

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

██████████
Defendant

CASE NO. ██████████
ASSIGNED TO JUDGE VAUGHN


J. K. BARTIS
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL
FILED FOR RECORD
FELONY DIVISION

STIPUALTED MOTION TO VACATE JUDGMENT AND SENTENCE

COMES NOW the Defendant, by and through his undersigned counsel, hereby moves this Honorable Court to vacate the previously entered Judgment and Sentence in this cause, and as grounds therefore would state the following:

1. The Defendant entered a *pro se* plea of no contest to Grand Theft and Contracting Without a License During a State of Emergency on October 6, 2008.
2. The Defendant was adjudicated guilty on each count and was sentenced to two (2) years of probation, concurrent on each, with the special conditions that he pay fees, costs and restitution.
3. The Defendant's probation was successfully terminated on November 15, 2007.
4. The Office of the State Attorney has since received information that a second individual is actually more culpable in this crime and lied to law enforcement during the investigation of this Defendant. As a result of that information, the second individual is currently being prosecuted in St. Lucie County, Florida.
5. The Office of the State Attorney stipulates to the vacation of the Judgment and Sentence on the charges of Grand Theft and Contracting Without a License During

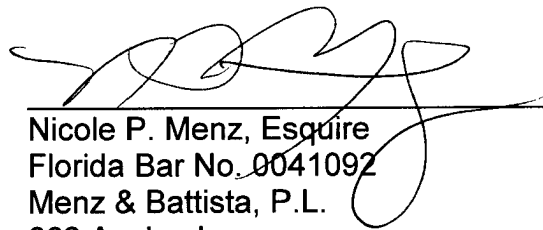
a State of Emergency and stipulates to the entry of a new Judgment and Sentence with the entry of the same sentence with the exception that the Defendant would receive a **withhold of adjudication.**

STIPULATED TO BY: 
Nikki Robinson, Assistant State Attorney
Florida Bar No. 0710334

WHEREFORE, the Defendant respectfully requests that this Honorable Court to vacate the previously entered Judgment and Sentence.

I HEREBY CERTIFY that a copy hereof has been furnished to Nikki Robinson, Assistant State Attorney, Office of the State Attorney, 2000 16th Avenue, Vero Beach, Florida 32960 via courthouse mail this 3rd day of September, 2008.

Respectfully submitted,



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