

AWO

IN THE CIRCUIT COURT OF
THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

- Community Control Violator
- Probation Violator

STATE OF FLORIDA
vs

BENJAMIN FRANKLIN CUNNINGHAM
Defendant

Case: 01-2024-CF-003849-A
Division: F1

JUDGMENT

The defendant, BENJAMIN FRANKLIN CUNNINGHAM, being personally before this court represented by ALEXIS J GIANNASOLI, the attorney of record, and the state represented by DARLA K WHISTLER 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)
- admitted to violating probation
- been found in violation of probation at hearing

Count	Crime	Offense Statute Number(s)	Degree of Crime
<u>1</u>	<u>Exposure of Sexual Organs (Second Offense)</u>	<u>800.03(1)(a)</u>	<u>3F</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

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

The qualifying offender per F.S. 943.325(1)(b)(5) is required to submit an FDLE-approved blood or biological specimen, F.S. 943.325(7). Unless the defendant has been declared indigent by the court, he/she shall pay the actual costs of collecting the approved biological specimens required under F.S. 943.325.

DONE AND ORDERED January 14, 2025.



DAVID P KREIDER, Judge of the Circuit Court

Filed in Open Court January 14, 2025 by C. Gasparz D.C.

I HEREBY CERTIFY THAT A COPY OF THIS Judgment was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant pro se this _____ day of _____, 20____.

BY Deputy Clerk: _____

Case: 2024 CF 003849 A

00089270173
Dkt: FGJAS-X

- Probation Violator
- Resentence
- Community Control Violator

Case: 01-2024-CF-003849-A
Division: F1

Defendant: BENJAMIN FRANKLIN CUNNINGHAM

SENTENCE
(As to Count 001)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, ALEXIS J GIANNASOLI, 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 (date) _____ deferred imposition of sentence until this date
- and the court having previously entered a judgment in this case on (date) _____ 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 Alachua County Sheriff's Office, Department of the Jail.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.
- The defendant is sentenced as a Prison Releasee Reoffender under the provisions of section 775.082(9)(a), Florida Statutes.

To be imprisoned (check one; unmarked sections are inapplicable)

- For a term of natural life.
- For a term of 210 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 sentence, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

- Jail Credit - It is further ordered that the defendant shall be allowed a total of 51 days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent as to Other Courts - It is further ordered that the sentence imposed for this court shall run (check one)

- consecutive to the sentence set forth in count _____ of this case.
- concurrent with the sentence set forth in count _____ of this case.

OTHER PROVISIONS

Retention of Jurisdiction - The court retains jurisdiction over the defendant pursuant to section 947.18(3), Florida Statutes (1983).

Consecutive/Concurrent as to Other Convictions - It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run

(check one)

- consecutive to
- concurrent with

(check one) the following:

- any active sentence being served.
- specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of Alachua 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.

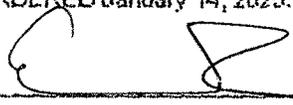
The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigence.

In imposing the above sentence, the Court further orders: _____

In imposing the above sentence, the Court further recommends: _____

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond. If the bond is a blanket bond covering multiple cases, the surety is discharged from this case only and the bond shall remain viable and intact to secure the defendant's appearance in pending cases. Such cancellation and release of liability shall also apply to any bonds in effect and not forfeited in those cases listed below as a nolle prosequi.

DONE AND ORDERED January 14, 2025.



DAVID P. KREIDER, Judge of the Circuit Court

Filed in Open Court January 14, 2025 by _____ D.C.

C. Gastezoro

I HEREBY CERTIFY THAT A COPY OF THIS Judgment was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant pro se this _____ day of _____, 20_____.

BY Deputy Clerk: _____