

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

JUVENILE CASE NO.: 19-00068-CJJA
ADULT CASE NO:
ADULT COURT JUDGE
CHARGES
FIRST DEGREE MURDER (FIREARM)

IN THE INTEREST OF:
MARION LEO GAVINS JR /

NOTICE OF TRANSFER TO ADULT COURT

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and hereby notifies the Clerk of the Circuit Court that the above-styled case is being transferred by the Assistant State Attorney below to *CIRCUIT* Court, *FELONY* Division, for the following reason:

_____ The defendant is eighteen (18) years of age or older.

_____ The offense alleged is a misdemeanor traffic offense.

X The defendant has been charged pursuant to F.S. 985.56(1) by Grand Jury Indictment for FIRST DEGREE MURDER (FIREARM)

_____ The child was previously transferred to adult court pursuant to information or indictment and was found to have committed an offense or a lesser included offense in which they received adult sanctions and must thereafter be handled in adult court pursuant to F.S. 985.56(4) and 985.556(5) and 985.557(3).

_____ The child was age fourteen (14) or fifteen (15) at the time of the offense and in the State Attorney's judgement and discretion, the public interest requires that adult sanctions be considered or imposed for one of the enumerated crimes in accordance with F.S. 985.557(1)(a).

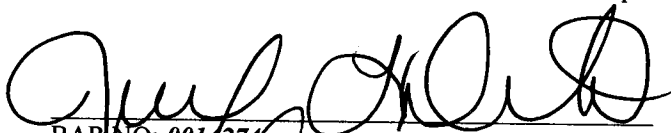
_____ The child was age sixteen (16) or more at the time of the offense and is charged with a felony (or if charged with a misdemeanor has allegedly been found to have committed two prior delinquent acts, one of which involved a felony), and therefore, pursuant to F.S. 985.557(1)(b) the State may transfer this case to adult court until and unless the defendant can affirmatively prove that they do not meet these criteria.

_____ The child was sixteen (16) or more at the time of the offense, the offense currently charged is a violent crime against a person, and the child has previously been adjudicated delinquent for one of the crimes enumerated in F.S. 985.557(2)(a), and therefore, pursuant to F.S. 985.557(2)(a), the State must transfer this case to adult court unless the child can affirmatively prove that they do not meet these criteria.

_____ The child was sixteen (16) or more at the time the offense was committed, the offense is classified as a forcible felony as defined in F.S. 776.08, and the child has previously been adjudicated delinquent or had adjudication withheld for three acts classified as felonies each of which occurred at least 45 days apart from each other. Therefore, pursuant to F.S. 985.557(2)(b) the State must transfer this case to adult court unless the child can affirmatively prove that they do not meet these criteria.

THEREFORE, the State of Florida hereby requests the Clerk of Circuit Court, (Juvenile Division) to transfer any original complaint affidavit, arrest report, or uniform traffic citation to the appropriate clerical division for further prosecution in that Court.

DATED: 5/3/19


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