

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR SANTA ROSA COUNTY, FLORIDA

SANTA ROSA COUNTY FL  
CLERK OF COURT  
FILED

2018 OCT -8 AM 10:50

DONALD C. SPENCER  
CLERK OF COURT &  
COMPTROLLER

STATE OF FLORIDA,

Plaintiff,

v.

Case No.: 2014-CF-1104

SHAWN THOMAS STULLER,

Defendant.

---

ORDER GRANTING DEFENDANT'S MOTION FOR POST CONVICTION RELIEF  
AND IMPOSING SENTENCE PURSUANT TO PLEA AGREEMENT

---

THIS CAUSE came before the Court on September 20, 2018 for an evidentiary hearing on Defendant's Motion for Post Conviction Relief, filed on December 1, 2017, pursuant to Florida Rule of Criminal Procedure 3.850. At the hearing, defense counsel informed the Court that Defendant and the State had reached an agreement regarding the pending motion for post conviction relief. The State agreed that Defendant's motion should be granted to allow Defendant to withdraw his open plea and be sentenced pursuant to the plea offer. Defendant agreed to enter a plea for a five-year sentence in state prison with a three-year minimum mandatory sentence. The Court conducted a colloquy with Defendant, and Defendant stated that he understood the consequences of this agreement and indicated his desire to accept the terms of the agreement. Having carefully reviewed the motion, the record, and the applicable law and having heard the arguments of the parties at the evidentiary hearing, the Court finds that Defendant's motion should be granted, and that he should be allowed to withdraw his original plea and enter into a new plea. The Court further finds that Defendant's plea was voluntarily

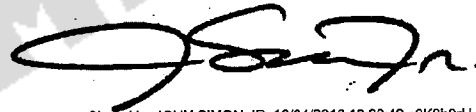
entered into and should be accepted by the Court, and that he should be resentenced according to the plea agreement.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Pursuant to the parties' agreement, Defendant's Motion for Post Conviction Relief is **GRANTED**.
2. Pursuant to Defendant's plea of no contest, Defendant is hereby sentenced to five years in state prison with a three-year minimum mandatory sentence. Defendant is also granted credit for time served. Defendant is assessed \$50,928.00 in fines and costs, and \$200 in restitution to the victim. Upon his release from prison, he shall have ninety days to set up a payment program with the clerk and make every payment thereafter; otherwise, the fines and costs will be reduced to a lien.
3. The Clerk of Court is hereby directed to prepare an updated judgment and sentence.
4. Defendant has the right to appeal within thirty days of the rendition of this Order.

**DONE AND ORDERED** in Chambers at the Santa Rosa County Courthouse, Milton,

Florida.



eSigned by JOHN SIMON JR 10/04/2018 13:29:42 c0K9b0rH

**JOHN F. SIMON, JR.**  
CIRCUIT JUDGE

JFS/wdh

*(certificate of service on next page)*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the foregoing Order Granting Defendant's Motion for Post Conviction Relief and Imposing Sentence Pursuant to Plea Agreement has been furnished by regular U.S. Mail (unless otherwise indicated) to the following:

✓ Shawn Thomas Stuller (DC# P43632)  
c/o The Law Office of Robert David Malove, P.A.  
200 South Andrews Avenue, Suite 100  
Fort Lauderdale, Florida 33301  
[rdm@robertmalovelaw.com](mailto:rdm@robertmalovelaw.com)  
(via electronic delivery)

✓ Office of the State Attorney  
Attn: Matthew Richardson, ASA  
6495 Caroline Street, Suite S  
Milton, Florida 32570-4595  
(via electronic delivery)

this 7<sup>th</sup> day of October, 2018.

DONALD C. SPENCER, Clerk of Court

BY:   
Deputy Clerk

UNOFFICIAL  
DOCUMENT