

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 2014-CF-232

vs.

DANIEL ALLEN NOBLE,
Defendant.

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MOTION FOR DOWNWARD DEPARTURE

Daniel Allen Noble respectfully moves this Honorable Court to enter a substantial downward departure sentence in his case for the following reasons:

1. The capacity of the Defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of the law was substantially impaired. (F.S. §921.0026(2)(c))

2. The Defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction or for a physical disability, and the Defendant is amenable to treatment. (F.S. §921.0026(2)(d).)

3. The offense was committed in an unsophisticated manner and was an isolated incident for which the Defendant has shown remorse. (F.S. §921.0026(2)(j))

4. Other mitigating circumstances under which a departure from the lowest permissible sentence is reasonably justified, including but not limited to the following:

- (a) Defendant does not pose a danger to himself or others;
- (b) Defendant's lengthy atypical pretrial confinement in isolation;
- (c) Defendant's post-offense rehabilitation and healing is continuing with VA supervision;

- (d) Defendant's compliance with this Court's pre-trial release conditions;
- (e) Defendant's conduct was an aberration, an isolated incident, and a marked deviation from an otherwise law-abiding life;
- (f) The violent circumstances preceding Defendant's criminal acts;
- (g) Defendant has no criminal history of record but was arrested for a DUI years ago;
- (h) A prison sentence would destroy Defendant's rehabilitation;
- (i) If imprisoned Defendant would, because of his PTSD and TBI, be vulnerable to abuse and violence if placed in general prison population;
- (j) Defendant has extraordinarily strong family ties and support from his father, mother and his male siblings, who all are US military veterans;
- (k) Defendant has an extraordinary combat service military history where he served as a US Army Ranger, with the 82nd Airborne Division in both Iraq and Afghanistan;
- (l) Defendant is prepared to enter the opt-in phase to gain admission into the Indianapolis, Indiana, Circuit Court/ Veterans Court Program. Defendant is not eligible for admission into the Veterans Court, until after this Court sentences him;
- (m) If this Court allows, the Defendant, will continue his therapy, counseling and medication monitoring under the supervision of the Veterans Administration in Indianapolis and Bloomington, Indiana near the homes of his parents, siblings and friends; and

- (n) The standard sentencing score sheet includes on the list of Reasons For Departure – Mitigating Circumstances the following: “The Defendant is amenable to the services of a post adjudicatory treatment – based drug court program and is otherwise qualified to participate in the program.”

Veterans Court should be also considered as a mitigating circumstance.

This is an exceptional case In which a sentence in accordance with the sentencing guidelines, would destroy the life of an American hero and result in a grave injustice. Considering the totality of the facts and circumstances in this case, Daniel Allen Noble prays that this Court will wisely exercise its judicial discretion and enter a sentence which is a substantial downward departure from the sentencing guidelines.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic delivery to Joseph Ledonne, Esquire, on this 25th day of May, A.D., 2017.

/s/ John W. Tanner

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