

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

STATE OF FLORIDA

VS.

CASE NO: 2010-675-CFFA

DORIAN BUZZ COPPEDGE,
DEFENDANT.

MOTION TO DECLARE DEFENDANT A SEXUAL PREDATOR

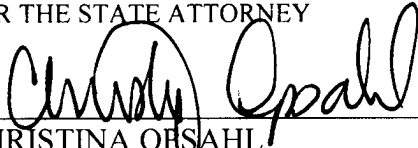
COMES NOW the undersigned Assistant State Attorney, pursuant to F.S. 943.0435 and 775.21(5)(c), and respectfully requests this Court to declare the defendant a Sexual Predator. As grounds therefore, the State alleges:

1. On August 22, 2011, Defendant entered a plea of nolo contendere to one (1) count of the crime of Unlawful Sexual Activity of a Minor, a second degree felony, in violation of Florida Statute 794.05. Defendant was adjudicated guilty of this offense and sentenced to eighteen (18) months in the Department of Corrections.
2. Pursuant to section 775.21(4) of the Florida Statutes (2005), a person who has been convicted of committing a violation of section 794.05 of the Florida Statutes¹, is a sexual predator subjecting him to registration and public notification requirements.
3. Pursuant to Section 775.021(5)(d) of the Florida Statutes (2005), designation of a person as a sexual predator "is neither a sentence nor a punishment but simply a status resulting from the conviction of certain crimes."
4. Further, the Sexual Predator Act makes designation of predators mandatory for all predators who meet the statutory criteria thus "removing from the trial court any discretion in making this determination." Reyes v. State, 854 So.2d 816, 819 (Fla. 4th DCA 2003).
5. Based upon Collie v. State, 710 So.2d 1000 (Fla. 2d DCA 1998), the State will not request a hearing on this type of matter unless this Court deems it necessary. In Collie, the Court of Appeals held that because the Sexual Predator designation did not deprive the defendant of life, liberty or property, he was not entitled to a hearing or counsel on the matter.
6. Section 943.0436 of the Florida Statutes (2002) further limits courts from circumventing the registration requirements set forth in Sections 775.021 and 943.0435.

¹ Florida Statute § 775.21(4)(a) mandates designation as a sexual predator for enumerated offenses committed on or after October 1, 1993.

Given the foregoing argument and authority, Defendant is not entitled to a hearing regarding his designation as a Sexual Predator. As a result, State respectfully requests this Honorable Court to enter an Order Declaring the Defendant as a Sexual Predator.

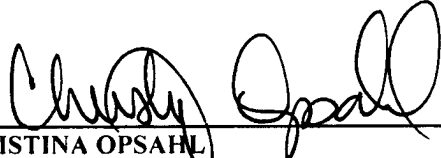
RESPECTFULLY SUBMITTED
FOR THE STATE ATTORNEY



CHRISTINA OPSAHL
ASSISTANT STATE ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by mail/delivery to the Honorable Judge Foxman, and to Office of the Public Defender, currently representing the Defendant.



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