

- Probation Violator
- Community Control Violator
- Retrial
- Resentence

State of Florida

v.

DEREK S. LOUGHRAN

In the Circuit Court, 7th Judicial Circuit
 in and for Volusia County, Florida

Division CRIMINAL 43

Case Number **2005-35156CFAES**

JUDGMENT

The defendant, DEREK S. LOUGHRAN, being personally before this court represented by MICHAEL O'NEILL, the attorney of record, and the state represented by STEVE HENDERSON, and having

- been tried and found guilty by jury/by court of the following crime(s)
- entered a plea of guilty to the following crime(s)
- entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
1	STALKING	784048	3F	2005-35156CFAES	██████████

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)

and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch. 794), lewd and lascivious conduct (ch. 800), or murder (s. 782.04), aggravated battery (s. 784.045), burglary (s. 810.02), carjacking (s. 812.133), or home invasion robbery (s. 812.135), robbery (s. 812.13), robbery by sudden snatching (s. 812.131), kidnapping/false imprisonment (ch. 787), manslaughter (s. 782.07), forcible felony (s. 776.08), aggravated child abuse (s. 827.03(2)), aggravated abuse of an elderly person or a disabled adult (s. 825.102(2)), and any felony violation involving the use or possession of a firearm (ch. 790) or any other offense specified in section 943.325, the defendant shall be required to submit blood or other biological specimens.

and good cause being shown; **IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.**

State of Florida
v.

Defendant **DEREK S. LOUGHRAN**

Case Number **2005-35156CFAES**

FINGERPRINTS OF DEFENDANT

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

Fingerprints taken by: DIS K. Taylor J #1531 Deputy Sheriff
Name Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant DEREK S. LOUGHRAN and that they were placed thereon by the defendant in my presence in open court this date.

Defendant's Social Security No./Reason for absence: _____

DONE AND ORDERED in open court in Volusia County, Florida this 4th day of May, 2006.

WILLIAM A. PARSONS
Circuit Judge

SENTENCE(As to Count 1)

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

(Check one if applicable.)

- and the Court having on _____ deferred imposition of sentence until this date
- and the Court having previously entered a judgment in this case on _____ now resentences the defendant
- and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

It is The Sentence Of The Court that:

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

To Be Imprisoned (Check One; unmarked sections are inapplicable.):

- For a term of natural life.
- For a term of 180 DAYS
- Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

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

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

SPECIAL PROVISIONS (As to Count 1)**Mandatory/Minimum Provisions:**

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

- Firearm It is further ordered that the 3-year minimum imprisonment provisions of §775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking It is further ordered that the _____ mandatory minimum imprisonment provisions of §893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Controlled Substance Within 1,000 Feet of School It is further ordered that the 3-year minimum imprisonment provisions of §893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Habitual Felony Offender The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent Felony Offender The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Three-time Violent Felony Offender The defendant is adjudicated a three-time violent felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(c), Florida Statutes. It is further ordered that the _____ year mandatory minimum imprisonment provisions of s. 775.084(4)(c) is hereby imposed for the sentence specified in this count. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release.
- Violent Career Criminal The defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(d), Florida Statutes. A minimum term of _____ years must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release pursuant to s. 947.149, Florida Statutes.
- Law Enforcement Protection Act It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with §775.0823, Florida Statutes.
- Capital Offenses First Degree Murder **Prior to** 05/25/94 and Other Capital Felonies **Prior to** 10/01/95. It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of §775.082(1), Florida Statutes.
- First Degree Murder **After** 05/25/94 and Other Capital Felonies **After** 10/01/95. It is further ordered that the defendant shall be ineligible for parole in accordance with the provisions of §775.082(1), Florida Statutes.
- Short-Barreled Rifle Shotgun, Machine Gun It is further ordered that the 5-year minimum provisions of §790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
- Continuing Criminal Enterprise It is further ordered that the 25-year minimum sentence provisions of §893.20, Florida Statutes, are hereby imposed for the sentence specified in the count.
- Dangerous Sexual Felony Offender The defendant is adjudicated a dangerous sexual felony offender. This finding of the court was stated in open court or set forth in a separate order. A minimum term of _____ years must be served prior to release in accordance with §794.0015(2)(e), Florida Statutes. The defendant is not eligible for gain-time or any form of discretionary early release, other than pardon, executive clemency or conditional medical release, before serving the minimum sentence.
- Sexual Offender It is further ordered that the defendant shall register as a sexual offender pursuant to §943.0435, Florida Statutes.

Mandatory/Minimum Provisions Continued:

- Sexual Predator It is further ordered that the defendant is found to be a sexual predator pursuant to §775.21, Florida Statutes. This finding by the court is set forth in a separate order.
- Prison Releasee The defendant is adjudicated a prison releasee reoffender and has been sentenced to an extended term in accordance with §775.082(9), Florida Statutes. The defendant must serve 100 percent of this sentence and shall not be eligible for parole, control release, or any form of early release.
- Reoffender:
- Firearm 10-20-Life: It is further ordered that the defendant shall serve a minimum of 10 years before release in accordance with §775.087(2)(a)1, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or any form of discretionary early release prior to Possess serving the minimum sentence.
- Discharge It is further ordered that the defendant shall serve a minimum of 20 years before release in accordance with §775.087(2)(a)2, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence.
- Death or Great Bodily It is further ordered that the defendant shall serve a minimum of 25 years before release in Harm accordance with §775.087(2)(a)3, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence.

Other Provisions

- Retention of The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes Jurisdiction (1983).
- Jail Credit It is further ordered that the defendant shall be allowed a total of 48 days as credit for time incarcerated before imposition of this sentence.

CREDIT FOR TIME SERVED IN RESENTENCING AFTER VIOLATION OF PROBATION OR COMMUNITY CONTROL

- It is further ordered that the defendant be allowed _____ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison and unforfeited gain time previously awarded on case/count _____.
(Offenses committed before October 1, 1989)
- It is further ordered that the defendant be allowed _____ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison and unforfeited gain time previously awarded on case/count _____.
(Offenses committed between October 1, 1989 and December 31, 1993)
- The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under Section 948.06(7).
- The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under Section 944.28(1).
- It is further ordered that the defendant be allowed _____ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison only pursuant to section 921.0017, Florida Statutes, on case/count _____.
(Offenses committed on or after January 1, 1994)

Other Provisions, continued:

Consecutive/Concurrent
As to Other Counts

It is further ordered that the sentence imposed for this count shall run
(check one) ___ consecutive to ___ concurrent
with the sentence set forth in count _____ of this case.

Consecutive/Concurrent
As to Other Convictions

It is further ordered that the composite term of all
sentences imposed for the counts specified in this order shall run

(Check one) ___ consecutive to X concurrent with the following:
(check one)

any active sentence being served.

specific sentences:

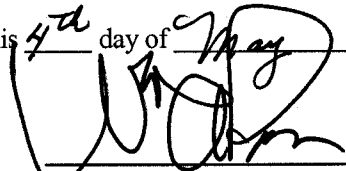
Instrument# 2006-122965 # 6
Book : 5829
Page : 4420
Diane M. Matousek
Volusia County, Clerk of Court

In the event the above sentence is to the Department of Corrections, the Sheriff of Volusia 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 the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends:

DONE AND ORDERED in open court at Volusia County, Florida, this 4th day of May, 2006.

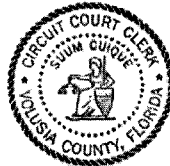


WILLIAM A. PARSONS
Circuit Judge

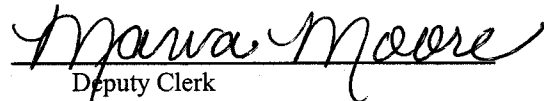
COPIES TO:

Counsel for the state: ___ hand delivery open court ___ U.S. Mail interoffice/hand delivery
Counsel for the defendant: ___ hand delivery open court ___ U.S. Mail interoffice/hand delivery

I do certify that a copy hereof has been furnished to counsel for the state and the defendant by the method indicated above, done this 4 day of May, 2006



DIANE M. MATOUSEK
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk