

☒ IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.  
☐ IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

**DIVISION**

☒ **CRIMINAL**  
☐ **OTHER**

**ORDER** ☐ **REINSTATING OR** ☒ **VACATING** Counts 1,2,3

☐ Withholding  
☒ Finding of Guilt  
☒ Judgment  
☒ Sentence

☒ Plea  
☒ Probation  
☐ Court Cost  
☐ Other \_\_\_\_\_  
☐ Comm. Ctrl.

THE STATE OF FLORIDA

VS. ~~XXXXXXXXXX~~

PLAINTIFF

DEFENDANT

**CASE NUMBER: F16-2568**

**CLOCK IN**

CLERK, CIRCUIT & COUNTY COURT  
MIAMI-DADE COUNTY, FL  
CIRCUIT CRIMINAL #26

2020 SEP 23 AM 11:35

FILED FOR RECORD

THIS CAUSE HAVING COME BEFORE THE COURT to be heard pursuant to DEFENSE MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE and the Court being fully advised in the premise, it is thereupon

**ORDERED AND ADJUDGED** that the

☐ Withholding  
☒ Finding of Guilt  
☒ Judgment  
☒ Sentence  
☒ Plea  
☒ Probation  
☐ Community Control  
☐ Court Costs  
☐ Other \_\_\_\_\_

Previously entered on 5/14/2018


☐ **REINSTATED**


and vacated on \_\_\_\_\_ be and the same is hereby reinstated.

☒ **VACATED** be and hereby is vacated, set aside and held for naught.

**FURTHER THE COURT ADJUDICATED AND RESENTENCED THE DEFENDANT IN A SEPARATE ORDER**

**DONE AND ORDERED** at Miami, Florida, this 14th day of SEPTEMBER, 2020.

  
JV 9/18/2020

  
**JUDGE RAMIRO ARECES DIV. 12**

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA 153		<b>CLOCK IN</b> 2020 SEP 23 AM 11:35 CLERK, CIRCUIT & COUNTY COURT MIAMI-DADE COUNTY, FL CIRCUIT CRIMINAL #26
<b>CRIMINAL</b>	<b>JUDGMENT</b>	
<b>DIVISION</b>		
THE STATE OF FLORIDA VS. [REDACTED] PLAINTIFF DEFENDANT		
CASE NUMBER: F16002568		
[REDACTED]		
The Defendant, [REDACTED], being personally before this Court represented by ROBERT DAVID MALOVE, PA, his/her attorney of record. The State represented by KHALIL MADANI, Assistant State's Attorney, and having: <ul style="list-style-type: none"> <li>• entered a plea of guilty</li> <li>• DNA previously taken</li> </ul> to the following crime(s):		

COUNT	CRIME	DEGREE	OFFENSE STATUTE NO.
1	SEXUAL BATTERY/SC/V>18/D>18	1/F	794.011(4)(B)
2	SEXUAL BATTERY/SC/V>18/D>18	1/F	794.011(4)(B)

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).

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA		
<b>CRIMINAL DIVISION</b>	<b>CHARGES/COSTS/FEEs</b>	<b>CASE NUMBER: F16002568</b>
<b>THE STATE OF FLORIDA</b> <b>VS.</b> <div style="text-align: center;"><b>[REDACTED]</b></div>		
<b>PLAINTIFF</b>	<b>DEFENDANT</b>	
David Lua		

The Defendant is hereby ordered to pay the following sum indicated:

\$50.00	Pursuant to Florida Statute 938.03(4) (Crimes Compensation Trust Fund).
\$3.00	Three dollars as a court cost pursuant to Florida Statute 938.01 (1) \$3.00 (Criminal Justice Trust & Education Funds).
\$50.00	Pursuant to Florida Statute 27.52(2) (Public Defender Application Fee).
\$20.00	Pursuant to Florida Statute 938.06 (Crime Stopper's Programs).
\$3.00	Pursuant to Florida Statute 938.19 (Teen Courts).
\$50.00	Pursuant to Florida Statute 775.083(2) (Crime Prevention Programs).
\$2.00	Two dollars as a court cost pursuant to Florida Statute 938.15 \$2.00 (Criminal Justice Trust & Education Funds).
\$65.00	Pursuant to Florida Statute 939.185(1)(a) (Assessment of Additional Court Costs as Adopted by Ordinance 04-116).
\$85.00	Pursuant to Florida Statute 939.185(1)(b) (Surcharge as adopted by Ordinance 05-123).
\$100.00	Cost of prosecution Florida Statute 938.27(8)
\$225.00	Additional cost fine and forfeiture Florida Statute 938.05
<b>\$653.00</b>	<b>TOTAL</b>

OTHER  
COMMENTS:

Court costs previously imposed on 5/14/2018

DONE AND ORDERED in Open Court in Miami-Dade County, Florida this 14th day of September, 2020.

  
 JUDGE RAMIRO C ARECES      DIV. F012

☐ IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.  
☐ IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

**DIVISION**

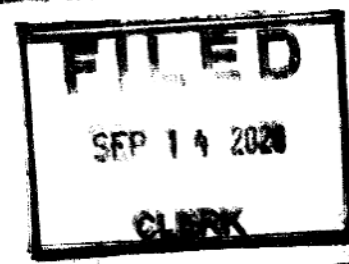
☐ CRIMINAL  
☐ OTHER

**FINGERPRINTS OF DEFENDANT****THE STATE OF FLORIDA VS.**

, 

**PLAINTIFF****DEFENDANT****CASE NUMBER:**

F16-2568

**FINGERPRINTS OF DEFENDANT**

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
		Fingerprints not		
1. L. Thumb	2. L. Index	3. L. Middle	4. L. Ring	5. L. Little
		taken		

I hereby certify that the foregoing fingerprints on this judgment are the fingerprints of the defendant named above, and that they were placed thereon by said defendant in my presence, in open court, on this date.

Fingerprints taken by: \_\_\_\_\_

Name

\_\_\_\_\_

Title

Social Security Number of the Defendant \_\_\_\_\_

Defendant unable or unwilling to provide Social Security Number due to: \_\_\_\_\_

DONE AND ORDERED in Open Court in Miami-Dade County, Florida this \_\_\_\_\_ day of **SEP 14 2020**, 20\_\_\_\_\_.

NUNC PRO TUNC: 5/14/2018

**RAMIRO C. ARECES**  
 Circuit Court Judge


**JUDGE**

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA		258	<b>CLOCK IN</b> 2020 SEP 23 AM 11:35 CLERK, CIRCUIT & COUNTY COURT MIAMI-DADE COUNTY, FL CIRCUIT CRIMINAL #20
<b>CRIMINAL</b>	<b>SENTENCE</b>		
AS TO COUNT: 1, 2			
<b>THE STATE OF FLORIDA</b>  <b>PLAINTIFF</b>	<b>VS.</b>  <b>DEFENDANT</b>		
CASE NUMBER: F16002568			
David Lua			
The Defendant, being personally before this Court, accompanied by his/her attorney: ROBERT DAVID MALOVE, PA 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 he/she should not be sentenced as provided by law, and no cause having been shown:			

FILED FOR RECORD

IT IS THE SENTENCE OF THE COURT that the defendant:

Is hereby committed to the custody of the Florida Department of Corrections.

TO BE IMPRISONED:

For a term of 6.00 Year(s).

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.

SPLIT SENTENCE

Split Count(s): 1, 2

Probation Length: 4 Year(s)

Followed by a period of (the specified length), on Probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

IN REF: Defendant  
[REDACTED]**OTHER PROVISIONS****CASE NUMBER: F16002568**

CATEGORY	OTHER PROVISION DESCRIPTION	SPECIFICATION
Jail Credit	It is further ordered that the Defendant shall be allowed a total of the specified time as credit for time incarcerated prior to imposition of this sentence.	229 DAYS
Consecutive/concurrent as to Other Counts	It is further ordered that the sentence imposed for counts specified shall run as indicated with the sentence set forth in counts specified of this case.	COUNTS 1 & 2 CONCURRENT

In the event the above sentence is to the Department of Corrections, the Sheriff of Miami-Dade 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 Statutes.

The defendant in Open Court was advised of his right to appeal from this sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing indigence.

NUNC PRO TUNC: 5/14/2018

DONE AND ORDERED in Open Court in Miami-Dade County, Florida this 14th day of September, 2020.

  
 JUDGE RAMIRO C ARECES DIV. F012