

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

STATE OF FLORIDA

CASE NO.: 2018 CF 000426

v.

KEITH J. A. JOHANSEN,

Defendant.

**FINAL ORDER DENYING DEFENDANT'S  
MOTION FOR POST-CONVICTION RELIEF**

This matter came before the court upon the defendant's Motion for Post-Conviction Relief (hereinafter "Motion") filed by and through counsel on November 15, 2024, pursuant to Florida Rule of Criminal Procedure 3.850. The court having reviewed the Motion, the State's Response, held an evidentiary hearing, heard arguments from both parties, the defendant's reply, and the court file, and being otherwise fully apprised of the premises, finds as follows:

**PROCEDURAL HISTORY**

On October 23, 2019, the State filed an indictment charging defendant with one count of first-degree murder with a firearm. Defendant proceeded to trial and on October 28, 2021, a jury found defendant guilty as charged in the indictment. The trial court sentenced defendant to life imprisonment.

Defendant was awarded 1281 days' pre-sentence jail credit. Defendant filed a direct appeal of his judgment and sentence, which was *per curiam* affirmed in part and remanded in part to amend defendant's Order/Final Judgment for Charges, Costs, & Fees. See *Johansen v. State*, 359 So. 3d 405 (Fla. 5th DCA 2023).

On November 15, 2024, defendant filed his instant Motion, which alleges 17 grounds for post-conviction relief. On December 12, 2024, the court issued an order denying Grounds VIII and X, holding Ground XVI in abeyance, and directed the State to respond to the remaining grounds of defendant's Motion. On March 27, 2025, the State filed its response to the remaining grounds of defendant's Motion. On September 26, 2025, the court held an evidentiary hearing on the remaining grounds of defendant's Motion. On October 1, 2025, defendant filed his reply to the State's response with a specific objection to their argument as to Ground I of defendant's Motion.

### **ANALYSIS AND RULING**

"To be entitled to relief based on a claim of ineffective assistance of trial counsel, a postconviction movant must establish that counsel performed well below an objective standard of reasonableness and that, but for the deficiency, a reasonable probability exists that the outcome of the trial would

differ.” *Hammond v. State*, 34 So. 3d 58, 59 n.1 (Fla. 4th DCA 2010) (citing *Strickland v. Washington*, 466 U.S. 668 (1984)).

## **GROUND I**

In Ground I, defendant asserts that trial counsel rendered ineffective assistance by failing to request a pretrial motion to dismiss hearing based upon a theory of self-defense. “When addressing a claim of ineffective assistance of counsel, a court employs a strong presumption that the performance of counsel was not ineffective.” *Taylor*, 87 So. 3d at 757. “It is the province of the defendant to overcome this presumption and the supposition that the challenged action was the product of sound trial strategy.” *Id.* Moreover, “[m]ere unhappiness or anger with the representation of counsel, or disagreement with regard to counsel's strategic decisions, does not render counsel ineffective.” *Id.* at 758.

An evidentiary hearing was held where trial counsel and defendant provided testimony regarding the instant ground. Similar to the defendant’s performance at trial, his statements were inconsistent and not supportive of the claims he was trying to make. Defendant testified to the following: (1) He told trial counsel that he used deadly force in self-defense to prevent his own death; (2) the victim was drugged out and violent; (3) a self-defense strategy was briefly discussed with trial counsel; (4) trial counsel did not discuss a

stand your ground motion; and (5) but also told counsel he would like to raise stand your ground.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) defendant gave multiple statements that he went to take a shower on the night of the incident; (2) the victim came into the shower and yelled “boo.”; (3) defendant heard a shot and found the victim’s body on the floor of the bedroom; (4) defendant told people who came to the home it was an accident; (5) defendant then told people that the victim shot herself; (6) defendant stated that the victim’s son could have shot the victim or that someone else came to the house and shot the victim; (7) defendant wanted to switch to self-defense story shortly before trial; (8) the victim and defendant got into a skirmish and that the gun was fired during this skirmish, which resulted in the victim being shot; (9) trial counsel was concerned with defendant testifying to support the defense of self-defense based upon the information related to the skirmish between defendant and the victim because of the discrepancies between the aforesaid information and the original information of an accident/suicide; (10) defendant and trial counsel discussed a Stand Your Ground motion/hearing, but trial counsel advised against it due to the conflicting information defendant provided numerous people and because trial counsel did not believe it would be successful; and

(11) that the transcript of defendant's cross-examination at a Stand Your Ground hearing could be used against him at trial.

The court finds defendant's testimony inconsistent and not credible. The court finds trial counsel provided credible testimony. The court further finds that trial counsel's decision not to conduct a pretrial motion to dismiss hearing based upon a theory of self-defense was not ineffective assistance of counsel. Trial counsel believed a pretrial motion to dismiss based upon the above grounds would not be successful. In fact, trial counsel testified it would be harmful to allow the State to have a transcript of defendant admitting that he lied to numerous individuals about the actual facts of the case prior to admitting that he shot the victim in self-defense.

The court additionally finds that the motion to dismiss based upon "Stand Your Ground" theory would have been denied because the jury did not acquit defendant based upon that same defense at trial. See *Simmons v. State*, 337 So. 3d 470, 471 (Fla. 1st DCA 2022) (holding that "[w]hen a jury rejects a claim of self-defense at trial *beyond a reasonable doubt*, there is no reasonable probability that a trial judge would have rendered a different judgment at a Stand-Your-Ground hearing with a lower standard of proof. Ground I is **DENIED**).

## **GROUND II**

In Ground II, defendant alleges that trial counsel rendered ineffective assistance by failing to object to the edited video with the words “premeditated” and “murder”.

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the following: (1) that the edited video was shown once during the trial and once during closing argument and had the words “premeditated” and “murder” flashed on it when it was shown both times; and (2) defendant later could not recall the first time when the aforesaid video was shown with the words “premeditated” and “murder” when advised he was under oath.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) the words “premediated” and “murder” were not included in the video when it was initially shown to the jury and entered into evidence; (2) the language used (“premeditated” and “murder”) was shown in the PowerPoint presentation used in the State’s closing arguments; and (3) trial counsel would have moved for a mistrial if it would have been shown during the evidentiary portion of the trial.

The court finds defendant’s testimony not credible. The court finds trial counsel provided credible testimony. The court finds that the video as

admitted into evidence was not edited with inflammatory language. Additionally, trial counsel cannot be deemed ineffective for failing to object to the State's PowerPoint presentation and comments during closing arguments because they were used to establish elements of the charged offense. Ground II is **DENIED**.

### **GROUND III**

In Ground III, defendant avers that trial counsel rendered ineffective assistance by failing to object to Brian Busse's (hereinafter "Mr. Busse") testimony. Defendant supports the instant claim by stating that trial counsel's failure to object to Mr. Busse's testimony based upon a violation of Florida Rule of Criminal Procedure 3.116 allowed the State to present video evidence that was prejudicial to defendant. Defendant withdrew this ground at the evidentiary hearing. Therefore, Ground III is **DENIED**.

### **GROUND IV**

In Ground IV, defendant avails that trial counsel rendered ineffective assistance by failing to obtain the latent prints of the victim from the Barretta nine-millimeter firearm (hereinafter "firearm") that the victim allegedly pointed at defendant.

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the

following: (1) defendant said he told trial counsel that the victim racked the slide of the firearm and then pointed the firearm at defendant; (2) defendant saw the victim rack the slide of the firearm; (3) defendant told trial counsel about the victim racking the slide of the firearm and pointing the gun at defendant; (4) the victim handled the firearm numerous times; and (5) that it is possible that the victim's fingerprints would be on the firearm due to her handling the firearm previously. The defendant's above statements make it unclear as to the point he is trying to make.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) trial counsel did not learn of defendant's wish to use a self-defense strategy at trial and the self-defense information until closer to trial; (2) fingerprints or DNA will not establish when someone touched the gun; and (3) was not a relevant fact for self-defense. Simply put, one would expect to find the victim's fingerprints and/or DNA on her own gun. Providing information to that effect was not relevant to the defendant's self-defense claim.

Since the defendant did not advise of his late change of tactic to self-defense, trial counsel did not have the opportunity to obtain latent prints or DNA on the firearm even if he was inclined to do so. As was presented at

hearing, once the ballistics' division at FDLE has processed a firearm they do not test for DNA and fingerprints.

The court finds defendant's testimony not credible and finds trial counsel provided credible testimony. The court finds that trial counsel cannot be deemed ineffective for failing to obtain the victim's latent prints from the firearm as it would not assist with defendant's self-defense claim at trial or otherwise change the result of the trial. Ground IV is **DENIED**.

### **GROUND V**

In Ground V, defendant claims that trial counsel was ineffective by failing to argue why the Barretta's ejector slide was jammed with a round stove piped in the chamber.

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the following: (1) defendant discussed the fact that the victim's alleged attempt to chamber a round jammed the firearm, which allowed defendant the time to defend himself with trial counsel; and (2) defendant testified to this fact at trial.

The stovepipe issue was addressed at trial. An FDLE expert advised at trial that one couldn't tell how the stove pipe happened. The defendant

testified at trial as to his position regarding the alleged chambering of the round by the victim.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) trial counsel vigorously argued that defendant's actions were performed in self-defense to the jury; (2) defendant testified regarding the alleged stovepipe or jamming of the victim's firearm.

The court finds defendant's testimony at the post-conviction hearing lacking in credibility. The court finds trial counsel provided credible testimony. The court finds absolutely no evidence of ineffective assistance of counsel regarding this claim. The court also finds that the defendant failed to show any prejudice resulting from any alleged ineffective assistance of counsel regarding this claim<sup>1</sup>. Therefore, Ground V is **DENIED**.

## **GROUND VI**

In Ground VI, defendant asserts that trial counsel rendered ineffective assistance by failing to object to the State's failure to show/provide all the Netgear videos. Defendant argues that if the jury could have viewed all of defendant's and the victim's relationship that the rule of completeness would be satisfied and that the outcome of the trial would have been different.

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<sup>1</sup> Many of the counts filed by the defense were inarticulate which made it difficult to identify any legitimate claim of ineffective assistance of counsel. This Court, especially so.

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the following: (1) Netgear videos were deleted and could have shown useful information for his defense; and (2) allegedly, the Netgear videos were never provided to anyone.

Trial counsel provided testimony establishing that he did not learn of defendant's wish to use a self-defense strategy at trial and the self-defense information until closer to trial. The State provided additional evidence at the evidentiary hearing establishing that the Netgear videos were automatically deleted pursuant to the Flagler County Sheriff's office's protocols.

The court finds defendant's testimony not credible and finds trial counsel provided credible testimony. Defendant provides nothing but conclusory statements to support the instant claim. He makes no references to any specific videos, or the content thereof, that would assist in his defense or otherwise change the outcome of the trial. The court finds that trial counsel cannot be deemed ineffective on this count. Ground VI is **DENIED**.

## **GROUND VII**

In Ground VII, defendant alleges that trial counsel rendered ineffective assistance by failing to properly examine Dr. Daniel Buffington (hereinafter "Dr. Buffington") regarding the effects of a person experiencing withdrawal

symptoms from methamphetamine after a 10 to 12-day binge. defendant withdrew this claim at the hearing. Therefore, Ground VII is **DENIED**.

### **GROUND VIII**

In Ground VIII, defendant avers that trial counsel rendered ineffective assistance by failing to file a motion to suppress the recorded audio/video of defendant's conversations with his parents. The instant claim was denied in the interim order rendered on December 12, 2024. The court hereby incorporates said interim order by reference and Ground VIII remains **DENIED**.

### **GROUND IX**

In Ground IX, defendant avails that trial counsel rendered ineffective assistance by failing to hire a hepatologist to explain behavior when an individual is suffering from hepatic necrosis coupled with methamphetamine abuse. Defendant supports this claim by stating that a hepatologist would have testified that hepatic necrosis coupled with methamphetamine abuse would cause increased agitation and irritability, which would assist defendant with his claim of self-defense. "[T]rial counsel [is] not ineffective for failing to present cumulative evidence." *Rhodes v. State*, 986 So. 2d 501, 512 (Fla. 2008) (citing *Marquard v. State*, 850 So. 2d 417, 429-430 (Fla. 2002)).

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the following: (1) the testimony from a hepatologist could have helped the defense establish that the victim had hepatic necrosis with pneumonia; (2) defendant argues this all would have established an agitated state of the victim at the time of the incident; (3) never discussed this with his counsel; and (4) claims to never seen the evidence until after trial, and could not discuss this issue with trial counsel.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) trial counsel sent defendant his discovery both before and after trial; (2) defendant never mentioned hepatic necrosis to trial counsel nor was it ever considered; (3) trial counsel already elicited testimony from an expert stating that the levels of methamphetamine in the victim's blood could cause agitation.

The court finds defendant's claim to be frivolous in nature. He admitted that he did not raise this issue of calling a hepatologist with trial counsel. Although the defendant claims he did not see the discovery with the information that "alerted" him to this issue, the trial court finds his credibility to be lacking. Trial counsel's testimony that discovery was provided to his client is credible. Moreover, trial counsel cannot be deemed ineffective for

failing to explore the implications of the victim's alleged hepatic necrosis, when it would only be cumulative to any argument that the victim was agitated due to other circumstances, such as methamphetamine usage. Ground IX is **DENIED**.

### **GROUND X**

In Ground X, defendant exclaims that trial counsel rendered ineffective assistance by failing to object to the trial court's use of Florida Standard Jury Instruction (Criminal) 2.2. The instant claim was denied in the interim order rendered on December 12, 2024. The court hereby incorporates said interim order by reference and Ground X remains **DENIED**.

### **GROUND XI**

In Ground XI, defendant alleges that trial counsel rendered ineffective assistance by failing to call the victim's six-year-old son, RB. Defendant states that RB's testimony would have corroborated the victim's "delusional words and aggressive actions she demonstrated [on] the day of the incident."

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the following: (1) RB was in the home on the day of the incident; (2) RB was not put on the stand; (3) RB was interviewed and video recorded; (4) defendant discussed having RB testify with trial counsel.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) trial counsel reviewed the CPT interview of RB; (2) trial counsel did not believe it was a good idea to call RB to testify because he would likely testify that he heard his mother scream before she was shot by defendant and due to RB's age; (3) trial counsel added that he would not call RB because RB would only be able to testify that defendant said he was going to take a shower, but did not actually see defendant take a shower.

The court finds defendant's testimony not credible and finds trial counsel provided credible testimony. Additionally, the court finds that trial counsel's decision to not call RB to testify at trial was reasonable considering trial counsel's concern that RB would testify that he heard his mother scream before being shot by defendant. As a result, trial counsel cannot be deemed ineffective because he made a reasonable strategic decision on behalf of defendant. Therefore, Ground XI is **DENIED**.

## **GROUND XII**

In Ground XII, defendant asserts that trial counsel rendered ineffective assistance by failing to properly prepare defendant to testify at trial.

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the following: (1) defendant discussed his ability to testify; (2) trial counsel told

defendant that he would have to testify at trial if defendant wanted a chance to succeed on a claim of self-defense; (3) defendant claims trial counsel did not attempt to prepare him to testify; (4) trial counsel did not give defendant mock questions; and (5) trial counsel did not tell defendant what to anticipate when testifying at trial.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) trial counsel discussed with defendant, his testimony regarding how he defended himself; (2) trial counsel discussed with defendant that the State would impeach him based on his numerous prior inconsistent statements that the victim's death was an accident or that the victim committed suicide; (3) part of trial counsel's aforesaid discussions with defendant included defendant's explanation that he did not want people to think negatively of the victim; and (4) trial counsel went through defendant's testimony at trial in length.

The court finds defendant not credible and finds trial counsel provided credible testimony. Moreover, defendant never testified that his testimony at trial would have changed<sup>2</sup>, only that his appearance and how he personally felt when answering the State's questions would have changed. Trial counsel

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<sup>2</sup> The court also notes that the defendant has been consistently inconsistent throughout these entire proceedings. His story(s) and testimony have consistently changed. Although trial counsel prepared the defendant extensively for testifying at trial, the defendant's numerous changes of defenses and presentation of events made it next to impossible to address the defendant's conflicting statements.

cannot be deemed ineffective for allegedly failing to “properly prepare defendant to testify at trial”. Defendant presented no evidence that additional preparation would have changed the outcome of the trial. Ground XII is **DENIED.**

### **GROUND XIII**

In Ground XIII, defendant avers that trial counsel rendered ineffective assistance by failing to request a change in venue. Defendant supports the instant claim by stating that defendant’s case was high profile and heavily on display in Flagler County. “When a motion for change of venue is filed a trial court should evaluate ‘(1) the extent and nature of any pretrial publicity; and (2) the difficulty encountered in actually selecting a jury.’” *State v. Knight*, 866 So. 2d 1195, 1209-1210 (Fla. 2003) (quoting *Rolling v. State*, 695 So. 2d 278, 285 (Fla. 1997)). “[A]n attorney cannot be constitutionally deficient by failing to file a meritless motion.” *Sanchez-Torres v. State*, 322 So. 3d 15, 22 (Fla. 2020) (citing *Johnston v. State*, 63 So. 3d 730, 740 (Fla. 2011)).

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the following: (1) defendant’s case was highly publicized; (2) the publicity was not favorable towards defendant; (3) defendant claims that several prospective jurors heard about the case; (4) defendant claims those same

prospective jurors did not like defendant; (5) the prospective jurors that had information about the case raised their hand when asked during jury selection if they had any information; (6) defendant remembers those same prospective jurors being brought in separately from the remainder of the jury pool; (7) Prospective Jurors numbers 5, 16, 17, 26, 36, and 47 were individuals with information about the case, and they were stricken from the jury pool; (8) Prospective Juror number 48 was an individual with information, and was not stricken from the jury pool; and (9) Prospective Juror number 48 was put through a colloquy outside the presence of the other jurors and claimed that he or she could be fair and impartial.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) trial counsel did not feel like he needed to make a motion for change of venue; (2) trial counsel told defendant that they would need to see if they could first get a jury empaneled and if not, then he could file a motion for change in venue; (3) trial counsel said there was no difficulty in selecting a jury, in fact the jury was selected from the first panel of jurors; and (4) trial counsel was aware of the media attention.

The court finds defendant's testimony not credible and finds trial counsel provided credible testimony. Trial counsel cannot be deemed ineffective for failing to file a motion to change venue due to alleged publicity

because trial counsel struck every juror that defendant had issue with due to their knowledge in the case except for Juror number 48, who later confirmed that he or she could be fair and impartial at trial if chosen. Moreover, the motion for change of venue would not have been successful because there was no difficulty in seating a jury in the instant case. Ground XIII is **DENIED**.

#### **GROUND XIV**

In Ground XIV, defendant avails that trial counsel rendered ineffective assistance by failing to challenge the multiple search warrants in the instant case.

An evidentiary hearing was held where defendant provided relevant testimony for the instant ground. Defendant argues that the amended probable cause affidavit was amended by the trial court and that trial counsel should have challenged this change. Defendant alleged that Judge France on his own accord amended the search warrants and that trial counsel should have challenged the validity of the search warrant.

The record reflects that the amended probable cause affidavit for an amended search warrant was signed by a law enforcement officer in front of Judge France and provided the probable cause required for Judge France to sign the amended search warrant. As a result, the court finds that defendant's assertion is refuted by the record. Ground XIV is **DENIED**.

## GROUND XV

In Ground XV, defendant exclaims that trial counsel rendered ineffective assistance by failing to object to the prosecutor's closing argument. Defendant supports this claim by stating trial counsel would have been successful if the objection was made because the prosecutor referred to facts not in the record during the closing argument. "[A]ttorneys must "confine their argument to the facts and evidence presented to the jury and *all logical deductions from the facts and evidence.*"'" *Jackson v. State*, 89 So. 3d 1011, 1018 (Fla. 4th DCA 2012) (quoting *Hosang v. State*, 984 So. 2d 671, 672 (Fla. 4th DCA 2008)) (emphasis added).

An evidentiary hearing was held where defendant testified to the following: (1) defendant claims that the words "premeditation" and "murder" should not have been shown on the State's PowerPoint during their closing argument and that trial counsel should have objected to it; (2) trial counsel made an objection to the State's comments regarding defendant hiring Dr. Buffington to create a story, which the court then overruled; and (3) a Zoom call recording was allegedly shown during closing arguments that was not part of the record without an objection by trial counsel.

The State then advised that the prosecutor's closing argument had nothing to do with an alleged Zoom call but instead had to do with testimony

extracted from Dr. Buffington on cross-examination related to defendant's story told to Dr. Buffington.

The court finds defendant's testimony not credible. Additionally, the court finds that the PowerPoint used in the State's closing argument did not prejudice defendant as the words shown were directly related to how certain facts presented by the State proved specific elements of the offense committed. As it relates to the State's comments regarding defendant hiring Dr. Buffington to create a story, trial counsel raised the objection at trial, meaning trial counsel performed as defendant wished. Regarding the Zoom call, the record supports the State's representation as to what occurred at trial. Trial counsel cannot be deemed ineffective for failing to object to the State's closing argument as it would have been unsuccessful. Therefore, Ground XV is **DENIED**.

## **GROUND XVI**

In Ground XVI, defendant alleges a claim of cumulative error. "[Where] the alleged errors urged for consideration in a cumulative error analysis are individually 'either procedurally barred or without merit, the claim of cumulative error also necessarily fails.'" *Hurst v. State*, 18 So. 3d 975, 1015 (Fla. 2009). As defendant's claims were all individually denied, Defendant's cumulative error claim cannot stand. Therefore, Ground XVI is **DENIED**.

## **GROUND XVII**

In Ground XVII, defendant alleges that trial counsel rendered ineffective assistance by failing to challenge the ballistics evidence on the alleged lethal round. Specifically, defendant asserts that the photos were likely fabricated because “[t]he bullet passing through two hard materials and then striking a concrete wall should have been flattened.”

An evidentiary hearing was held where trial counsel and defendant provided relevant testimony for the instant ground. Defendant testified to the following: (1) that trial counsel should have made the objection because the round should have been flattened based upon the materials it hit after it was fired; (2) the bullet shown was not the same bullet that struck the victim; (3) that the objection would have shown that the police officers falsified evidence to obtain a conviction; and (4) defendant got on the stand at trial and confessed that he shot the victim.

The State called trial counsel to the stand, who provided the following relevant testimony: (1) there was no need for a firearm/ballistics expert for the defense of self-defense in this case.

The court finds defendant’s testimony not credible nor relevant to the issue raised and finds trial counsel provided credible testimony. The court agrees with trial counsel that a ballistics expert would not assist defendant

with his defense of self-defense. Moreover, defendant makes speculative statements regarding falsified evidence to support this claim. As a result, the court finds that trial counsel cannot be deemed ineffective for failing to challenge the ballistics evidence in the instant case as it would have made no difference at trial. Therefore, Ground XVII is **DENIED**.

### **SUMMARY**

To prevail on an ineffective assistance of counsel claim, Defendant must prove both deficient performance and prejudice. See *Strickland v. Washington*, 466 U.S. 668, 687 (1984). All of the above counts fail under both prongs of *Strickland*. The defendant's allegations are inconsistent and conclusory at best. Mr. Wood is an experienced attorney and handled the defendant's case as well as can be expected under the difficult set of circumstances in which he was placed by his client. Additionally, even had there been any evidence of deficient performance, the defendant showed no prejudice as to any of the counts.

Accordingly, it is

**ORDERED AND ADJUDGED** that defendant's Motion is **DENIED**.

*This is a final, appealable order. Defendant has a right to appeal within  
**30 days** of the rendition of the order.*

**DONE AND ORDERED** in Flagler County, Bunnell, Florida.

10/16/2025 12:38 PM 2018 CF  
 000426 

e-Signed 10/16/2025 12:38 PM 2018 CF 000426

**DAWN D. NICHOLS**  
CIRCUIT JUDGE

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