE: May 30, 2007

BY ORDER OF THE COURT:

ORDERED that the Motion filed May 29, 2007, for an enlargement of time is granted and the time to file the Record-on-Appeal with this Court is hereby extended to and including June 29, 2007.

*I hereby certify that the foregoing is
(a true copy of the original Court order.*



cc: Clerk of the Court, Orange County (06-CF-15201)
Court Reporter
Office of the Attorney General, Daytona Beach
Office of the Public Defender, Orlando

Docketed By:
J. THOMPSON

**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA**

**CASE NO: 2006-CF-015201-O
DCA NO: 5D07-1057**

**STATE OF FLORIDA)
)SS
COUNTY OF ORANGE)**

I, LYDIA GARDNER, Clerk of the Circuit Court in and for Orange County, Florida do hereby certify that the foregoing pages numbered A through D and 1 through 424 inclusive, contain a correct transcript of the record and judgment in the case of State of Florida versus JOHN DOBBS and a true and correct recital and copy of all papers and proceedings on file in this office that have been directed to be included therein.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the Circuit Court in and for Orange County, Florida, on this 20 of June, 2007.

**LYDIA GARDNER
Clerk of the Circuit Court**

BY:

Deputy Clerk

14

466

IN THE CIRCUIT COURT, NINTH
JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

JOHN DOBBS,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

Circuit Court Case No. 06-CF-15201

DCA Case No. 5D07-1057

RECEIVED
CLERK OF COURT

SUPPLEMENTAL DIRECTIONS TO THE CLERK

The Clerk of the above-styled court is directed to prepare and transmit to the Appellate Court a supplemental record on appeal in the above-styled cause in accordance with the applicable provision of the Florida Appellate Rules.

The Clerk is requested to include within the supplemental record the following:

a. Evidence introduced at trial on February 27 and March 1, 2007, including (a) original copies of Defense exhibits 1-9 introduced and marked on the attached evidence inventory; and (b) State exhibits 1, 2, 4, 11, 13 as noted (Note originals requested in all but exhibit 11); and

2. These supplemental directions to the clerk.

The Fifth District Court of Appeal has ordered the supplemental record be transmitted to the Court by **December 26, 2007.**

Respectfully submitted,

JAMES S. PURDY
PUBLIC DEFENDER
SEVENTH JUDICIAL CIRCUIT



KEVIN HOLTZ
ASSISTANT PUBLIC DEFENDER
Florida Bar No. 0161624
444 Seabreeze Boulevard, Suite 210
Daytona Beach, Florida 32118
(386) 252-3367

COUNSEL FOR APPELLANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been hand-delivered to the Honorable Bill McCollum, Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118 via his basket at the Fifth District Court of Appeal, and mailed to Jodi Hurtado, Appeals Clerk, 425 N. Orange Avenue, Rm 210, Orlando, Florida 32801; and Mr. John Dobbs, Inmate # C-00618, 01-211U, Gulf Correctional Institution - Annex, 699 Ike Steele Road, Wewahitchka, Florida 32465-0010, on this 27th day of December 2007.



KEVIN HOLTZ
ASSISTANT PUBLIC DEFENDER

**Evidence Inventory for 2006-CF-015201-O
STATE OF FLORIDA vs DOBBS JOHN W**

11/9/2007

Defendant DOBBS JOHN W

Object ID: 6273408
Class: PHOTO CRIMINAL
Description: COMPOSITE PHOTOGRAPHS (12)
Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/
Identified: 03/02/2007
Exhibit: 001
Status: Available
Marked: *Original to DEA with copies to both
Appellate counsel*

Object ID: 6273410
Class: PHOTO CRIMINAL
Description: PHOTOGRAPHS
Location: /OCC/TRIAL CLERKVAULT T1/SECTION 19/SHELF 1/
Identified: 03/02/2007
Exhibit: 002
Status: Available
Marked: *original to DEA
copies to counselors*

Object ID: 6273411
Class: PHOTO CRIMINAL
Description: PHOTOGRAPHS
Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/
Identified: 03/02/2007
Exhibit: 003
Status: Available
Marked: *original to DEA
copies to counselors*

Object ID: 6273412
Class: PHOTO CRIMINAL
Description: PHOTOGRAPHS
Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/
Identified: 03/02/2007
Exhibit: 004
Status: Available
Marked: *original to DEA
copies to counselors*

Object ID: 6273413
Class: PHOTO CRIMINAL
Description: PHOTOGRAPHS
Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/
Identified: 03/02/2007
Exhibit: 005
Status: Available
Marked: *original to DEA
copies to counselors*

Object ID: 6273414
Class: PHOTO CRIMINAL
Description: PHOTOGRAPHS
Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/
Identified: 03/02/2007
Exhibit: 006
Status: Available
Marked: *original - DEA
copies to counselors*

**Evidence Inventory for 2006-CF-015201-O
STATE OF FLORIDA vs DOBBS JOHN W**

Defendant DOBBS JOHN W

Object ID: 6273415 ID: Identified: 03/02/2007 Exhibit: 007
 Class: PHOTO CRIMINAL Status: Available
 Description: PHOTOGRAPHS
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Marked: *Original to DCA
copies to counselors*

Object ID: 6273416 ID: Identified: 03/02/2007 Exhibit: 008
 Class: PHOTO CRIMINAL Status: Available
 Description: PHOTOGRAPHS
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Marked: *original to DCA
copies to counselors*

Object ID: 6273417 ID: Identified: 03/02/2007 Exhibit: 009
 Class: PHOTO CRIMINAL Status: Available
 Description: PHOTOGRAPHS
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Marked: *original to DCA
copies to counselors*

Object ID: 6266496 ID: Identified: 02/21/2007 Exhibit: A
 Class: PHOTO CRIMINAL Status: Available
 Description: COMPOSITE PHOTOGRAPHS (25)
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Marked:

Plaintiff STATE OF FLORIDA

Object ID: 6273396 ID: Identified: 03/02/2007 Exhibit: 001
 Class: PHOTO CRIMINAL Status: Available
 Description: COMPOSITE PHOTOGRAPHS (6)
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Marked: *Original to DCA
copies to counsel*

Object ID: 6273394 ID: Identified: 03/02/2007 Exhibit: 0010
 Class: MEDICAL CRIMINAL Status: Available
 Description: DNA CARD
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Marked:

Biohazard

11/9/2007

**Evidence Inventory for 2006-CF-015201-O
STATE OF FLORIDA vs DOBBS JOHN W**

Plaintiff STATE OF FLORIDA

Object ID: 6273400 ID: Identified: 03/02/2007 Exhibit: 0011 Marked:
 Class: DIAGRAMS/CHART CRIMINAL Status: Available
 Description: DIAGRAM
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

copies to DCA & counsel

Object ID: 6273404 ID: Identified: 03/02/2007 Exhibit: 0012 Marked:
 Class: MEDICAL CRIMINAL Status: Available
 Description: BUCCAL SWABS
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Biohazard

Object ID: 6273401 ID: Identified: 03/02/2007 Exhibit: 0013 Marked:
 Class: PHOTO CRIMINAL Status: Available
 Description: COMPOSITE PHOTOGRAPHS (12)
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

DCA gets original w/ copy to both counsel

Object ID: 6273397 ID: Identified: 03/02/2007 Exhibit: 002 Marked:
 Class: PHOTO CRIMINAL Status: Available
 Description: COMPOSITE PHOTOGRAPHS (7)
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

DCA to get original with copies to both counsel

Object ID: 6273398 ID: Identified: 03/02/2007 Exhibit: 003 Marked:
 Class: PHOTO CRIMINAL Status: Available
 Description: COMPOSITE PHOTOGRAPHS (3)
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

*original to DCA
copies to counsel*

Object ID: 6273399 ID: Identified: 03/02/2007 Exhibit: 004 Marked:
 Class: PHOTO CRIMINAL Status: Available
 Description: PHOTOGRAPH
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

**Evidence Inventory for 2006-CF-015201-O
STATE OF FLORIDA vs DOBBS JOHN W**

Plaintiff STATE OF FLORIDA

Object ID: 6273405 ID: Identified: 03/02/2007 Exhibit: 005 Marked:
 Class: FIREARMS CRIMINAL Status: Available
 Description: 9 MM LUGER HANDGUN SERIAL# 1280256 MODEL C9 WITH BULLETS
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Object ID: 6273403 ID: Identified: 03/02/2007 Exhibit: 006 Marked:
 Class: WEAPON CRIMINAL Status: Available
 Description: KNIFE
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Object ID: 6273395 ID: Identified: 03/02/2007 Exhibit: 007 Marked:
 Class: OTHER CRIMINAL Status: Available
 Description: RAZOR BLADE WITH BLOOD
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Object ID: 6273391 ID: Identified: 03/02/2007 Exhibit: 008 Marked:
 Class: OTHER CRIMINAL Status: Available
 Description: LATENT PRINTS
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Object ID: 6273392 ID: Identified: 03/02/2007 Exhibit: 009 Marked:
 Class: MEDICAL CRIMINAL Status: Available
 Description: 2 SWABS OF BLOOD
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

Object ID: 6266494 ID: Identified: 02/21/2007 Exhibit: 01 Marked:
 Class: DOCUMENTS CRIMINAL Status: Available
 Description: TRANSCRIPT OF TAPED INTERVIEW OF JOHN DOBBS
 Location: /OCC/TRIAL CLERKVAULT T1/SECTION 18/SHELF 1/

11/9/2007

Evidence Inventory for 2006-CF-015201-O
STATE OF FLORIDA vs DOBBS JOHN W

Plaintiff STATE OF FLORIDA

Object ID: 6266463

ID:

Identified: 02/21/2007

Marked:

Exhibit: A

Class: RECORDINGS CRIMINAL

Status: Available

Description: VIDEO

Location: /OCC/TRIAL CLERK/VAULT T1/SECTION 18/SHELF 1/

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO: 2006-CF-15201-O

DCA NO: 5D07-1057

STATE OF FLORIDA)
)SS
COUNTY OF ORANGE)

I, LYDIA GARDNER, Clerk of the Circuit Court in and for Orange County,
Florida do hereby certify that the foregoing pages numbered 425 through 432
inclusive, contain a correct transcript of the record and judgment in the case of State of
Florida versus JOHN DOBBS and a true and correct recital and copy of all papers and
proceedings on file in this office that have been directed to be included therein.

IN WITNESS WHEREOF I have set my hand and affixed the seal of the Circuit
Court in and for Orange County, Florida, December 27, 2007.

LYDIA GARDNER
Clerk of the Circuit Court

BY: 

Deputy Clerk

32-48 (12/98)