

SUPREME COURT OF FLORIDA

PROVIDED TO AVON PARK
CORRECTIONAL INSTITUTION
On 5/26/16 FOR MAILING
BY [Signature]

GLENN WOULARD
Petitioner / Appellant

CASE NO: 4D15-4146
L.T. No: 312014CF000014A

v.

STATE OF FLORIDA
Respondent / Appellee

NOTICE OF APPEAL

Notice is given that Petitioner / Appellant, Glenn Woulard, Hereby timely Appeals in accordance with 28 United States Code Section 2107, to the Florida Supreme Court, the order of the Fourth District Court of Appeal In the above case on April 29, 2016.

Respectfully submitted
151 Glenn J. Woulard
Glenn Woulard
DC# D15462, D21-32s
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, Florida 33825

FLORIDA SUPREME COURT

06/02/2016

RECEIVED

FILED

JOHN A. TOMASINO

RECEIVED 06/02/2016 10:55 am
Fourth District Court Of Appeal
CLERK, SUPREME COURT
BY

IN THE SUPREME COURT OF FLORIDA

Glenn Woulard
Defendant / Petitioner

PROVIDED TO AVON PARK
CORRECTIONAL INSTITUTION
On 5/24/16 FOR MAILING
BY Ann L.W.

V.

State of Florida
Plaintiff / Respondent

Case No: 4D15-4146

Lit. No. 312014CF000014A

NOTICE TO INVOKE
DISCRETIONARY JURISDICTION

NOTICE IS GIVEN that Glenn Woulard, Defendant / Petitioner Invokes the Discretionary Jurisdiction of the Supreme Court to review the decision of The Fourth District of Appeal in the above case on April 29, 2016.

This Petitioner must now turn to the Supreme Court of Florida.

Respectfully Submitted
151 Glenn Woulard
Glenn Woulard
DC# D15462, D21-325
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, Florida 33825

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing notice of Appeal and notice to Invoke Jurisdiction has been placed in the hands of an Institutional staff member for mailing via First class U.S. mail to the following parties:
The Honorable John A. Tomasino, Clerk of the Supreme Court state of Florida, Supreme Court Building, 500 S. Duval Street Tallahassee, Florida 32399-1927. And The Honorable Pamela Jo Bondi, Attorney General of the State of Florida, PL-D1 The Capitol, Tallahassee, Florida 32399 on this ____ day of May 2016.

Respectfully Submitted

151 _____

Glenn Woulard

DC# 015426, D21-325
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, Florida 33825

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

STATE OF FLORIDA
PLAINTIFF/APPELLEE,

V.

GLENN J. WOULARD
DEFENDANT/APPELLANT,

CASE NO : 31-2014-CF-0000-14A

PROVIDED TO AVON PARK
CORRECTIONAL INSTITUTION
On 5-26-16 FOR MAILING
BY [Signature]

NOTICE OF APPEAL
PURSUANT TO FLA.R.APP.P.

9.900(a)

NOTICE IS GIVEN that Glenn J. Woulard, Defendant/Appellant, Appeals To The Second District Court Of Appeal The Order Of The Nineteenth Judicial Circuit Court Rendered On October 13, 2015. Said Order Is A Final Order Denying Defendants Motion For Correction Of Jail Credit, Filed In The Nineteenth Judicial Circuit Court On August 19, 2015..See Attached Motion To Correct Jail Credit And Denial Of Motion For Correction Of Jail Credit. Defendant Is Entitled To The Jail Time Credit Correction Requested Of 276 Days As Outlined, Whereas Defendant Was Already In Custody Of The County Jail At Indian River County, When The Warrant Of January 2, 2014 Was Issued And Served. Defendant Contends That He Is Entitled To The Relief Sought In Motion To Correct Jail Time Credit. When Sentences Are Imposed Concurrently, A Defendant Receives Jail-Time Credit On A Sentence That Is To Run Concurrently With One Or More Other Sentences, The Same Credit Must Apply, In Full, To All The Concurrent Sentences. Accordingly, When Felony And Misdemeanor Sentences That Arise From The Same Information Are To Be Served Concurrently, A Defendant Is Entitled To Jail Time Credit For Jail Time Served On Both The Felony And The Misdemeanor Charges. Thus, A Defendant, Upon A Showing That He Or She Was Sentenced To Concurrent Terms For Each Count Stemming From The Same Criminal Episode For Which The Defendant Was Originally

Arrested, Will Be Entitled To The Same Amount Of Jail Time Credit Against Each Of The Concurrent Sentences. If Concurrent Sentences Are Imposed On Multiple Offenses, Then Jail Time Credit Must Be Credited For The Time Awaiting Sentencing As To Each Concurrent Sentence. **Ransone V. State, 20 So 3d 445, (Fla. Dist. Ct. App. 4th Dist. 2009)** The Courts Written Judgement Must Not Vary From The Oral Pronouncement. Therefore Defendant / Appellant Holds To The Merits of His Claims As Raised In His Motion To Correct Jail Time Credit. A Defendant Is Not Entitled To Jail Credit For Concurrent Sentences When The Defendant Was Not Actually In Jail Before Sentencing In Connection With Offenses For Which Concurrent Sentences Were Imposed See:

Daffin V. State, 31 So 3d 867 (Fla. Dist. Ct. App 1st Dist.) This Defendant Was In The County Jail On Unrelated Charges When The Warrant Was Served On This Instant Case Therefore Defendant Is Entitled To The 276 Days Jail Credit Requested.

Defendant Asserts That He Is Entitled To All Credit As Requested And That The Lower Tribunal Is In Error To Deny The Said Jail Time Credit Requested By This Defendant.

Therefore Defendant Takes This Appeal To The Second District Court Of Appeal For Review And Determination Of The Nineteenth Judicial Circuit Order Denying Relief.

Relief requested:

Defendant Glenn J. Woulard, Hereby Moves This Honorable Court To Grant The Following Relief:

- (1)- Review The Order Of The Lower Tribunal In This Instant Matter Regarding Jail Time Credit, Whereas This Defendant Was In Fact In The Custody Of The Indian River County Jail, When The Warrant Was Served In This Instant Case.
- (2)- Enter An Order Requesting The Clerk Of The Nineteenth Judicial Circuit, In And For Indian River County To Prepare And Forward The Record On Appeal In This Case.
- (3)- Enter An Order Directing The Lower Tribunal To Credit This Defendant With Jail Time Credit As Requested Whereas Defendant Never Left Custody Of The Indian River County Jail When The Warrant Was Served In this Instant Case, And Defendant Had Remained In Custody.
- (4)- Any And All Such Other Relief This Defendant May Be Entitled That This Honorable Court May Deem Just And Proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING NOTICE OF APPEAL HAS BEEN PLACED IN THE HANDS OF INSTITUTIONAL STAFF TO BE SENT BY U.S.PREPAID FIRST CLASS MAIL TO THE FOLLOWING: THE HONORABLE : MARY ELIZABETH KUENZEL, CLERK DISTRICT COURT OF APPEAL SECOND DISTRICT, P.O. BOX 327 LAKELAND, FLORIDA 33802 AND THE HONORABLE CLERK OF THE CIRCUIT COURT, NINETEENTH JUDICIAL CIRCUIT COURT, IN AND FOR INDIAN RIVER COUNTY, FLORIDA 2000 16th AVE, VERO BEACH, FLORIDA 32960 AND THE HONORABLE: ATTORNEY GENERAL STATE OF FLORIDA, PAMELA JO. BONDI, PL-01 THE CAPITOL, TALLAHASSEE, FLORIDA 32399. ON THIS THE ____ DAY OF NOVEMBER 2015.

RESPECTFULLY SUBMITTED

/S/

GLENN J. WOULARD

DC#-015462— D-2-132-S

AVON PARK CORRECTIONAL INSTITUTION

8100 HIGHWAY 64 EAST

AVON PARK, FLORIDA 33825

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

STATE OF FLORIDA,

vs.

GLENN JEROME WOULARD,

Defendant.

FELONY DIVISION
CASE NO. 312014CF000014A

2015 OCT 13 PM 3:48

ORDER DENYING MOTION FOR CORRECTION OF JAIL CREDIT

THIS CASE came before the court in chambers on the Defendant's pro se motion filed on August 19, 2015, pursuant to Florida Rule of Criminal Procedure 3.801. The court finds and orders as follows.

On January 2, 2014, the arrest warrant was issued in this case for an offense committed in September 2013. (See arrest warrant attached as exhibit "A.") On January 3, 2014, the arrest warrant was executed. (See arrest affidavit attached as exhibit "B.")

On July 11, 2014, the Defendant was sentenced pursuant to a consolidated plea entered in four cases. The Defendant claims that the court granted a total of 276 days jail credit in this case and that the sentencing order reflects only 190 days jail credit.

The court incorporates by reference the State's response and adopts the State's reasoning in finding that the Defendant's claim is conclusively refuted by the record. The court orally pronounced 190 days jail credit in this case from the date of arrest through the date of sentencing. (See State's response attached as exhibit "C.") Therefore, the Defendant is not entitled to relief.

The Defendant's motion is denied. The Defendant has thirty days to appeal.

DONE AND ORDERED in chambers in Vero Beach, Florida, on

Oct. 13, 2015.


ROBERT L. PEGG
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above order, including any attachments, have been sent to the following addressees by U.S. Mail, postage prepaid or by courthouse box delivery where indicated, to the following persons, on Oct 14, 2015.

Copies to:

Glenn Woulard
DC# 015462
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, FL 33825

Nikki Robinson, ASA
Office of the State Attorney
By Courthouse Box

J. R. Smith
CLERK OF THE COURT

By: 

Deputy Clerk

2014 CF 14

ARREST WARRANT

Case No: 31-2013-WF-050703-A
Indian River County, FLORIDA
ASA: Michelle N. McCarter

Incident ID: 496598

Agency#: 2013-151287
Agency: Indian River County Sheriff's Office

STATE OF FLORIDA
-VS-
Glenn Jerome Woulard
Defendant

2014 JAN -2 PM 4:52

In the name of the State of Florida -
To all and Singular Sheriffs of the State of Florida and to Any State Attorney Investigator - Greetings:

Whereas upon the sworn affidavit, complaint or other sworn testimony of Linda Nolan of the Indian River County Sheriff's Office the undersigned Judge, has found that there exists probable cause to believe that one Glenn Jerome Woulard, in Indian River County, Florida commit the below listed offense(s), contrary to the provisions of Florida Statutes.

You are HEREBY COMMANDED to arrest GLENN JEROME WOULARD of 6125 85Th Street, Wabasso, FL 32967; DOB: 03/22/1947; Race/Sex: B/M; Ht/Wt: 5'9"/190; Eye/Hair: BRO/BLK; SSN: [REDACTED]; DL#: W463-290-47-102-0; FDLE: 00124625; FBI: ; Alias: . These Are Therefore to Command you to forthwith arrest and bring the above named defendant before me to be dealt with according to law.

1 Third Degree Grand Theft (F 3) Bond \$ _____

COUNT 1: On or about September 21, 2013 Glenn Jerome Woulard did unlawfully and knowingly obtain or use or endeavor to obtain or to use the property of another, to-wit: Merchandise, the property of Wal-mart and Jorge Alonso as owner or custodian, of the value of \$300 or more, with intent to either permanently or temporarily deprive the true owner of a right to the property or a benefit therefrom or to appropriate the property to the use of the taker or to the use of any person not entitled thereto, in violation of Florida Statute 812.014;

Given under my hand and seal this 2nd day of January, 2014, A.D.

Condition of Bond Release/Release on Recognizance: For Count(s): _____
No Contact with Victim: Until further order of the Court or the charge is dismissed by the State, the Defendant shall not directly or indirectly contact the victim _____ in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. This restriction shall include the following condition(s), if marked:

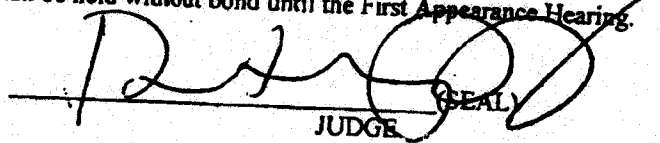
- Defendant may not knowingly come closer than 50 feet to the victim at any public place, except for court proceedings, or within 500 feet of the victim's residence or place of employment, or 100 feet of any vehicle regularly driven by the victim;
- Defendant may go to victim's residence one time with a law enforcement officer to get Defendant's clothing and personal effects;
- Defendant may speak to victim on the telephone *only* to discuss sharing parental responsibility for their minor child(ren).

31-2013-WF-050703-A // Glenn Jerome Woulard

Exhibit "A"

Handwritten initials and date: 1/21/14

If marked, Defendant shall be held without bond until the First Appearance Hearing.


JUDGE

Robert L. Pegg

Handwritten notes:
12/11/13



INDIAN RIVER COUNTY SHERIFF'S OFFICE

2014CF14
WARRANT AFFIDAVIT

CASE#: 2013-151287

DEPUTY NAME: Linda Nolan

DEFENDANT: Glenn Jerome Woulard ALIAS: _____

Address - Home: 6125 85th Street, Vero Beach Phone - Home: _____

Address - Work: _____ Phone - Work: _____

PHYSICAL DESCRIPTION:

Age: 66 DOB: 03/22/47 SSN#: ██████████

Race: Black Height: 5'09" Hair: Gray

Sex: Male Weight: 183 Eyes: Brown

OFFENSE: F.S.S. 812.014 Grand Theft

DATE/TIME OF OFFENSE: September 21, 2013 / 3:40pm

OFFENSE LOCATION: Wal-Mart, 5555 20th Street, Vero Beach

VICTIM: Wal-Mart, 5555 20th Street, Vero Beach

Address - Home: 5555 20th Street Phone - Home: _____

Address - Work: _____ Phone - Work: _____

WITNESSES: Jorge Alonso

DEC 23 2013

NATURE OF COMPLAINT:

On Saturday, September 21, 2013 at approximately 4:18pm, I responded to Wal-Mart at 5555 20th Street in reference to a shoplifting. Upon arrival I made contact with loss prevention officer Jorge Alonso. He advised that he was returning from his lunch break and witnessed a male outside the fence at the garden department on the west side of the store. Alonso said that male pulled a gray Wal-Mart shopping bag from under the fence

Handwritten: 12/21/13

2014 JAN -2 PM 4:52

and got into a white Buick Regal bearing Florida tag 171PSP. Alonso said that the activity was typical of shoplifting behavior to avoid the security sensor towers at the exit doors. He immediately went to the security office to review video surveillance.

Alonso showed me the video surveillance while he explained the male's activity in the store. He said that the male entered the store through the garden department at 3:40pm. He walked directly to the electronics department and stopped at a security display case that held video games. The male forcibly removed three games from the display case by pulling them through a locked bar and took them to an adjacent aisle. He removed a gray Wal-Mart bag from his pants pocket and concealed the games in it. He then set the bag down on a shelf and returned to the display case. He pulled three more games through the locked bar and went back to the bag he left on the shelf. He concealed the three games in the bag and proceeded toward the garden department. He passed all registers and did not make any attempt to pay for the concealed merchandise. He approached the garden department exit but stopped before he reached the security sensor towers. Alonso said that each of the games were inside a merchandise security case that must be removed with a key. He explained that the box would alert the sensor towers and set off an alarm if the male walked through them. The male then turned away from the exit door and walked to the northwest corner of the garden department where he shoved the gray Wal-Mart bag under the fence. He then went outside and retrieved the bag as Alonso returned from lunch. Alonso valued the stolen games and merchandise security cases at \$379.88.

On October 9, 2013, I was at Wal-Mart on an unrelated case when Alonso notified me that the male in this case returned to the store on October 9th. Alonso said he stole additional merchandise and was apprehended and arrested by Deputy Richard Olson (case 2013-161145). He was identified as Glenn Jerome Woulard.


I conducted a records search for Glen Woulard. I found a previous shoplifting case (2013-88537) where Woulard was arrested after stealing items from Publix and driving away in a white Buick bearing Florida tag 171PSP.

Deputy Bartuccelli and I responded to Wal-Mart for a photo line up on this case. After reading instructions to Alonso, Deputy Bartuccelli presented the line up to Alonso. Alonso positively identified Woulard as the subject who he saw taking the bag from under the fence.

On September 21, 2013, Glenn Jerome Woulard did obtain the property of Wal-Mart valued at \$379.88 with the intent to deprive the store of the property in violation of F.S.S. 812.014.

I SWEAR THE ABOVE STATEMENT IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.


Law Enforcement Officer or Notary

 3/1/14 12/15/13
Law Enforcement Officer's Signature

13-151287


12/15/13

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

STATE OF FLORIDA

Case No. 2014-CF-14

-VS-

Glenn Woulard

Defendant(s)

STATE'S RESPONSE TO DEFENDANT'S
MOTION FOR JAIL CREDIT

COMES NOW the State of Florida, by and through its undersigned Assistant State Attorney, and responds to the defendant's motion for jail credit filed August 19, 2015. The State would show the following.

The defendant was charged by Information with four (4) cases: 2013-734, 898, 1317 and 2014-14. He entered a plea on or about July 11, 2014 to all four cases. He was sentenced on the same day to four years Department of Corrections on each case. At the time of sentencing the defendant received credit for time served individually on each case. In case number 2014-14, he received 190 days credit for time served. In case numbers 2013-734, he received 286 days credit for time served. In case numbers 2013-1317 and 2013-898, he received 277 and 271 days respectively. All sentences were to run concurrent with one another, Exhibit 1.

The defendant now contends that he is entitled to 276 days credit on *all cases*. The State does not agree. The defendant was arrested on case number 2014-14 on or about January 3, 2014. He entered a plea to the charge on July 11, 2014. He was awarded 190 days credit which was consistent with the credit for time served sheet prepared by the Indian River County Jail for sentencing and the actual time accrued between the two dates, Exhibit 2.

The record refutes the defendant's allegations.

For the foregoing reasons, the State asks that the Defendant's motion be denied.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by mail to Glenn Woulard, Avon Park Correctional Institution, 8100 Highway 64 East, Avon Park, Florida 33825, this 9th day of October, 2015.

RESPECTFULLY SUBMITTED,
BRUCE H. COLTON, State Attorney

By: 

Nikki Robinson
Assistant State Attorney
FL Bar#: 0710334
2000 16th Avenue, Suite 329
Vero Beach FL 32960
(772) 226-3300

Exhibit C

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

CASE NO. 312014CF000014A

JUDGE ROBERT PEGG

STATE OF FLORIDA,

Plaintiff,

vs.

GLENN WOULARD,

Defendant.

HEARING ON CHANGE OF PLEA AND SENTENCING.

This cause came on for a Hearing on Change of Plea and Sentencing on July 11, 2014, before the Honorable Robert Pegg, at the Indian River County Courthouse, Vero Beach, Florida.

The appearances were as follows:

FOR THE STATE:

MICHELLE McCARTER
Assistant State Attorney
2000 16th Avenue
Suite 329
Vero Beach, Florida 32960

FOR THE DEFENDANT:

RUSSELL AKINS
4888 North Kings Highway
Suite 402
Fort Pierce, Florida 34950

Exhibit 1

1 HEARING ON CHANGE OF PLEA AND SENTENCING ON JULY 11, 2014

2 P R O C E E D I N G S

3 THE COURT: 2013-734, 898, 1317, 2014-14, Glenn Woulard.

4 MR. AKINS: Good morning, Judge.

5 THE COURT: Hello there.

6 MR. AKINS: Your Honor, I have the plea form. I have,
7 since we have several cases, I have attached the time served
8 for each case --

9 THE COURT: Okay.

10 MR. AKINS: -- to the plea form.

11 THE COURT: All right.

12 MR. AKINS: This is an open, well, it's not an open,
13 excuse me, it's a cap plea on all cases of five years and we
14 are asking for an alternative sentence.

15 THE COURT: We can do that. Mr. Woulard, your attorney's
16 handed me a plea form indicating you wish to change your plea
17 at this time. Is that true?

18 MR. WOULDARD: Yes.

19 THE COURT: Would you raise your right hand, please.

20 (Mr. Woulard was sworn by the Court.)

21 MR. WOULDARD: Yes, sir.

22 THE COURT: Put your hand down. Tell me how old you are,
23 please.

24 MR. WOULDARD: 67.

25 THE COURT: How far did you go in school?

1 MR. WOULDARD: I got a GED.

2 THE COURT: So you read, write and understand the English
3 language?

4 MR. WOULDARD: Yes, sir.

5 THE COURT: Have you ever been treated for a mental
6 illness?

7 MR. WOULDARD: No, sir.

8 THE COURT: You understand the answers you give here
9 today are now under oath, so if you don't tell me the truth
10 you could be prosecuted for the separate crime of perjury. Do
11 you understand that?

12 MR. WOULDARD: Yes, sir.

13 THE COURT: This plea form appears to have your signature
14 on page six. Is that your signature?

15 MR. WOULDARD: Yes, sir.

16 THE COURT: Is everything contained in the plea form
17 true?

18 MR. WOULDARD: Yes, sir.

19 THE COURT: You got to speak up just a little louder if
20 you would. Is, are you under the influence of alcohol or any
21 other drug or medication that would prevent you from
22 understanding what we're doing here today?

23 MR. WOULDARD: No, sir.

24 THE COURT: I understand you want to change your pleas
25 from not guilty and enter pleas of no contest from 2014-14 to

1 the charge of third degree grand theft, 2013-734 to felony
2 petit theft, assault, resisting a merchant and 2013-1317 to
3 third degree grand theft, fleeing or attempting to elude a
4 police officer, resisting an officer without violence and in
5 2013-- and felony petit theft. 2013-898 to felony petit
6 theft. Is that what you wish to do?

7 MR. WOULDARD: Yes, sir.

8 THE COURT: Has anybody forced you to enter these pleas,
9 including your attorney, or has anybody promised you something
10 which is not in this agreement?

11 MR. WOULDARD: (No audible response.)

12 THE COURT: It appears in this plea form you believe the
13 plea's in your best interest. Is that true?

14 MR. WOULDARD: (No audible response.)

15 THE COURT: By entering this plea, you're giving up
16 certain valuable rights. Among the rights you're giving up
17 include the right to have a jury decide if you're guilty of
18 these charges, the right to see and hear witnesses testify at
19 the trial, the right to compel the attendance of witnesses on
20 your behalf and the right to be represented by a lawyer at the
21 trial. If you couldn't afford a lawyer, I would appoint one
22 to represent you. Do you understand those rights?

23 MR. WOULDARD: Yes.

24 THE COURT: You're also giving up the right to remain
25 silent, the right to testify yourself at the trial if you

1 chose to do, the right to the presumption of innocence. Most
2 importantly, you're giving up the right to require the State
3 to prove your guilt beyond and to the exclusion of every
4 reasonable doubt. Do you understand that?

5 MR. WOULDARD: Yes, sir.

6 THE COURT: Do you understand if I accept this plea there
7 will not be a trial in any of these cases? You have to say
8 yes or no.

9 MR. WOULDARD: Yes.

10 THE COURT: Do you understand the only thing you could
11 appeal to a higher court is if I gave you an illegal sentence.
12 Do you understand that?

13 MR. WOULDARD: Yes, sir.

14 THE COURT: Has Mr. Akins told you what the maximum
15 possible sentence could be on each charge in each case?

16 MR. WOULDARD: Yes, sir.

17 THE COURT: So you understand if you're not a United
18 States citizen you could be deported or denied citizenship?

19 MR. WOULDARD: Yes, sir.

20 THE COURT: Do you understand also if you're currently on
21 probation, the entry of this plea could be a material
22 violation of that probation?

23 MR. WOULDARD: Yes, sir.

24 THE COURT: Do you understand also by entering a plea to
25 these charges, if any of these sexually violent offenses or

1 sexually motivated offenses or if you've been previously
2 convicted of such an offense, this plea could subject you to
3 an involuntary civil commitment as a sexually violent predator
4 upon completion of your sentence in this case. Do you
5 understand that?

6 MR. WOULDARD: Yes, sir.

7 THE COURT: I understand the terms of the plea agreement
8 are in return for your plea to those charges, that the, you
9 would receive a sentence somewhere between probation and five
10 years Department of Corrections. Is that your understanding?

11 MR. WOULDARD: (No audible response.)

12 THE COURT: I would hear whatever arguments your attorney
13 made, whatever arguments the State, but there's no, there's no
14 guarantee as to where if, on either side or in the middle.
15 All I can guarantee is you wouldn't get a more severe sentence
16 than five years Department of Corrections. Is that your
17 understanding here?

18 MR. WOULDARD: Yes, sir.

19 THE COURT: I'm going to follow that agreement but I'm
20 required to tell you, on all of the fel-- the third degree
21 grand theft, you could be sentenced up to five years
22 Department of Corrections just on that charge alone. And then
23 on felony petit theft, you could be sentenced to another five
24 years Department of Corrections; assault, 60 days in the
25 county jail; resisting a merchant, a year in the county jail;

1 another third degree grand theft, five years Department of
2 Corrections; fleeing or attempting to elude a police officer,
3 five years Department of Corrections; resisting an officer
4 without violence, a year in the county jail; and felony petit
5 theft, an additional five years Department, in Department of
6 Corrections; and in 2013-898, felony petit theft, an
7 additional five years Department of Corrections. Do you
8 understand that?

9 MR. WOULDARD: Yes, sir.

10 THE COURT: Okay. Ms. McCarter, can you state a factual
11 basis, please.

12 MS. McCARTER: Yes, your Honor. If these cases were to
13 proceed to trial, the State would prove that in 312013-734 the
14 State would prove that on June 6, 2013, the defendant did
15 unlawfully and knowingly obtain or use or endeavor to obtain
16 the property of another, to wit, merchandise, the property of
17 Publix and/or Savannah Thurlby, as owner or custodian, the
18 value of less than \$300 with intent to permanently or
19 temporarily deprive the true owner of the right to the
20 property or benefit therefrom after having previously been
21 convicted of two or more thefts in violation of Florida
22 Statute. On that same day he did intentionally and unlawfully
23 threaten by word or act to do violence to the person of
24 Christian Dorr, having the apparent ability to do so, and did
25 an act which created a well-founded fear in Christian Dorr,

1 Christian Dorr, excuse me, that such violence was about to
2 take place. On that same day he did unlawfully, while
3 committing or after committing theft of property, resist the
4 reasonable effort of the merchant or merchant's employees to
5 recover the property which the merchant or merchant's
6 employees had probable, probable cause to believe that said
7 defendant had concealed or removed from its place of display
8 or elsewhere in violation of Florida statute.

9 In case number 312014CF14, this defendant on or about
10 September 21, 2013, did unlawfully and knowingly obtain or use
11 or endeavor to obtain or use the property of another, to wit,
12 merchandise, the property of Walmart and/or Jorge Alonso, as
13 owner or custodian, a value of \$300 or more with the intent to
14 permanently or temporarily deprive the true owner of the right
15 to the property or benefit therefrom.

16 Case number 312013-1317, this defendant did on October 8,
17 2013, unlawfully and knowingly obtain or use or endeavor to
18 obtain or use the property of another, to wit, merchandise,
19 the property of Walmart and/or Justin Stone, as owner or
20 custodian, a value of \$300 or more with intent to permanently
21 or temporarily deprive the true owner of the right to the
22 property or benefit therefrom. On that same date, he did
23 willfully flee or attempt to elude a law enforcement officer
24 in an authorized law enforcement patrol vehicle with agency
25 insignia and other jurisdictional markings prominently

1 displayed on the vehicle with siren and lights activated. He
2 did also unlawfully resist, obstruct or oppose Deputy Sheriff
3 Richard Olson, a duly authorized law enforcement officer in
4 the lawful execution of the officer's legal duty, to wit,
5 conducting an investigation without offering or doing violence
6 to the person of said officer. He did unlawfully and
7 knowingly obtain or use or endeavor to obtain the property of
8 another, to wit, merchandise, the property of Walmart and/or
9 Justin Stone, as owner or custodian, the value of less than
10 \$300, with intent to permanently or temporarily deprive the
11 true owner of the right to the property and after having
12 previously been convicted of two or more thefts.

13 In case number 312013-898, this defendant did on June 6,
14 2013, unlawfully and knowingly obtain or use or endeavor to
15 obtain the use or property of another, to wit, merchandise the
16 property of Walmart and/or John Hrusovsky, as owner or
17 custodian, of the value of less than \$300 with intent to
18 permanently or temporarily deprive the true owner of the right
19 to the property after having been previously convicted of two
20 or more thefts. All cases, all counts happened in Indian
21 River County.

22 THE COURT: Ms. McCarter, you need to --

23 MS. McCARTER: Yes, sir.

24 THE COURT: Mr. Akins, do you agree if the State proved
25 those facts at trial, they'd comprise a factual basis where.

1 the State could establish a prima facie case?

2 MR. AKINS: Yes, your Honor.

3 THE COURT: Is anyone aware of any physical evidence
4 disclosed by the State which contain DNA evidence which could
5 exonerate Mr. Woulard?

6 MR. AKINS: No, your Honor.

7 THE COURT: I'm going to accept your pleas of no contest,
8 find from the evidence the pleas are freely and voluntarily
9 entered upon a knowing and intelligent waiver of your rights,
10 that you understand the nature and consequence of the plea.
11 After reviewing the arrest affidavit, charging documents,
12 stipulation of the parties, there's a factual basis for it.
13 Do you want a sentencing date?

14 MR. AKINS: No, your Honor. We're prepared to go
15 forward.

16 THE COURT: Oh, okay.

17 MR. AKINS: Your Honor, I'd call Mr. Woulard.

18 THE COURT: Yes, sir. He's under oath.

19 MR. AKINS: State your full name.

20 THE COURT: I'm sorry. Do you -- sorry. I need a
21 presentence, or a scoresheet. Let me ask, Mr. Akins do you
22 agree that the scoresheet of --

23 MR. AKINS: Yes, your Honor.

24 THE COURT: -- 63.2 points is accurate?

25 MR. AKINS: Yes.

1 THE COURT: Okay. Go right ahead, please.

2 MR. AKINS: How old are you, Mr. Woulard?

3 MR. WOULDARD: 67.

4 MR. AKINS: You're 67 years old.

5 MR. WOULDARD: Yes, sir.

6 MR. AKINS: What is the underlying cause of your criminal
7 history?

8 MR. WOULDARD: Drugs.

9 MR. AKINS: What types of drugs?

10 MR. WOULDARD: All types. Pills, cocaine, heroin, and
11 then it was, it had been for years. I never get, been able to
12 get no help for that, sir. I've been in and out of prison.
13 Drugs, drugs has always been my problem. I'm --

14 MR. AKINS: 67 --

15 MR. WOULDARD: -- (inaudible).

16 MR. AKINS: -- years old. Isn't it about time --

17 MR. WOULDARD: Yes. Yeah, I'm tired.

18 MR. AKINS: -- to do something?

19 MR. WOULDARD: I'm tired. I'm, I'm sick and, sick and
20 tired of going to prison. (Inaudible) I'm looking for some
21 help.

22 MR. AKINS: Do you realize you run up enough charges just
23 here today that the Judge could probably sentence you, if not
24 for this plea agreement, to a term of years that you would die
25 in prison?

1 MR. WOULDARD: Yes, sir. I mean, I realize that. And
2 I'm sorry, but I need help. I mean, I'm, I be asking for help
3 every time I come, come to court.

4 MR. AKINS: Are you willing to do whatever it takes at
5 this point?

6 MR. WOULDARD: Whatever it takes. Whatever it takes.

7 MR. AKINS: Including, if you, if the Judge sees fit to
8 allow you to do this, taking a suspended sentence of five
9 years with the drug transport to a drug rehab facility,
10 understanding that, as long as you're on probation for that
11 period of time that if you violate any way, you go straight to
12 prison for five years?

13 MR. WOULDARD: Yes, (inaudible). I understand.

14 MR. AKINS: Do you have any family?

15 MR. WOULDARD: I have a auntie here. I have a cousin
16 (inaudible).

17 MR. AKINS: No wife?

18 MR. WOULDARD: No wife.

19 MR. AKINS: (Inaudible.)

20 MR. WOULDARD: I got one daughter.

21 MR. AKINS: And where is she?

22 MR. WOULDARD: She's in West Palm Beach.

23 MR. AKINS: Do you have any contact with her?

24 MR. WOULDARD: Not, not lately I haven't.

25 MR. AKINS: Is that because of the lifestyle that you've

1 lived?

2 MR. WOULDARD: Yes.

3 MR. AKINS: It's not real good at 67 years old to not
4 have any family support, is it?

5 MR. WOULDARD: I'm not proud of it. I'm, drugs make you
6 do a lot of stupid stuff (inaudible).

7 MR. AKINS: But it only, you've got to accept the fact
8 you can't use drugs anymore. It's a poison to you. Is that,
9 do you understand that?

10 MR. WOULDARD: It's going to kill me. I know it. This
11 is, this was a life saver to me. This coming to jail was a
12 life saver. If I didn't come to jail, I'd be dead right now.
13 I know this for a fact. Because I, I mean, I, I had lost 70
14 pounds and I was almost dead. I got high blood pressure. You
15 understand me? I'm a diabetic. And I was doing all the
16 things that, that would kill me. Drugs, liquor, all this
17 stuff that would kill me. You know, I, when come to jail I
18 was, the nurses were shaking their head, you know. So I, I
19 know it's going to kill me and I'm, I'm willing to do anything
20 for some help.

21 MR. AKINS: I don't have anything further, your Honor.

22 THE COURT: Okay. Ms. McCarter.

23 MS. McCARTER: Your Honor, you can see from the
24 scoresheet that his prior record is just outrageous. And it's
25 mostly thefts, thefts starting back from 1990 up to the

1 present day. These four cases happened over the space of, it
2 starts in October, excuse me, September, 2013, then another
3 case in October, then two more cases in June. He was
4 committing these crimes while he was out on bond for theft.
5 He's still going in and committing these crimes. He would go
6 into a store and steal alcohol, put it in his pants and walk
7 out. In the case with resisting with a merchant, the, the
8 employee tried to stop him and he threatened him with the
9 bottle. In the Walmart case where he tried to leave without
10 paying, they chased him. That's where the fleeing and
11 eluding, all that comes into and they chase him and he's able
12 to get away from them at that time. This is just the behavior
13 he engages in whether it's drugs or not. From 1990 to the
14 present, he's had time to try to get help for this problem and
15 he's just not doing it. At this point in time, we can't
16 continue to keep him on probation and hope that he's not going
17 to just walk into any store in this community and steal,
18 because that's what he does. Without any type of regard for
19 anyone's personal property, he just walks in the stores, picks
20 up items, walks out with them. There was champagne in one
21 case. There was alcohol in another case. There were video
22 games in a different case. And this is just what he does.
23 There's no reason to believe that he's going to change at this
24 point. The State is asking for five years Department of
25 Corrections. He actually scores over that. We are also

1 asking for restitution to Publix in the amount of \$119.98.

2 THE COURT: Why do you say he scores over that?

3 UNIDENTIFIED SPEAKER: He scores 60 --

4 UNIDENTIFIED SPEAKER: Actually it's --

5 MS. MCCARTER: I'm sorry.

6 UNIDENTIFIED SPEAKER: The bottom of the --

7 MS. MCCARTER: My --

8 UNIDENTIFIED SPEAKER: -- guidelines would be 20 --

9 MS. MCCARTER: He scores 20-- I'm sorry. I was looking
10 at --

11 UNIDENTIFIED SPEAKER: -- 26.4, your Honor.

12 MS. MCCARTER: He scores 26.4 points. We're still asking
13 the five years, your Honor, based on his record. We're asking
14 for restitution in the amount of \$119.98 to Publix on 21st
15 Street, \$22.48 to the Publix on 12th Street, I mean at 1255
16 U.S. 1, and \$379.88 to the 20th Street Walmart.

17 THE COURT: I've considered the comments made by the
18 attorneys, the defendant as well as the court file and the
19 guideline scoresheet. It's the judgment and sentence of the
20 Court as, in 2014-4-- 2014-14, as to the charge of third
21 degree grand theft, I'm going to adjudicate you guilty of that
22 charge, sentence you to four years Department of Corrections
23 with credit for 190 days credit for time served. I'm going to
24 enter a restitution order, \$379.88, on that case to be reduced
25 to a civil lien. Any additional court costs, Madam Clerk?

1 CLERK ENGLISH: Yes, your Honor. Statutory felony court
2 costs, plus an additional \$100 cost of prosecution and \$50
3 cost of investigation to --

4 MS. McCARTER: The Sheriff's office.

5 THE COURT: I'll reduce all those fees and costs to a
6 civil lien or judgment. Under 960.293, cost of incarceration,
7 I'm required to enter a civil lien in the amount of \$73,000.
8 It will be necessary that you be fingerprinted. It'll also be
9 necessary that you give us a DNA sample.

10 In 2013-734, on the charge of felony petit theft, I'm
11 going to adjudicate you guilty of that charge, sentence you to
12 four years Department of Corrections with credit for 286 days
13 credit for time served. I'll also enter a civil lien for
14 restitution in the amount of \$22.48 in favor of Publix
15 supermarket. That sentence of course will run concurrently
16 with the sentence in the previous case. As to Count 2,
17 assault, I'm going to adjudicate you guilty of that charge,
18 sentence you to 60 days in the county jail with credit for 60
19 days credit for time served. As to Count 3, resisting a
20 merchant, I'm going to adjudicate you guilty of that charge,
21 sentence you to 286 days in the Indian River County Jail with
22 credit for 286 days credit for time served. All the sentences
23 to run concurrently.

24 2013-1317, on the charge of third degree grand theft, I'm
25 going to adjudicate you guilty of that charge, sentence you to

1 four years Department of Corrections with credit for 277 days
2 credit for time served. (Inaudible) oops. 1317.

3 MS. McCARTER: I don't think there was --

4 THE COURT: Oh, there's none. Okay. Credit for time
5 served. As to Count 2, fleeing or attempting to elude a
6 police officer, I'm going to adjudicate you guilty of that
7 charge, sentence you to four years Department of Corrections,
8 credit for 277 days credit for time served. I'm also required
9 to suspend your driver's license for the period of one year.
10 That sentence will run concurrently as well. In Count 3,
11 resisting an officer without violence, I'm going to adjudicate
12 you guilty of that charge, sentence you to 277 days in the
13 Indian River County Jail with credit for 277 days credit for
14 time served. Charge of felony petit theft, I'm going to
15 adjudicate you guilty of that charge, sentence you to four
16 years Department of Corrections with credit for 277 days
17 credit for time served.

18 As to 2013-898, on the charge of felony petit theft, I'm
19 going adjudicate you guilty of that charge, sentence you to
20 four years Department of Corrections with credit for 271 days
21 credit for time served. I'm also going to enter a civil
22 restitution order in favor of Publix of \$111.98. All
23 sentences will run, in all cases are intended to run
24 concurrently with each other.

25 You have 30 days to appeal the judgment and sentence of

1 the Court. If you don't have the funds or resources to hire a
2 lawyer, I would appoint one to represent you. Okay. Step
3 right over there, sir.

4 (Proceedings concluded.)

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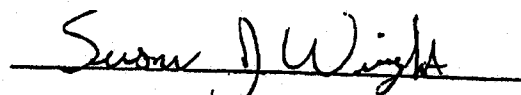
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C E R T I F I C A T E

I, Susan J. Wright, certify that I transcribed the Hearing on the Change of Plea and Sentencing on July 11, 2014, in Case No. 312014CF000014A, State of Florida v. Glenn Woulard, and that the preceding pages, numbered 1 through 18, inclusive, constitute a true and accurate transcription of the proceedings from the electronic recording, to the best of my ability.

DONE AND SIGNED this 21st day of September, 2015.



Susan J. Wright

P.O. Box 1028

Vero Beach, FL 32961

swright@clerk.indian-river.org



Sheriff

DERYL LOAR • INDIAN RIVER COUNTY

4035 41st AVENUE VERO BEACH, FLORIDA 32960-1808 (72) 569-6700

CREDIT TIME SERVED

Name Woulard, Glenn DOB 03-02-47

Sex M Race B Charge ED THEFT

*Court Case# 14-05-14 Agency Case# (If known) _____

*Attorney Docket Date: _____ * Date of Sentence _____

Date of Incarceration 01-03-14 Booking# 13-4659

Date of Release 07-10-14 Total days this booking 189
present

Date of Incarceration _____ Booking# _____

Date of Release _____ Total days this booking _____

Date of Incarceration _____ Booking# _____

Date of Release _____ Total days this booking _____

Date of Incarceration _____ Booking# _____

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Date of Release _____ Total days this booking _____

Date of Incarceration _____ Booking# _____

Date of Release _____ Total Days this booking _____

TOTAL DAYS CREDIT THIS CASE 189

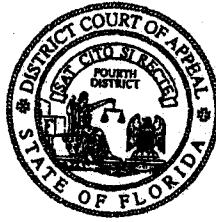
Completed by V.T. #341 Date 07-10-14

Checked by _____ Date _____

48hrs notice needed to complete credit time serve sheet
Please contact Classification with any questions 978-6362 or 6363 Fax #772-978-631.

FILED FOR RECORD
FELONY DIVISION
2014 JUL 10 PM 1:38
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL

Exhibit 2



Fourth District Court of Appeal
1525 Palm Beach Lakes Blvd.
West Palm Beach, Florida 33401
(561) 242-2000

ACKNOWLEDGMENT OF NEW CASE

DATE: November 06, 2015

STYLE: GLENN J. WOULARD v. STATE OF FLORIDA

4DCA#: 15-4146

The Fourth District Court of Appeal has received the Notice of Appeal reflecting a filing date of November 4, 2015.

The county of origin is Indian River.

The lower tribunal case number provided is 312014CF000014A.

The filing fee is not required.

Case Type: Criminal 3.801 Summary Final

The Fourth District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER and a physical address.

ELECTRONIC FILING IS MANDATORY FOR ALL ATTORNEYS. Please visit edca.4dca.org to register for eDCA, the court's electronic filing system.

ATTORNEYS WHO HAVE NOT REGISTERED FOR eDCA WILL NOT RECEIVE FURTHER PAPER DOCUMENTS FROM THE COURT

cc: Attorney General-W. P. B. Glenn J. Woulard State Attorney-I. R.
Clerk Indian River

tw

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

December 01, 2015

CASE NO.: 4D15-4146
L.T. No.: 312014CF000014A

GLENN J. WOULARD

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the appellant's initial brief is stricken as not in compliance with Florida Rule of Appellate Procedure 9.420 in that the certificate of service is incomplete. An amended brief in compliance with the rules shall be filed within ten (10) days from the date of this order. The time for any responsive briefing shall be tolled until service of this amended brief. All certificates of service shall contain the name and physical address of the person served. You are notified of the requirement to serve the Attorney General's Office with a copy of everything you file with this court. The address is:

Department of Legal Affairs
1515 North Flagler Drive, Suite 900
West Palm Beach, Florida 33401

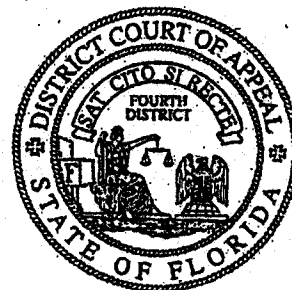
Served:

cc: Attorney General-W. P. B. Glenn J. Woulard

ms

Lon Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



DISTRICT COURT OF APPEAL

**FOURTH DISTRICT
STATE OF FLORIDA**

NOVEMBER __, 2015

Case No: 4D15-4146

L.T. Case No: 31-2014-CF-0000-14A

Glenn J. Woulard
Appellant/Petitioner

V.

State Of Florida
Appellee/Respondent

**Appellants Initial Brief
To
Summary Motion To Correct
Illegal Sentence
Pursuant To Fla. R. Crim. P.
3.800(a)
Appeal**

TABLE OF CONTENTS

PAGE NO:

(1)-Preliminary Statement

(2)-Statement Of The Case And Facts.....

(3)- Argument.....

(4)- Conclusion.....

(5)- Certificate Of Service.....

(6)- Certificate Of Compliance.....

PRELIMINARY STATEMENT:

Appellant Glenn J. Woulard, was incarcerated in the Indian river county jail when subsequently a warrant for his arrest was issued in an unrelated case against him. Therefore all time spent in county jail should and must be credited to this appellant whereas this appellant was never released to the street before the subsequent warrant was issued and served against him.

Appellant is requesting to be granted additional jail time credit in the amount of 96 days as he is entitled to, the department of corrections is only giving this appellant credit for a total of 190 days, when in fact this appellant is entitled to a total of 276 days credit, a difference of 86 days.

Therefore appellant has appealed the decision of denial from the lower tribunal and asks the honorable district court of appeal to grant this appellant the additional days requested as shown he is entitled by the face of the records.

Appellant has attempted to resolve this issue with the lower tribunal without success. And must rely on the district court of appeal, to direct the department of corrections, state of Florida. To correct the issue of credited jail time, to reflect the proper award of said jail time credit, whereas the actual jail time credit received and that credit in which appellant is entitled to are in discrepancy.

Appellant asserts that when sentences are imposed concurrently, a defendant receives credit on each sentence for time spent in jail before sentencing. In other words, when a defendant receives jail-time credit on a sentence that is to run concurrently with one or more other sentences, the same credit must apply, in full, to all the concurrent sentences, a defendant is entitled to receive credit for jail time served on both felony and misdemeanor charges.

Thus, a defendant, upon a showing that he/she was sentenced to concurrent terms for each count stemming from similar criminal episodes for which defendant was originally arrested, will be entitled to the same amount of jail- time credit against each of the concurrent sentences.

The requirement that jail-time credit must be applied to each of a defendant's concurrent sentences applies even if the multiple concurrent sentences emanate from different counties. From the time a warrant is served or issued and the defendant remains incarcerated on unrelated charges, the defendant is deemed to be in custody on the warrant as well and therefore is entitled to jail credit on concurrent sentencing.

On January 2, 2014 a warrant was issued for this appellant, however this appellant was already in the custody of the Indian river county jail when the aforementioned warrant was served upon his person, this appellant was awaiting sentencing on unrelated charges when this warrant was served. Appellant was taken to the booking area of the county jail and the warrant was served, he was then returned to his assigned jail house area.

This appellant was in the custody of the Indian river county jail from October 28, 2013 until July 11, 2014 thus a total of 276 days.

ARGUMENT:

When a warrant is transmitted to a sheriff who is already holding a defendant in custody on other charges, the defendant must be deemed to have been in custody on the new warrant charge also, at least for purposes of entitlement to jail credit on concurrent sentencing,

SEE: WOLF V. STATE, 107 So 3d 502 (FLA. 2d DCA 2013)

When a defendant receives concurrent sentences, his jail time credited toward all concurrent sentences: but when a defendant does not receive concurrent sentences, jail time may be credited toward only one sentence.

SEE: RANSONE V. STATE, 48 So. 3d 692 (FLA. 2010).

In accordance with the above stated cases the Department Of Corrections And Indian River County. Has not allowed for proper jail time credit to be awarded to this appellant, it is shown on the face of the record that appellant is in fact entitled to jail credit in the amount of (276) days as outlined within his motion for correction of sentence.

It is argued that a defendant who is held on multiple offenses is entitled to jail credit from the date of original arrest, when served with a new warrant or charge so long as defendant was in custody at the time of service of warrant or new charge. This appellant was incarcerated in the Indian river county jail on unrelated charges when he was arrested on a warrant in January of 2014. Therefore it must be constructed that appellant was already being held on the warrant also whereas he was in custody at time of service of said warrant, and he is entitled to have all time spent in county jail credited towards his sentence.

The court nor the Florida department of corrections can disregard the fact of law and must credit this appellant to the proper credit he is entitled.

CONCLUSION:

Appellant is in no way attempting to circumvent the judicial system, however he has without doubt proven his entitlement to the requested jail credit as sought

The court must review this appellants pleading and address the issues as presented herein, therefore further entering an order directing the Florida department of corrections to correct the amount of jail credit as awarded to this appellant.

Appellant seeks to correct an injustice that adversely affects the actual amount of time this appellant would remain in the custody of the Florida department of corrections and can be corrected without an evidentiary proceeding.

However the appellant realizes that the court must first correct the sentence error created by the improper jail credit being applied before appellant will see the change made to his current term of incarceration.

When error to a sentence is to be corrected the correction must be made in favor to the defendant, and in this instant case the error of jail credit awarded is plainly identifiable on the face of the record as presented.

The honorable court has the jurisdiction to make a ruling in favor of this appellant and correct the sentencing error to award the proper amount of jail credit as this appellant is entitled to.

The lower tribunal originally had jurisdiction to correct this error, however they opted to dismiss appellants motion at the lower tribunal and forced appellant to seek resolution in the district court of appeal. Thus being cause for appellant filing this initial brief outlining the merits of his case.

This appellant asserts, that his case is not complicated and should be relatively easy for The Honorable Court to pass judgement in favor of appellant in this instant matter before the court.

Therefore this appellant concludes his initial brief.

CERTIFICATE OF SERVICE

I Certify That A True And Correct Copy Of The Foregoing Initial Brief, Has Been Provided To An Institutional Staff Member For Mailing Vis First Class U.S. Mail To The Following Interested Parties: The Clerk Of The District Court Of Appeal Fourth District, 1525 Palm Beach Lakes Blvd, West Palm Beach, Florida 33401. And The Attorney General ,Department Of Legal Affairs, 1515 North Flagler Drive, Suite 900, West Palm Beach, Florida 33401.

Respectfully Submitted

Glenn J. Woulard

Glenn J. Woulard

Dc# 015462--- D-2-132-S

Avon Park Correctional Institution

8100 Highway 64 East

Avon Park, Florida 33825

CERTIFICATE OF COMPLIANCE

I Hereby Certify That This Initial Brief Complies With The Font Requirements Of The Florida Rule Of Appellate Procedure 9.210(A)(2)

RESPECTFULLY SUBMITTED

Glenn J. Woulard

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

GLENN J. WOULARD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D15-4146

[March 10, 2016]

Appeal of order denying rule 3.801 motion from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert L. Pegg, Judge; L.T. Case No. 312014CF000014AA.

Glenn J. Woulard, Avon Park, pro se.

No appearance for appellee.

PER CURIAM.

Affirmed.

WARNER, GROSS and LEVINE, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

**IN THE DISTRICT COURT OF APPEAL
FOURTH DISTRICT
STATE OF FLORIDA**

Glenn J. Woulard,
Appellant,

V.

State Of Florida,
Appellee,

DCA Case No: 4d15-4146
LT Case No: 312014-CF-0000-14AA

APPELLANT'S MOTION FOR REHEARING

In accordance with Florida Rule of Appellate Procedure 9.330(a), the appellant, Glenn J. Woulard, in propria persona, respectfully moves the Court for an order granting rehearing of the three-judge panel's March 10, 2016 opinion in the above-entitled case, and the appellant says the following in support thereof:

This appellant Glenn J. Woulard, submitted an appeal to the Fourth District Court of Appeal regarding the lower tribunals failure to grant jail credit, on March 10, 2016 the Honorable District Court of Appeal affirmed the Lower Tribunal's decision.

The Honorable District Court of Appeal has erred in this case and appellant asserts as follows in support of this allegation.

A defendant seeking additional jail-time credit through a postconviction motion is entitled to an evidentiary hearing, unless the court's order shows on its face the defendant received proper for all jail time served before sentencing, or the court attaches to its order that portion of the files or record refuting the defendant's allegations or documents to support the explanation contained in its order. A conventional evidentiary hearing on a postconviction motion, however, is not required, and the court may review the appropriate records and make a determination whether the defendant has received proper credit for time served.

If the defendant's motion to correct illegal sentence is legally sufficient and indicates that jail records will demonstrate the defendant's entitlement to additional jail time, a trial court must review such jail records. A defendant, however, is not entitled to additional jail time credit, absent a proffer of any evidence in the record showing an error in calculation of the jail credit. A trial court is precluded from denying a defendant's motion for additional jail credit against the defendant's sentence without attaching any records refuting the defendant's claim. If documents attached to a trial court's order summarily denying a defendant's motion for postconviction relief do not support the trial courts findings nor conclusively refute the defendant's claim that the defendant is entitled to additional jail credit against his or her sentence, remand is necessary for reconsideration of the claim. Accordingly, a defendant's motion to correct an illegal sentence would be remanded to the trial court for the attachment of the proper record, where the defendant argued that the defendant was not given proper credit for time spent in county jail, after being served with an arrest warrant, attachments to the trial court's order denying the motion did not show the actual date the defendant actually was served with the capias, and the defect could not

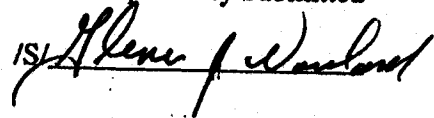
be cured by the state's attempt to provide such documentation to the appellate court by supplemental record.

CASES IN SUPPORT OF CLAIMS:

1. Mandell V. State, 722 So 2d 954 (Fla. Dist .Ct. App. 4th Dist. 1998)
2. Jablonskis V. State, 422 So 2d 356 (Fla .Dist. Ct. App. 5th Dist 1982)
3. Mandell V. State
4. Smith V. State, 624 So 2d 351 (Fla. Dist. Ct. App. 2d Dist. 1993)
5. Galazara V. State, 962 So 2d 985 (Fla. Dist. Ct. App. 3d Dist. 2007)
6. Hidalgo V. State, 729 So 2d 984 (Fla. Dist. Ct. App. 3d Dist. 1999)
7. Phillips V. State, 839 So 2d 893 (Fla. Dist. Ct. App. 4th Dist. 2003)
8. Reeves V, State, 719 So 2d 1257 (Fla. Dist. Ct. App. 5th Dist. 1998)

WHEREFORE, the appellant prays, literally and figuratively, that the Court will render an order granting rehearing of the three-judge panel's March 10 2016 opinion to affirm .

Respectfully Submitted

15/ 

UNAUTHORIZED OATH

I HEREBY DECLARE, under the penalties of perjury that I have read the foregoing and that the facts stated in it are true and correct. See § 92.525, Fla. Stat. (2010).

Executed on this the 26 day of ~~March~~ *May* 2016.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, Under The Penalties Of Perjury That A True And Correct Copy Of The Foregoing Motion For Rehearing Has Been Placed In The Hands Of An Institutional Official At Avon Park Correctional Institution, For Mailing Via First Class Pre Paid U.S. Mail To Be Delivered To The Following Parties. The Honorable Clerk Of The Court District Court Of Appeal Fourth District, 1525 Palm Beach Lakes Blvd. West Palm Beach, Florida 33401. And The Attorney General, West Palm Beach Office, 1515 N. Flagler Dr., Ste 900, West Palm Beach, Florida 33401. N This The 26 Day Of ~~MARCH~~ 2016.

May

Respectfully Submitted

Glenn J. Woulard

Glenn J. Woulard

Dc#- 015462—D-2-132-S

Avon Park Correctional Institution

8100 Highway 64 East

Avon Park, Florida 33825

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

April 13, 2016

CASE NO.: 4D15-4146

L.T. No.: 312014CF000014A

GLENN J. WOULARD

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the appellant's March 21, 2016 motion for rehearing is denied.

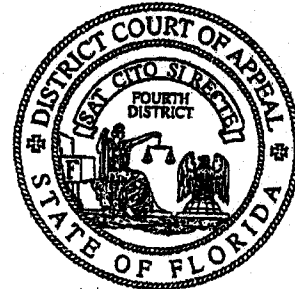
Served:

cc: Attorney General-W. P. B. Glenn J. Woulard

ms

Lon Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT

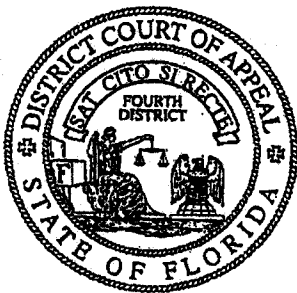
This cause having been brought to the Court by appeal, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause as may be in accordance with the opinion of this Court, and with the rules of procedure and laws of the State of Florida.

WITNESS the Honorable Cory J. Ciklin, Chief Judge of the District Court of Appeal of the State of Florida, Fourth District, and seal of the said Court at West Palm Beach, Florida on this day.

DATE: April 29, 2016
CASE NO.: 15-4146
COUNTY OF ORIGIN: Indian River
T.C. CASE NO.: 312014CF000014A

STYLE: GLENN J. WOULARD v. STATE OF FLORIDA



Lon Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

Served:

cc: Attorney General-W. P. B. Glenn J. Woulard State Attorney-I. R.
Clerk Indian River

ct

SUPREME COURT OF FLORIDA

GLENN WOULARD
Petitioner / Appellant

PROVIDED TO AVON PARK
CORRECTIONAL INSTITUTION
On 5-26-16 FOR MAILING
BY Glenn Woulard

v.

CASE NO: 4D15-4146
L.T. No: 312014CF000014A

STATE OF FLORIDA
Respondent / Appellee

NOTICE OF APPEAL

Notice is given that Petitioner / Appellant, Glenn Woulard, hereby timely Appeals in accordance with 28 United States Code Section 2107, to the Florida Supreme Court, the order of the Fourth District Court of Appeal In the above case on April 29, 2016.

Respectfully Submitted
1/ Glenn Woulard
Glenn Woulard
DC# D15462, D21-325
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, Florida 33825

IN THE SUPREME COURT OF FLORIDA

Glenn Woulard
Defendant / Petitioner

v.

State of Florida
Plaintiff / Respondent

PROVIDED TO AVON PARK
CORRECTIONAL INSTITUTION
On 5-26-16 FOR MAILING
BY [Signature]

Case No: 4D15-4146

L.T. NO. 312D14CF000014A

NOTICE TO INVOKE
DISCRETIONARY JURISDICTION

NOTICE IS GIVEN that Glenn Woulard, Defendant / Petitioner Invokes the Discretionary Jurisdiction of the Supreme Court to review the decision of The Fourth District of Appeal in the above case on April 29, 2016.

This Petitioner must now turn to the Supreme Court of Florida.

Respectfully Submitted
15/ [Signature]
Glenn Woulard

DC# D15462, D21-325
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, Florida 33825

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing notice of Appeal and notice to Invoke Jurisdiction has been placed in the hands of an Institutional staff member for mailing via First class U.S. mail to the following parties:
The Honorable John A. Tomasino, Clerk of the Supreme Court state of Florida, Supreme Court Building, 500 S. Duval Street Tallahassee, Florida 32399-1927. And The Honorable Pamela Jo Bondi, Attorney General of the State of Florida, PL-D1 The Capitol, Tallahassee, Florida 32399 on this ____ day of May 2016.

Respectfully Submitted

151

Glenn Woulard
DC# 015426, D21-325
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, Florida 33825

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

STATE OF FLORIDA
PLAINTIFF/APPELLEE,
V.

GLENN J. WOULARD
DEFENDANT/APPELLANT./

CASE NO : 31-2014-CF-0000-14A

PROVIDED TO AVON PARK
CORRECTIONAL INSTITUTION
On 5-26-16 FOR MAILING
BY [Signature]

NOTICE OF APPEAL
PURSUANT TO FLA.R.APP.P.

9.900(a)

NOTICE IS GIVEN that Glenn J. Woulard, Defendant/Appellant, Appeals To The Second District Court Of Appeal The Order Of The Nineteenth Judicial Circuit Court Rendered On October 13, 2015. Said Order Is A Final Order Denying Defendants Motion For Correction Of Jail Credit, Filed In The Nineteenth Judicial Circuit Court On August 19, 2015..See Attached Motion To Correct Jail Credit And Denial Of Motion For Correction Of Jail Credit. Defendant Is Entitled To The Jail Time Credit Correction Requested Of 276 Days As Outlined, Whereas Defendant Was Already In Custody Of The County Jail At Indian River County, When The Warrant Of January 2, 2014 Was Issued And Served. Defendant Contends That He Is Entitled To The Relief Sought In Motion To Correct Jail Time Credit. When Sentences Are Imposed Concurrently, A Defendant Receives Jail-Time Credit On A Sentence That Is To Run Concurrently With One Or More Other Sentences, The Same Credit Must Apply, In Full, To All The Concurrent Sentences. Accordingly, When Felony And Misdemeanor Sentences That Arise From The Same Information Are To Be Served Concurrently, A Defendant Is Entitled To Jail Time Credit For Jail Time Served On Both The Felony And The Misdemeanor Charges. Thus, A Defendant , Upon A Showing That He Or She Was Sentenced To Concurrent Terms For Each Count Stemming From The Same Criminal Episode For Which The Defendant Was Originally

Arrested, Will Be Entitled To The Same Amount Of Jail Time Credit Against Each Of The Concurrent Sentences. If Concurrent Sentences Are Imposed On Multiple Offenses, Then Jail Time Credit Must Be Credited For The Time Awaiting Sentencing As To Each Concurrent Sentence. **Ransone V. State, 20 So 3d 445, (Fla. Dist. Ct. App. 4th Dist. 2009)** The Courts Written Judgement Must Not Vary From The Oral Pronouncement. Therefore Defendant / Appellant Holds To The Merits of His Claims As Raised In His Motion To Correct Jail Time Credit. A Defendant Is Not Entitled To Jail Credit For Concurrent Sentences When The Defendant Was Not Actually In Jail Before Sentencing In Connection With Offenses For Which Concurrent Sentences Were Imposed See:

Daffin V. State, 31 So 3d 867 (Fla. Dist. Ct. App 1st Dist.) This Defendant Was In The County Jail On Unrelated Charges When The Warrant Was Served On This Instant Case Therefore Defendant Is Entitled To The 276 Days Jail Credit Requested.

Defendant Asserts That He Is Entitled To All Credit As Requested And That The Lower Tribunal Is In Error To Deny The Said Jail Time Credit Requested By This Defendant.

Therefore Defendant Takes This Appeal To The Second District Court Of Appeal For Review And Determination Of The Nineteenth Judicial Circuit Order Denying Relief.

Relief requested:

Defendant Glenn J. Woulard, Hereby Moves This Honorable Court To Grant The Following Relief:

- (1)- Review The Order Of The Lower Tribunal In This Instant Matter Regarding Jail Time Credit, Whereas This Defendant Was In Fact In The Custody Of The Indian River County Jail, When The Warrant Was Served In This Instant Case.
- (2)- Enter An Order Requesting The Clerk Of The Nineteenth Judicial Circuit, In And For Indian River County To Prepare And Forward The Record On Appeal In This Case.
- (3)- Enter An Order Directing The Lower Tribunal To Credit This Defendant With Jail Time Credit As Requested Whereas Defendant Never Left Custody Of The Indian River County Jail When The Warrant Was Served In this Instant Case, And Defendant Had Remained In Custody.
- (4)- Any And All Such Other Relief This Defendant May Be Entitled That This Honorable Court May Deem Just And Proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING NOTICE OF APPEAL HAS BEEN PLACED IN THE HANDS OF INSTITUTIONAL STAFF TO BE SENT BY U.S.PREPAID FIRST CLASS MAIL TO THE FOLLOWING: THE HONORABLE : MARY ELIZABETH KUENZEL, CLERK DISTRICT COURT OF APPEAL SECOND DISTRICT, P.O. BOX 327 LAKELAND, FLORIDA 33802 AND THE HONORABLE CLERK OF THE CIRCUIT COURT, NINETEENTH JUDICIAL CIRCUIT COURT, IN AND FOR INDIAN RIVER COUNTY, FLORIDA 2000 16th AVE, VERO BEACH, FLORIDA 32960 AND THE HONORABLE: ATTORNEY GENERAL STATE OF FLORIDA, PAMELA JO. BONDI, PL-01 THE CAPITOL, TALLAHASSEE, FLORIDA 32399. ON THIS THE 26 DAY OF NOV NOVEMBER 2015.

RESPECTFULLY SUBMITTED

/s/ *Glenn J. Woulard*

GLENN J. WOULARD

DC#-015462— D-2-132-S

AVON PARK CORRECTIONAL INSTITUTION

8100 HIGHWAY 64 EAST

AVON PARK, FLORIDA 33825

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

STATE OF FLORIDA,

vs.

GLENN JEROME WOULARD,

Defendant.

FELONY DIVISION
CASE NO. 312014CF000014A

2015 OCT 13 PM 3:48

ORDER DENYING MOTION FOR CORRECTION OF JAIL CREDIT

THIS CASE came before the court in chambers on the Defendant's pro se motion filed on August 19, 2015, pursuant to Florida Rule of Criminal Procedure 3.801. The court finds and orders as follows.

On January 2, 2014, the arrest warrant was issued in this case for an offense committed in September 2013. (See arrest warrant attached as exhibit "A.") On January 3, 2014, the arrest warrant was executed. (See arrest affidavit attached as exhibit "B.")

On July 11, 2014, the Defendant was sentenced pursuant to a consolidated plea entered in four cases. The Defendant claims that the court granted a total of 276 days jail credit in this case and that the sentencing order reflects only 190 days jail credit.

The court incorporates by reference the State's response and adopts the State's reasoning in finding that the Defendant's claim is conclusively refuted by the record. The court orally pronounced 190 days jail credit in this case from the date of arrest through the date of sentencing. (See State's response attached as exhibit "C.") Therefore, the Defendant is not entitled to relief.

The Defendant's motion is denied. The Defendant has thirty days to appeal.

DONE AND ORDERED in chambers in Vero Beach, Florida, on

Oct. 13


, 2015.


ROBERT L. PEGG
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above order, including any attachments, have been sent to the following addressees by U.S. Mail, postage prepaid or by courthouse box delivery where indicated, to the following persons, on Oct 14, 2015.

Copies to:

 Glenn Woulard
DC# 015462
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, FL 33825

Nikki Robinson, ASA
Office of the State Attorney
By Courthouse Box

J. R. Smith
CLERK OF THE COURT

By: 

Deputy Clerk

2014 CF 14

ARREST WARRANT

Case No: 31-2013-WF-050703-A
Indian River County, FLORIDA
ASA: Michelle N. McCarter

Incident ID: 496598

2014 JAN -2 PM 4:52

STATE OF FLORIDA
-VS-
Glenn Jerome Woulard
Defendant

Agency#: 2013-151287
Agency: Indian River County Sheriffs Office

In the name of the State of Florida -
To all and Singular Sheriffs of the State of Florida and to Any State Attorney Investigator - Greetings:

Whereas upon the sworn affidavit, complaint or other sworn testimony of Linda Nolan of the Indian River County Sheriffs Office the undersigned Judge, has found that there exists probable cause to believe that one Glenn Jerome Woulard, in Indian River County, Florida commit the below listed offense(s), contrary to the provisions of Florida Statutes.

You are HEREBY COMMANDED to arrest GLENN JEROME WOULARD of 6125 85Th Street, Wabasso, FL 32967; DOB: 03/22/1947; Race/Sex: B/M; Ht/Wt: 59"/190; Eye/Hair: BRO/BLK; SSN: [REDACTED]; DL#: W463-290-47-102-0; FDLE: 00124625; FBI: ; Alias: . These Are Therefore to Command you to forthwith arrest and bring the above named defendant before me to be dealt with according to law.

1 Third Degree Grand Theft (F 3) Bond \$ _____

COUNT 1: On or about September 21, 2013 Glenn Jerome Woulard did unlawfully and knowingly obtain or use or endeavor to obtain or to use the property of another, to-wit: Merchandise, the property of Wal-mart and Jorge Alonso as owner or custodian, of the value of \$300 or more, with intent to either permanently or temporarily deprive the true owner of a right to the property or a benefit therefrom or to appropriate the property to the use of the taker or to the use of any person not entitled thereto, in violation of Florida Statute 812.014;

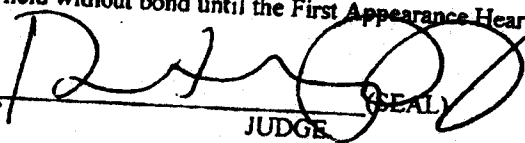
Given under my hand and seal this 2nd day of January, 2014, A.D.

Condition of Bond Release/Release on Recognizance: For Count(s): _____
No Contact with Victim: Until further order of the Court or the charge is dismissed by the State, the Defendant shall not directly or indirectly contact the victim _____ in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. This restriction shall include the following condition(s), if marked:

- Defendant may not knowingly come closer than 50 feet to the victim at any public place, except for court proceedings, or within 500 feet of the victim's residence or place of employment, or 100 feet of any vehicle regularly driven by the victim;
- Defendant may go to victim's residence one time with a law enforcement officer to get Defendant's clothing and personal effects;
- Defendant may speak to victim on the telephone *only* to discuss sharing parental responsibility for their minor child(ren).

Handwritten initials and date: 1/14/14

If marked, Defendant shall be held without bond until the First Appearance Hearing.



JUDGE

Robert L. Pegg

Handwritten notes:
12/31/13



INDIAN RIVER COUNTY SHERIFF'S OFFICE

2014CF14

WARRANT AFFIDAVIT

CASE#: 2013-151287

DEPUTY NAME: Linda Nolan

DEFENDANT: Glenn Jerome Woulard ALIAS: _____

Address - Home: 6125 85th Street, Vero Beach Phone - Home: _____

Address - Work: _____ Phone - Work: _____

PHYSICAL DESCRIPTION:

Age: 66 DOB: 03/22/47 SSN#: ██████████

Race: Black Height: 5'09" Hair: Gray

Sex: Male Weight: 183 Eyes: Brown

OFFENSE: F.S.S. 812.014 Grand Theft

DATE/TIME OF OFFENSE: September 21, 2013 / 3:40pm

OFFENSE LOCATION: Wal-Mart, 5555 20th Street, Vero Beach

VICTIM: Wal-Mart, 5555 20th Street, Vero Beach

Address - Home: 5555 20th Street Phone - Home: _____

Address - Work: _____ Phone - Work: _____

WITNESSES: Jorge Alonso

DEC 23 2013

NATURE OF COMPLAINT:

On Saturday, September 21, 2013 at approximately 4:18pm, I responded to Wal-Mart at 5555 20th Street in reference to a shoplifting. Upon arrival I made contact with loss prevention officer Jorge Alonso. He advised that he was returning from his lunch break and witnessed a male outside the fence at the garden department on the west side of the store. Alonso said that male pulled a gray Wal-Mart shopping bag from under the fence

2014 JAN -2 PM 4:52

REC'D - 12/21/13

Handwritten initials and date: 12/21/13

and got into a white Buick Regal bearing Florida tag 171PSP. Alonso said that the activity was typical of shoplifting behavior to avoid the security sensor towers at the exit doors. He immediately went to the security office to review video surveillance.

Alonso showed me the video surveillance while he explained the male's activity in the store. He said that the male entered the store through the garden department at 3:40pm. He walked directly to the electronics department and stopped at a security display case that held video games. The male forcibly removed three games from the display case by pulling them through a locked bar and took them to an adjacent aisle. He removed a gray Wal-Mart bag from his pants pocket and concealed the games in it. He then set the bag down on a shelf and returned to the display case. He pulled three more games through the locked bar and went back to the bag he left on the shelf. He concealed the three games in the bag and proceeded toward the garden department. He passed all registers and did not make any attempt to pay for the concealed merchandise. He approached the garden department exit but stopped before he reached the security sensor towers. Alonso said that each of the games were inside a merchandise security case that must be removed with a key. He explained that the box would alert the sensor towers and set off an alarm if the male walked through them. The male then turned away from the exit door and walked to the northwest corner of the garden department where he shoved the gray Wal-Mart bag under the fence. He then went outside and retrieved the bag as Alonso returned from lunch. Alonso valued the stolen games and merchandise security cases at \$379.88.

On October 9, 2013, I was at Wal-Mart on an unrelated case when Alonso notified me that the male in this case returned to the store on October 9th. Alonso said he stole additional merchandise and was apprehended and arrested by Deputy Richard Olson (case 2013-161145). He was identified as Glenn Jerome Woulard.

I conducted a records search for Glen Woulard. I found a previous shoplifting case (2013-88537) where Woulard was arrested after stealing items from Publix and driving away in a white Buick bearing Florida tag 171PSP.

Deputy Bartuccelli and I responded to Wal-Mart for a photo line up on this case. After reading instructions to Alonso, Deputy Bartuccelli presented the line up to Alonso. Alonso positively identified Woulard as the subject who he saw taking the bag from under the fence.

On September 21, 2013, Glenn Jerome Woulard did obtain the property of Wal-Mart valued at \$379.88 with the intent to deprive the store of the property in violation of F.S.S. 812.014.

I SWEAR THE ABOVE STATEMENT IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.


Law Enforcement Officer or Notary

 3/1/14 12/15/13
Law Enforcement Officer's Signature

13-151287

12/15/13

COURT DOCKET NO.

USE SEPARATE FORMS FOR EACH DEFENDANT AND FOR MULTIPLE OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION

2014-CP-14A

ARREST AFFIDAVIT

<input type="checkbox"/> Identification Only <input type="checkbox"/> Criminal		By <input type="checkbox"/> AFIS	DEFENDANT NAME (LAST, FIRST, MIDDLE) Woulard, Glenn, Jerome	FBI NO.	FOLE NO.
BOOKING OFFICER T. Brown	JAIL NUMBER 13-4659	CHECK TRUE NAME <input type="checkbox"/>	A.K.A.	ARR. AGENCY ORI. NO.	FLO.
LOCAL CASE NO. 14-8500	DATE OF BIRTH 03/22/1947	PERMANENT ADDRESS (STREET NO., STREET NAME, CITY) PHONE 6125 85TH ST Vero Beach, Fl		OBTS NO. 3101094729	STATE FL
DEFENDANT REQUIRED TO APPEAR IN CIRCUIT COURT ON _____ AT _____ AMPM		SEX <input checked="" type="radio"/> M <input type="radio"/> F	HEIGHT 5'9"	WEIGHT 183	RACE W (B) I O N
DEFENDANT REQUIRED TO APPEAR W COUNTY COURT ON _____ AT _____ AWP		SOCIAL SECURITY NUMBER [REDACTED]	OCCUPATION OR EMPLOYER same		
WEAPONS SEIZED/TYPE 1. Yes <input type="checkbox"/> 2. No <input checked="" type="checkbox"/>		RESIDENCE TYPE 1. City <input type="checkbox"/> 2. County <input type="checkbox"/> 3. Florida <input type="checkbox"/> 4. Out-of-State <input type="checkbox"/>		ACTIVITY N N/A P Possess S Sell B Buy T Traffic R Snuggle D Deliver E Use K Dispose/ Distribute M Manufacture/ Produce/ Cultivate Z Other	
CHARGE STATUS <input type="checkbox"/> PC <input type="checkbox"/> CAPAIS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> CPW <input type="checkbox"/> Juv <input type="checkbox"/> PU <input type="checkbox"/> Citation		INDICATION OF: Alcohol Influence <input type="checkbox"/> Drug Influence <input type="checkbox"/>		CITIZENSHIP U.S.A.	
CHARGE/STATUTE NO. 812.014.3DG		TYPE A Amphetamine 6 Barbituate C Cocaine E Heroin H Hallucinogen M Marijuana O Opioids/Orts P Paraphernalia/ Equipment S Synthetic U Unknown Z Other		IF DRUGS ACTIVITY TYPE	
SEQ NO. 1.	FELONY <input checked="" type="checkbox"/> TRAF <input type="checkbox"/> MISD <input type="checkbox"/> TRAF <input type="checkbox"/> ORD <input type="checkbox"/> OTHER <input type="checkbox"/>	3rd Degree grand theft		ACTIVITY N	TYPE N
2.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			N	N
3.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
PRINCIPAL ARRESTING OFFICER / AGENCY (PRINT) Sgt. G. Berg			OFFICER ID NO. 01014514	BONDSMAN / SURETY NAME	BOND AMOUNT No Bond
CO-DEFENDANT'S (LAST NAME, FIRST, MIDDLE)				VICTIM'S NAME	
				State of Florida	

SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT:
The above named defendant was arrested for the following reasons:

On January 3, 2014, I served the above defendant Indian River County warrant #2014CP14

PROBABLE CAUSE

2014 JAN - 8 AM 8:19

ADDITIONAL CHARGES

The preceding is true to the best of my present knowledge or belief.

Signature SGT G. Berg #0454

Sworn & Subscribed before me this 3rd day of January 2014

NOTARY / ASA T. Brown #0718

My commission expires LEO

Indian River County Sheriff's Office

• Sequence number taken from fingerprint card containing this OBTS number for this arrest.

Exhibit "B"

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

STATE OF FLORIDA

Case No. 2014-CF-14

-VS-

Glenn Woulard

Defendant(s)

STATE'S RESPONSE TO DEFENDANT'S
MOTION FOR JAIL CREDIT

COMES NOW the State of Florida, by and through its undersigned Assistant State Attorney, and responds to the defendant's motion for jail credit filed August 19, 2015. The State would show the following.

The defendant was charged by Information with four (4) cases: 2013-734, 898, 1317 and 2014-14. He entered a plea on or about July 11, 2014 to all four cases. He was sentenced on the same day to four years Department of Corrections on each case. At the time of sentencing the defendant received credit for time served individually on each case. In case number 2014-14, he received 190 days credit for time served. In case numbers 2013-734, he received 286 days credit for time served. In case numbers 2013-1317 and 2013-898, he received 277 and 271 days respectively. All sentences were to run concurrent with one another, Exhibit 1.

The defendant now contends that he is entitled to 276 days credit on *all cases*. The State does not agree. The defendant was arrested on case number 2014-14 on or about January 3, 2014. He entered a plea to the charge on July 11, 2014. He was awarded 190 days credit which was consistent with the credit for time served sheet prepared by the Indian River County Jail for sentencing and the actual time accrued between the two dates, Exhibit 2.

The record refutes the defendant's allegations.

For the foregoing reasons, the State asks that the Defendant's motion be denied.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by mail to Glenn Woulard, Avon Park Correctional Institution, 8100 Highway 64 East, Avon Park, Florida 33825, this 9th day of October, 2015.

RESPECTFULLY SUBMITTED,
BRUCE H. COLTON, State Attorney

By: 

Nikki Robinson
Assistant State Attorney
FL Bar#: 0710334
2000 16th Avenue, Suite 329
Vero Beach FL 32960
(772) 226-3300

Exhibit C

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

CASE NO. 312014CF000014A

JUDGE ROBERT PEGG

STATE OF FLORIDA,

Plaintiff,

vs.

GLENN WOULARD,

Defendant.

HEARING ON CHANGE OF PLEA AND SENTENCING

This cause came on for a Hearing on Change of Plea and Sentencing on July 11, 2014, before the Honorable Robert Pegg, at the Indian River County Courthouse, Vero Beach, Florida.

The appearances were as follows:

FOR THE STATE:

MICHELLE McCARTER
Assistant State Attorney
2000 16th Avenue
Suite 329
Vero Beach, Florida 32960

FOR THE DEFENDANT:

RUSSELL AKINS
4888 North Kings Highway
Suite 402
Fort Pierce, Florida 34950

Exhibit 1

1 HEARING ON CHANGE OF PLEA AND SENTENCING ON JULY 11, 2014

2 P R O C E E D I N G S

3 THE COURT: 2013-734, 898, 1317, 2014-14, Glenn Woulard.

4 MR. AKINS: Good morning, Judge.

5 THE COURT: Hello there.

6 MR. AKINS: Your Honor, I have the plea form. I have,
7 since we have several cases, I have attached the time served
8 for each case --

9 THE COURT: Okay.

10 MR. AKINS: -- to the plea form.

11 THE COURT: All right.

12 MR. AKINS: This is an open, well, it's not an open,
13 excuse me, it's a cap plea on all cases of five years and we
14 are asking for an alternative sentence.

15 THE COURT: We can do that. Mr. Woulard, your attorney's
16 handed me a plea form indicating you wish to change your plea
17 at this time. Is that true?

18 MR. WOULDARD: Yes.

19 THE COURT: Would you raise your right hand, please.

20 (Mr. Woulard was sworn by the Court.)

21 MR. WOULDARD: Yes, sir.

22 THE COURT: Put your hand down. Tell me how old you are,
23 please.

24 MR. WOULDARD: 67.

25 THE COURT: How far did you go in school?

1 MR. WOULDARD: I got a GED.

2 THE COURT: So you read, write and understand the English
3 language?

4 MR. WOULDARD: Yes, sir.

5 THE COURT: Have you ever been treated for a mental
6 illness?

7 MR. WOULDARD: No, sir.

8 THE COURT: You understand the answers you give here
9 today are now under oath, so if you don't tell me the truth
10 you could be prosecuted for the separate crime of perjury. Do
11 you understand that?

12 MR. WOULDARD: Yes, sir.

13 THE COURT: This plea form appears to have your signature
14 on page six. Is that your signature?

15 MR. WOULDARD: Yes, sir.

16 THE COURT: Is everything contained in the plea form
17 true?

18 MR. WOULDARD: Yes, sir.

19 THE COURT: You got to speak up just a little louder if
20 you would. Is, are you under the influence of alcohol or any
21 other drug or medication that would prevent you from
22 understanding what we're doing here today?

23 MR. WOULDARD: No, sir.

24 THE COURT: I understand you want to change your pleas
25 from not guilty and enter pleas of no contest from 2014-14 to

1 the charge of third degree grand theft, 2013-734 to felony
2 petit theft, assault, resisting a merchant and 2013-1317 to
3 third degree grand theft, fleeing or attempting to elude a
4 police officer, resisting an officer without violence and in
5 2013-- and felony petit theft. 2013-898 to felony petit
6 theft. Is that what you wish to do?

7 MR. WOULDARD: Yes, sir.

8 THE COURT: Has anybody forced you to enter these pleas,
9 including your attorney, or has anybody promised you something
10 which is not in this agreement?

11 MR. WOULDARD: (No audible response.)

12 THE COURT: It appears in this plea form you believe the
13 plea's in your best interest. Is that true?

14 MR. WOULDARD: (No audible response.)

15 THE COURT: By entering this plea, you're giving up
16 certain valuable rights. Among the rights you're giving up
17 include the right to have a jury decide if you're guilty of
18 these charges, the right to see and hear witnesses testify at
19 the trial, the right to compel the attendance of witnesses on
20 your behalf and the right to be represented by a lawyer at the
21 trial. If you couldn't afford a lawyer, I would appoint one
22 to represent you. Do you understand those rights?

23 MR. WOULDARD: Yes.

24 THE COURT: You're also giving up the right to remain
25 silent, the right to testify yourself at the trial if you

1 chose to do, the right to the presumption of innocence. Most
2 importantly, you're giving up the right to require the State
3 to prove your guilt beyond and to the exclusion of every
4 reasonable doubt. Do you understand that?

5 MR. WOULDARD: Yes, sir.

6 THE COURT: Do you understand if I accept this plea there
7 will not be a trial in any of these cases? You have to say
8 yes or no.

9 MR. WOULDARD: Yes.

10 THE COURT: Do you understand the only thing you could
11 appeal to a higher court is if I gave you an illegal sentence.
12 Do you understand that?

13 MR. WOULDARD: Yes, sir.

14 THE COURT: Has Mr. Akins told you what the maximum
15 possible sentence could be on each charge in each case?

16 MR. WOULDARD: Yes, sir.

17 THE COURT: So you understand if you're not a United
18 States citizen you could be deported or denied citizenship?

19 MR. WOULDARD: Yes, sir.

20 THE COURT: Do you understand also if you're currently on
21 probation, the entry of this plea could be a material
22 violation of that probation?

23 MR. WOULDARD: Yes, sir.

24 THE COURT: Do you understand also by entering a plea to
25 these charges, if any of these sexually violent offenses or

1 sexually motivated offenses or if you've been previously
2 convicted of such an offense, this plea could subject you to
3 an involuntary civil commitment as a sexually violent predator
4 upon completion of your sentence in this case. Do you
5 understand that?

6 MR. WOULDARD: Yes, sir.

7 THE COURT: I understand the terms of the plea agreement
8 are in return for your plea to those charges, that the, you
9 would receive a sentence somewhere between probation and five
10 years Department of Corrections. Is that your understanding?

11 MR. WOULDARD: (No audible response.)

12 THE COURT: I would hear whatever arguments your attorney
13 made, whatever arguments the State, but there's no, there's no
14 guarantee as to where if, on either side or in the middle.
15 All I can guarantee is you wouldn't get a more severe sentence
16 than five years Department of Corrections. Is that your
17 understanding here?

18 MR. WOULDARD: Yes, sir.

19 THE COURT: I'm going to follow that agreement but I'm
20 required to tell you, on all of the fel-- the third degree
21 grand theft, you could be sentenced up to five years
22 Department of Corrections just on that charge alone. And then
23 on felony petit theft, you could be sentenced to another five
24 years Department of Corrections; assault, 60 days in the
25 county jail; resisting a merchant, a year in the county jail;

1 another third degree grand theft, five years Department of
2 Corrections; fleeing or attempting to elude a police officer,
3 five years Department of Corrections; resisting an officer
4 without violence, a year in the county jail; and felony petit
5 theft, an additional five years Department, in Department of
6 Corrections; and in 2013-898, felony petit theft, an
7 additional five years Department of Corrections. Do you
8 understand that?

9 MR. WOULDARD: Yes, sir.

10 THE COURT: Okay. Ms. McCarter, can you state a factual
11 basis, please.

12 MS. MCCARTER: Yes, your Honor. If these cases were to
13 proceed to trial, the State would prove that in 312013-734 the
14 State would prove that on June 6, 2013, the defendant did
15 unlawfully and knowingly obtain or use or endeavor to obtain
16 the property of another, to wit, merchandise, the property of
17 Publix and/or Savannah Thurlby, as owner or custodian, the
18 value of less than \$300 with intent to permanently or
19 temporarily deprive the true owner of the right to the
20 property or benefit therefrom after having previously been
21 convicted of two or more thefts in violation of Florida
22 Statute. On that same day he did intentionally and unlawfully
23 threaten by word or act to do violence to the person of
24 Christian Dorr, having the apparent ability to do so, and did
25 an act which created a well-founded fear in Christian Dorr,

1 Christian Dorr, excuse me, that such violence was about to
2 take place. On that same day he did unlawfully, while
3 committing or after committing theft of property, resist the
4 reasonable effort of the merchant or merchant's employees to
5 recover the property which the merchant or merchant's
6 employees had probable, probable cause to believe that said
7 defendant had concealed or removed from its place of display
8 or elsewhere in violation of Florida statute.

9 In case number 312014CF14, this defendant on or about
10 September 21, 2013, did unlawfully and knowingly obtain or use
11 or endeavor to obtain or use the property of another, to wit,
12 merchandise, the property of Walmart and/or Jorge Alonso, as
13 owner or custodian, a value of \$300 or more with the intent to
14 permanently or temporarily deprive the true owner of the right
15 to the property or benefit therefrom.

16 Case number 312013-1317, this defendant did on October 8,
17 2013, unlawfully and knowingly obtain or use or endeavor to
18 obtain or use the property of another, to wit, merchandise,
19 the property of Walmart and/or Justin Stone, as owner or
20 custodian, a value of \$300 or more with intent to permanently
21 or temporarily deprive the true owner of the right to the
22 property or benefit therefrom. On that same date, he did
23 willfully flee or attempt to elude a law enforcement officer
24 in an authorized law enforcement patrol vehicle with agency
25 insignia and other jurisdictional markings prominently

1 displayed on the vehicle with siren and lights activated. He
2 did also unlawfully resist, obstruct or oppose Deputy Sheriff
3 Richard Olson, a duly authorized law enforcement officer in
4 the lawful execution of the officer's legal duty, to wit,
5 conducting an investigation without offering or doing violence
6 to the person of said officer. He did unlawfully and
7 knowingly obtain or use or endeavor to obtain the property of
8 another, to wit, merchandise, the property of Walmart and/or
9 Justin Stone, as owner or custodian, the value of less than
10 \$300, with intent to permanently or temporarily deprive the
11 true owner of the right to the property and after having
12 previously been convicted of two or more thefts.

13 In case number 312013-898, this defendant did on June 6,
14 2013, unlawfully and knowingly obtain or use or endeavor to
15 obtain the use or property of another, to wit, merchandise the
16 property of Walmart and/or John Hrusovsky, as owner or
17 custodian, of the value of less than \$300 with intent to
18 permanently or temporarily deprive the true owner of the right
19 to the property after having been previously convicted of two
20 or more thefts. All cases, all counts happened in Indian
21 River County.

22 THE COURT: Ms. McCarter, you need to --

23 MS. McCARTER: Yes, sir.

24 THE COURT: Mr. Akins, do you agree if the State proved
25 those facts at trial, they'd comprise a factual basis where.

1 the State could establish a prima facie case?

2 MR. AKINS: Yes, your Honor.

3 THE COURT: Is anyone aware of any physical evidence
4 disclosed by the State which contain DNA evidence which could
5 exonerate Mr. Woulard?

6 MR. AKINS: No, your Honor.

7 THE COURT: I'm going to accept your pleas of no contest,
8 find from the evidence the pleas are freely and voluntarily
9 entered upon a knowing and intelligent waiver of your rights,
10 that you understand the nature and consequence of the plea.
11 After reviewing the arrest affidavit, charging documents,
12 stipulation of the parties, there's a factual basis for it.
13 Do you want a sentencing date?

14 MR. AKINS: No, your Honor. We're prepared to go
15 forward.

16 THE COURT: Oh, okay.

17 MR. AKINS: Your Honor, I'd call Mr. Woulard.

18 THE COURT: Yes, sir. He's under oath.

19 MR. AKINS: State your full name.

20 THE COURT: I'm sorry. Do you -- sorry. I need a
21 presentence, or a scoresheet. Let me ask, Mr. Akins do you
22 agree that the scoresheet of --

23 MR. AKINS: Yes, your Honor.

24 THE COURT: -- 63.2 points is accurate?

25 MR. AKINS: Yes.

1 THE COURT: Okay. Go right ahead, please.

2 MR. AKINS: How old are you, Mr. Woulard?

3 MR. WOULDARD: 67.

4 MR. AKINS: You're 67 years old.

5 MR. WOULDARD: Yes, sir.

6 MR. AKINS: What is the underlying cause of your criminal
7 history?

8 MR. WOULDARD: Drugs.

9 MR. AKINS: What types of drugs?

10 MR. WOULDARD: All types. Pills, cocaine, heroin, and
11 then it was, it had been for years. I never get, been able to
12 get no help for that, sir. I've been in and out of prison.
13 Drugs, drugs has always been my problem. I'm --

14 MR. AKINS: 67 --

15 MR. WOULDARD: -- (inaudible).

16 MR. AKINS: -- years old. Isn't it about time --

17 MR. WOULDARD: Yes. Yeah, I'm tired.

18 MR. AKINS: -- to do something?

19 MR. WOULDARD: I'm tired. I'm, I'm sick and, sick and
20 tired of going to prison. (Inaudible) I'm looking for some
21 help.

22 MR. AKINS: Do you realize you run up enough charges just
23 here today that the Judge could probably sentence you, if not
24 for this plea agreement, to a term of years that you would die
25 in prison?

1 MR. WOULDARD: Yes, sir. I mean, I realize that. And
2 I'm sorry, but I need help. I mean, I'm, I be asking for help
3 every time I come, come to court.

4 MR. AKINS: Are you willing to do whatever it takes at
5 this point?

6 MR. WOULDARD: Whatever it takes. Whatever it takes.

7 MR. AKINS: Including, if you, if the Judge sees fit to
8 allow you to do this, taking a suspended sentence of five
9 years with the drug transport to a drug rehab facility,
10 understanding that, as long as you're on probation for that
11 period of time that if you violate any way, you go straight to
12 prison for five years?

13 MR. WOULDARD: Yes, (inaudible). I understand.

14 MR. AKINS: Do you have any family?

15 MR. WOULDARD: I have a auntie here. I have a cousin
16 (inaudible).

17 MR. AKINS: No wife?

18 MR. WOULDARD: No wife.

19 MR. AKINS: (Inaudible.)

20 MR. WOULDARD: I got one daughter.

21 MR. AKINS: And where is she?

22 MR. WOULDARD: She's in West Palm Beach.

23 MR. AKINS: Do you have any contact with her?

24 MR. WOULDARD: Not, not lately I haven't.

25 MR. AKINS: Is that because of the lifestyle that you've

1 lived?

2 MR. WOULDARD: Yes.

3 MR. AKINS: It's not real good at 67 years old to not
4 have any family support, is it?

5 MR. WOULDARD: I'm not proud of it. I'm, drugs make you
6 do a lot of stupid stuff (inaudible).

7 MR. AKINS: But it only, you've got to accept the fact
8 you can't use drugs anymore. It's a poison to you. Is that,
9 do you understand that?

10 MR. WOULDARD: It's going to kill me. I know it. This
11 is, this was a life saver to me. This coming to jail was a
12 life saver. If I didn't come to jail, I'd be dead right now.
13 I know this for a fact. Because I, I mean, I, I had lost 70
14 pounds and I was almost dead. I got high blood pressure. You
15 understand me? I'm a diabetic. And I was doing all the
16 things that, that would kill me. Drugs, liquor, all this
17 stuff that would kill me. You know, I, when come to jail I
18 was, the nurses were shaking their head, you know. So I, I
19 know it's going to kill me and I'm, I'm willing to do anything
20 for some help.

21 MR. AKINS: I don't have anything further, your Honor.

22 THE COURT: Okay. Ms. McCarter.

23 MS. McCARTER: Your Honor, you can see from the
24 scoresheet that his prior record is just outrageous. And it's
25 mostly thefts, thefts starting back from 1990 up to the

1 present day. These four cases happened over the space of, it
2 starts in October, excuse me, September, 2013, then another
3 case in October, then two more cases in June. He was
4 committing these crimes while he was out on bond for theft.
5 He's still going in and committing these crimes. He would go
6 into a store and steal alcohol, put it in his pants and walk
7 out. In the case with resisting with a merchant, the, the
8 employee tried to stop him and he threatened him with the
9 bottle. In the Walmart case where he tried to leave without
10 paying, they chased him. That's where the fleeing and
11 eluding, all that comes into and they chase him and he's able
12 to get away from them at that time. This is just the behavior
13 he engages in whether it's drugs or not. From 1990 to the
14 present, he's had time to try to get help for this problem and
15 he's just not doing it. At this point in time, we can't
16 continue to keep him on probation and hope that he's not going
17 to just walk into any store in this community and steal,
18 because that's what he does. Without any type of regard for
19 anyone's personal property, he just walks in the stores, picks
20 up items, walks out with them. There was champagne in one
21 case. There was alcohol in another case. There were video
22 games in a different case. And this is just what he does.
23 There's no reason to believe that he's going to change at this
24 point. The State is asking for five years Department of
25 Corrections. He actually scores over that. We are also

1 asking for restitution to Publix in the amount of \$119.98.

2 THE COURT: Why do you say he scores over that?

3 UNIDENTIFIED SPEAKER: He scores 60 --

4 UNIDENTIFIED SPEAKER: Actually it's --

5 MS. MCCARTER: I'm sorry.

6 UNIDENTIFIED SPEAKER: The bottom of the --

7 MS. MCCARTER: My --

8 UNIDENTIFIED SPEAKER: -- guidelines would be 20 --

9 MS. MCCARTER: He scores 20-- I'm sorry. I was looking
10 at --

11 UNIDENTIFIED SPEAKER: -- 26.4, your Honor.

12 MS. MCCARTER: He scores 26.4 points. We're still asking
13 the five years, your Honor, based on his record. We're asking
14 for restitution in the amount of \$119.98 to Publix on 21st
15 Street, \$22.48 to the Publix on 12th Street, I mean at 1255
16 U.S. 1, and \$379.88 to the 20th Street Walmart.

17 THE COURT: I've considered the comments made by the
18 attorneys, the defendant as well as the court file and the
19 guideline scoresheet. It's the judgment and sentence of the
20 Court as, in 2014-4-- 2014-14, as to the charge of third
21 degree grand theft, I'm going to adjudicate you guilty of that
22 charge, sentence you to four years Department of Corrections
23 with credit for 190 days credit for time served. I'm going to
24 enter a restitution order, \$379.88, on that case to be reduced
25 to a civil lien. Any additional court costs, Madam Clerk?

1 CLERK ENGLISH: Yes, your Honor. Statutory felony court
2 costs, plus an additional \$100 cost of prosecution and \$50
3 cost of investigation to --

4 MS. McCARTER: The Sheriff's office.

5 THE COURT: I'll reduce all those fees and costs to a
6 civil lien or judgment. Under 960.293, cost of incarceration,
7 I'm required to enter a civil lien in the amount of \$73,000.
8 It will be necessary that you be fingerprinted. It'll also be
9 necessary that you give us a DNA sample.

10 In 2013-734, on the charge of felony petit theft, I'm
11 going to adjudicate you guilty of that charge, sentence you to
12 four years Department of Corrections with credit for 286 days
13 credit for time served. I'll also enter a civil lien for
14 restitution in the amount of \$22.48 in favor of Publix
15 supermarket. That sentence of course will run concurrently
16 with the sentence in the previous case. As to Count 2,
17 assault, I'm going to adjudicate you guilty of that charge,
18 sentence you to 60 days in the county jail with credit for 60
19 days credit for time served. As to Count 3, resisting a
20 merchant, I'm going to adjudicate you guilty of that charge,
21 sentence you to 286 days in the Indian River County Jail with
22 credit for 286 days credit for time served. All the sentences
23 to run concurrently.

24 2013-1317, on the charge of third degree grand theft, I'm
25 going to adjudicate you guilty of that charge, sentence you to

1 four years Department of Corrections with credit for 277 days
2 credit for time served. (Inaudible) oops. 1317.

3 MS. McCARTER: I don't think there was --

4 THE COURT: Oh, there's none. Okay. Credit for time
5 served. As to Count 2, fleeing or attempting to elude a
6 police officer, I'm going to adjudicate you guilty of that
7 charge, sentence you to four years Department of Corrections,
8 credit for 277 days credit for time served. I'm also required
9 to suspend your driver's license for the period of one year.
10 That sentence will run concurrently as well. In Count 3,
11 resisting an officer without violence, I'm going to adjudicate
12 you guilty of that charge, sentence you to 277 days in the
13 Indian River County Jail with credit for 277 days credit for
14 time served. Charge of felony petit theft, I'm going to
15 adjudicate you guilty of that charge, sentence you to four
16 years Department of Corrections with credit for 277 days
17 credit for time served.

18 As to 2013-898, on the charge of felony petit theft, I'm
19 going to adjudicate you guilty of that charge, sentence you to
20 four years Department of Corrections with credit for 271 days
21 credit for time served. I'm also going to enter a civil
22 restitution order in favor of Publix of \$111.98. All
23 sentences will run, in all cases are intended to run
24 concurrently with each other.

25 You have 30 days to appeal the judgment and sentence of

1 the Court. If you don't have the funds or resources to hire a
2 lawyer, I would appoint one to represent you. Okay. Step
3 right over there, sir.

4 (Proceedings concluded.)

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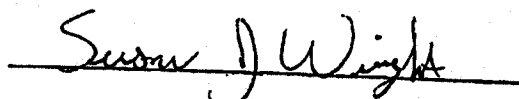
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C E R T I F I C A T E

I, Susan J. Wright, certify that I transcribed the Hearing on the Change of Plea and Sentencing on July 11, 2014, in Case No. 312014CF000014A, State of Florida v. Glenn Woulard, and that the preceding pages, numbered 1 through 18, inclusive, constitute a true and accurate transcription of the proceedings from the electronic recording, to the best of my ability.

DONE AND SIGNED this 21st day of September, 2015.

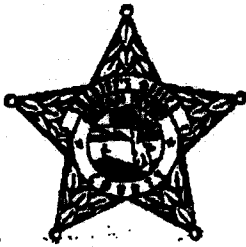


Susan J. Wright

P.O. Box 1028

Vero Beach, FL 32961

swright@clerk.indian-river.org



Sheriff

DERYL LOAR • INDIAN RIVER COUNTY

4055 61ST AVENUE VERO BEACH, FLORIDA 32960-1808 (72) 569-6700

CREDIT TIME SERVED

Name Woulard, Glenn DOB 03-02-47

Sex M Race B Charge GD Theft

*Court Case# 14-CF-14 Agency Case# (If known) _____

*Attorney Docket Date: _____ * Date of Sentence _____

Date of Incarceration 01-03-14 Booking# B-4659

Date of Release 07-10-14 Total days this booking 189
present

Date of Incarceration _____ Booking# _____

Date of Release _____ Total days this booking _____

Date of Incarceration _____ Booking# _____

Date of Release _____ Total days this booking _____

Date of Incarceration _____ Booking# _____

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Date of Incarceration _____ Booking# _____

Date of Release _____ Total days this booking _____

Date of Incarceration _____ Booking# _____

Date of Release _____ Total Days this booking _____

TOTAL DAYS CREDIT THIS CASE 189

Completed by V. Tigler #341 Date 07-10-14

Checked by _____ Date _____

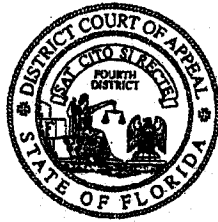
48hrs notice needed to complete credit time serve sheet
Please contact Classification with any questions 978-6362 or 6363 Fax #772- 978- 631.

CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL

2014 JUL 10 PM 1:38

FILED FOR RECORD
FELONY DIVISION

Exhibit 2



Fourth District Court of Appeal
1525 Palm Beach Lakes Blvd.
West Palm Beach, Florida 33401
(561) 242-2000

ACKNOWLEDGMENT OF NEW CASE

DATE: November 06, 2015

STYLE: GLENN J. WOULARD v. STATE OF FLORIDA

4DCA#: 15-4146

The Fourth District Court of Appeal has received the Notice of Appeal reflecting a filing date of November 4, 2015.

The county of origin is Indian River.

The lower tribunal case number provided is 312014CF000014A.

The filing fee is not required.

Case Type: Criminal 3.801 Summary Final

The Fourth District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER and a physical address.

ELECTRONIC FILING IS MANDATORY FOR ALL ATTORNEYS. Please visit edca.4dca.org to register for eDCA, the court's electronic filing system.

ATTORNEYS WHO HAVE NOT REGISTERED FOR eDCA WILL NOT RECEIVE FURTHER PAPER DOCUMENTS FROM THE COURT

cc: Attorney General-W. P. B. Glenn J. Woulard State Attorney-I. R.
Clerk Indian River

tw

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

December 01, 2015

CASE NO.: 4D15-4146
L.T. No.: 312014CF000014A

GLENN J. WOULARD

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the appellant's initial brief is stricken as not in compliance with Florida Rule of Appellate Procedure 9.420 in that the certificate of service is incomplete. An amended brief in compliance with the rules shall be filed within ten (10) days from the date of this order. The time for any responsive briefing shall be tolled until service of this amended brief. All certificates of service shall contain the name and physical address of the person served. You are notified of the requirement to serve the Attorney General's Office with a copy of everything you file with this court. The address is:

Department of Legal Affairs
1515 North Flagler Drive, Suite 900
West Palm Beach, Florida 33401

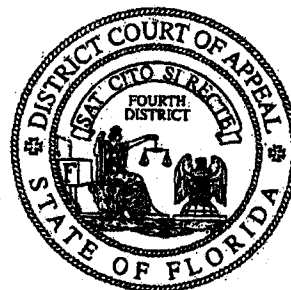
Served:

cc: Attorney General-W. P. B. Glenn J. Woulard

ms



LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



DISTRICT COURT OF APPEAL

**FOURTH DISTRICT
STATE OF FLORIDA**

NOVEMBER __, 2015

Case No: 4D15-4146

L.T. Case No: 31-2014-CF-0000-14A

**Glenn J. Woulard
Appellant/Petitioner**

V.

**State Of Florida
Appellee/Respondent**

**Appellants Initial Brief
To
Summary Motion To Correct
Illegal Sentence
Pursuant To Fla. R. Crim. P.
3.800(a)
Appeal**

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PAGE NO:

(1)-Preliminary Statement

(2)-Statement Of The Case And Facts.....

(3)- Argument.....

(4)- Conclusion.....

(5)- Certificate Of Service.....

(6)- Certificate Of Compliance.....

PRELIMINARY STATEMENT:

Appellant Glenn J. Woulard, was incarcerated in the Indian river county jail when subsequently a warrant for his arrest was issued in an unrelated case against him. Therefore all time spent in county jail should and must be credited to this appellant whereas this appellant was never released to the street before the subsequent warrant was issued and served against him.

Appellant is requesting to be granted additional jail time credit in the amount of 96 days as he is entitled to, the department of corrections is only giving this appellant credit for a total of 190 days, when in fact this appellant is entitled to a total of 276 days credit, a difference of 86 days.

Therefore appellant has appealed the decision of denial from the lower tribunal and asks the honorable district court of appeal to grant this appellant the additional days requested as shown he is entitled by the face of the records.

Appellant has attempted to resolve this issue with the lower tribunal without success. And must rely on the district court of appeal, to direct the department of corrections, state of Florida. To correct the issue of credited jail time, to reflect the proper award of said jail time credit, whereas the actual jail time credit received and that credit in which appellant is entitled to are in discrepancy.

Appellant asserts that when sentences are imposed concurrently, a defendant receives credit on each sentence for time spent in jail before sentencing. In other words, when a defendant receives jail-time credit on a sentence that is to run concurrently with one or more other sentences, the same credit must apply, in full, to all the concurrent sentences, a defendant is entitled to receive credit for jail time served on both felony and misdemeanor charges.

Thus, a defendant, upon a showing that he/she was sentenced to concurrent terms for each count stemming from similar criminal episodes for which defendant was originally arrested, will be entitled to the same amount of jail- time credit against each of the concurrent sentences.

The requirement that jail-time credit must be applied to each of a defendant's concurrent sentences applies even if the multiple concurrent sentences emanate from different counties. From the time a warrant is served or issued and the defendant remains incarcerated on unrelated charges, the defendant is deemed to be in custody on the warrant as well and therefore is entitled to jail credit on concurrent sentencing.

On January 2, 2014 a warrant was issued for this appellant, however this appellant was already in the custody of the Indian river county jail when the aforementioned warrant was served upon his person, this appellant was awaiting sentencing on unrelated charges when this warrant was served. Appellant was taken to the booking area of the county jail and the warrant was served, he was then returned to his assigned jail house area.

This appellant was in the custody of the Indian river county jail from October 28, 2013 until July 11, 2014 thus a total of 276 days.

ARGUMENT:

When a warrant is transmitted to a sheriff who is already holding a defendant in custody on other charges, the defendant must be deemed to have been in custody on the new warrant charge also, at least for purposes of entitlement to jail credit on concurrent sentencing.

SEE: WOLF V. STATE, 107 So 3d 502 (FLA. 2d DCA 2013)

When a defendant receives concurrent sentences, his jail time credited toward all concurrent sentences: but when a defendant does not receive concurrent sentences, jail time may be credited toward only one sentence.

SEE: RANSONE V. STATE, 48 So. 3d 692 (FLA. 2010).

In accordance with the above stated cases the Department Of Corrections And Indian River County. Has not allowed for proper jail time credit to be awarded to this appellant, it is shown on the face of the record that appellant is in fact entitled to jail credit in the amount of (276) days as outlined within his motion for correction of sentence.

It is argued that a defendant who is held on multiple offenses is entitled to jail credit from the date of original arrest, when served with a new warrant or charge so long as defendant was in custody at the time of service of warrant or new charge.

This appellant was incarcerated in the Indian river county jail on unrelated charges when he was arrested on a warrant in January of 2014. Therefore it must be constructed that appellant was already being held on the warrant also whereas he was in custody at time of service of said warrant, and he is entitled to have all time spent in county jail credited towards his sentence.

The court nor the Florida department of corrections can disregard the fact of law and must credit this appellant to the proper credit he is entitled.

CONCLUSION:

Appellant is in no way attempting to circumvent the judicial system, however he has without doubt proven his entitlement to the requested jail credit as sought

The court must review this appellants pleading and address the issues as presented herein, therefore further entering an order directing the Florida department of corrections to correct the amount of jail credit as awarded to this appellant.

Appellant seeks to correct an injustice that adversely affects the actual amount of time this appellant would remain in the custody of the Florida department of corrections and can be corrected without an evidentiary proceeding.

However the appellant realizes that the court must first correct the sentence error created by the improper jail credit being applied before appellant will see the change made to his current term of incarceration.

When error to a sentence is to be corrected the correction must be made in favor to the defendant, and in this instant case the error of jail credit awarded is plainly identifiable on the face of the record as presented.

The honorable court has the jurisdiction to make a ruling in favor of this appellant and correct the sentencing error to award the proper amount of jail credit as this appellant is entitled to.

The lower tribunal originally had jurisdiction to correct this error, however they opted to dismiss appellants motion at the lower tribunal and forced appellant to seek resolution in the district court of appeal. Thus being cause for appellant filing this initial brief outlining the merits of his case.

This appellant asserts, that his case is not complicated and should be relatively easy for The Honorable Court to pass judgement in favor of appellant in this instant matter before the court.

Therefore this appellant concludes his initial brief.

CERTIFICATE OF SERVICE

I Certify That A True And Correct Copy Of The Foregoing Initial Brief, Has Been Provided To An Institutional Staff Member For Mailing Vis First Class U.S. Mail To The Following Interested Parties: The Clerk Of The District Court Of Appeal Fourth District, 1525 Palm Beach Lakes Blvd, West Palm Beach, Florida 33401. And The Attorney General ,Department Of Legal Affairs, 1515 North Flagler Drive, Suite 900, West Palm Beach, Florida 33401.

Respectfully Submitted

/S/ _____

Glenn J. Woulard

Dc# 015462--- D-2-132-S

Avon Park Correctional Institution

8100 Highway 64 East

Avon Park, Florida 33825

CERTIFICATE OF COMPLIANCE

I Hereby Certify That This Initial Brief Complies With The Font Requirements Of The Florida Rule Of Appellate Procedure
9.210(A)(2)

RESPECTFULLY SUBMITTED

/S/ _____

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

GLENN J. WOULARD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D15-4146

[March 10, 2016]

Appeal of order denying rule 3.801 motion from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert L. Pegg, Judge; L.T. Case No. 312014CF000014AA.

Glenn J. Woulard, Avon Park, pro se.

No appearance for appellee.

PER CURIAM.

Affirmed.

WARNER, GROSS and LEVINE, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

**IN THE DISTRICT COURT OF APPEAL
FOURTH DISTRICT
STATE OF FLORIDA**

Glenn J. Woulard,
Appellant,

V.

State Of Florida,
Appellee,

DCA Case No: 4d15-4146
LT Case No: 312014-CF-0000-14AA

APPELLANT'S MOTION FOR REHEARING

In accordance with Florida Rule of Appellate Procedure 9.330(a), the appellant, Glenn J. Woulard, in propria persona, respectfully moves the Court for an order granting rehearing of the three-judge panel's March 10, 2016 opinion in the above-entitled case, and the appellant says the following in support thereof:

This appellant Glenn J. Woulard, submitted an appeal to the Fourth District Court of Appeal regarding the lower tribunals failure to grant jail credit, on March 10, 2016 the Honorable District Court of Appeal affirmed the Lower Tribunal's decision.

The Honorable District Court of Appeal has erred in this case and appellant asserts as follows in support of this allegation.

A defendant seeking additional jail-time credit through a postconviction motion is entitled to an evidentiary hearing, unless the court's order shows on its face the defendant received proper for all jail time served before sentencing, or the court attaches to its order that portion of the files or record refuting the defendant's allegations or documents to support the explanation contained in its order. A conventional evidentiary hearing on a postconviction motion, however, is not required, and the court may review the appropriate records and make a determination whether the defendant has received proper credit for time served.

If the defendant's motion to correct illegal sentence is legally sufficient and indicates that jail records will demonstrate the defendant's entitlement to additional jail time, a trial court must review such jail records. A defendant, however, is not entitled to additional jail time credit, absent a proffer of any evidence in the record showing an error in calculation of the jail credit. A trial court is precluded from denying a defendant's motion for additional jail credit against the defendant's sentence without attaching any records refuting the defendant's claim. If documents attached to a trial court's order summarily denying a defendant's motion for postconviction relief do not support the trial courts findings nor conclusively refute the defendant's claim that the defendant is entitled to additional jail credit against his or her sentence, remand is necessary for reconsideration of the claim. Accordingly, a defendant's motion to correct an illegal sentence would be remanded to the trial court for the attachment of the proper record, where the defendant argued that the defendant was not given proper credit for time spent in county jail, after being served with an arrest warrant, attachments to the trial court's order denying the motion did not show the actual date the defendant actually was served with the capias, and the defect could not

be cured by the state's attempt to provide such documentation to the appellate court by supplemental record.

CASES IN SUPPORT OF CLAIMS:

1. Mandell V. State, 722 So 2d 954 (Fla. Dist .Ct. App. 4th Dist. 1998)
2. Jablonskis V. State, 422 So 2d 356 (Fla .Dist. Ct. App. 5th Dist 1982)
3. Mandell V. State
4. Smith V. State, 624 So 2d 351 (Fla. Dist. Ct. App. 2d Dist. 1993)
5. Galazara V. State, 962 So 2d 985 (Fla. Dist. Ct. App. 3d Dist. 2007)
6. Hidalgo V. State, 729 So 2d 984 (Fla. Dist. Ct. App. 3d Dist. 1999)
7. Phillips V. State, 839 So 2d 893 (Fla. Dist. Ct. App. 4th Dist. 2003)
8. Reeves V. State, 719 So 2d 1257 (Fla. Dist. Ct. App. 5th Dist. 1998)

WHEREFORE, the appellant prays, literally and figuratively, that the Court will render an order granting rehearing of the three-judge panel's March 10 2016 opinion to affirm .

Respectfully Submitted

15/ Helen J. Woodland

UNAUTHORIZED OATH

I HEREBY DECLARE, under the penalties of perjury that I have read the foregoing and that the facts stated in it are true and correct. See § 92.525, Fla. Stat. (2010).

Executed on this the 26 day of ~~March~~ *May* 2016.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, Under The Penalties Of Perjury That A True And Correct Copy Of The Foregoing Motion For Rehearing Has Been Placed In The Hands Of An Institutional Official At Avon Park Correctional Institution, For Mailing Via First Class Pre Paid U.S. Mail To Be Delivered To The Following Parties. The Honorable Clerk Of The Court District Court Of Appeal Fourth District, 1525 Palm Beach Lakes Blvd. West Palm Beach, Florida 33401. And The Attorney General, West Palm Beach Office, 1515 N. Flagler Dr., Ste 900, West Palm Beach, Florida 33401. N This The 26 Day Of ~~MARCH~~ *May* 2016.

Respectfully Submitted

1st Glen J. Woulard

Glen J. Woulard

Dc#- 015462—D-2-132-S
Avon Park Correctional Institution
8100 Highway 64 East
Avon Park, Florida 33825

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

April 13, 2016

CASE NO.: 4D15-4146
L.T. No.: 312014CF000014A

GLENN J. WOULARD

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the appellant's March 21, 2016 motion for rehearing is denied.

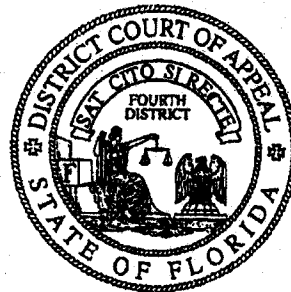
Served:

cc: Attorney General-W. P. B. Glenn J. Woulard

ms

Lon Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT

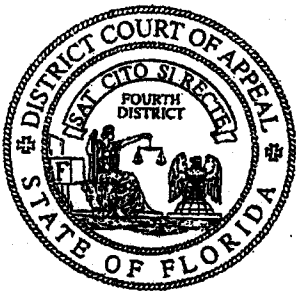
This cause having been brought to the Court by appeal, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause as may be in accordance with the opinion of this Court, and with the rules of procedure and laws of the State of Florida.

WITNESS the Honorable Cory J. Ciklin, Chief Judge of the District Court of Appeal of the State of Florida, Fourth District, and seal of the said Court at West Palm Beach, Florida on this day.

DATE: April 29, 2016
CASE NO.: 15-4146
COUNTY OF ORIGIN: Indian River
T.C. CASE NO.: 312014CF000014A

STYLE: GLENN J. WOULARD v. STATE OF FLORIDA



Lon Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

Served:

cc: Attorney General-W. P. B. Glenn J. Woulard State Attorney-I. R.
Clerk Indian River

ct

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

GLENN J. WOULARD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D15-4146

[March 10, 2016]

Appeal of order denying rule 3.801 motion from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert L. Pegg, Judge; L.T. Case No. 312014CF000014AA.

Glenn J. Woulard, Avon Park, pro se.

No appearance for appellee.

PER CURIAM.

Affirmed.

WARNER, GROSS and LEVINE, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

April 13, 2016

CASE NO.: 4D15-4146
L.T. No.: 312014CF000014A

GLENN J. WOULARD

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the appellant's March 21, 2016 motion for rehearing is denied.

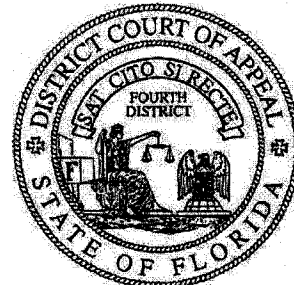
Served:

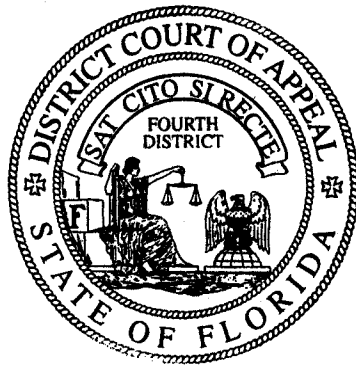
cc: Attorney General-W. P. B. Glenn J. Woulard

ms

Lonn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal





I hereby certify that the above and foregoing is a true copy of instrument filed in my office.

Lonn Weissblum, CLERK

**DISTRICT COURT OF APPEAL OF
FLORIDA, FOURTH DISTRICT**

Per *Holly*
Deputy Clerk

**FOURTH DISTRICT COURT OF APPEAL
1525 PALM BEACH LAKES BLVD.
WEST PALM BEACH, FLORIDA 33401
(561) 242-2000**

Date: June 2, 2016

Case Name: GLENN J. WOULARD vs. STATE OF FLORIDA
Case No: 4D 15-4146
Trial Court No.: 312014CF000014A
Trial Court Judge: HON. ROBERT L. PEGG

Dear Mr. Tomasino:

Attached is a certified copy of a Notice to Invoke Discretionary Jurisdiction/Notice of Appeal to the Supreme Court of Florida pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

- The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and will be mailed.
- The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.
- Petitioner/Appellant has been previously determined insolvent by the circuit court or our court.
- Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's Motion to proceed without payment of costs in this case.
- Petitioner/Appellant filed Notice via EDCA and the fee has not been received by this court.

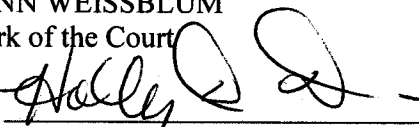
No filing fee is required in the underlying case in this court because it was:

- A Summary Appeal (Rule 9.141)
- From the Unemployment Appeals Commission
- A Habeas Corpus Proceeding
- A Juvenile Case
- Other - _____

If there are any questions regarding this matter, please do not hesitate to contact this Office.

Sincerely,

LONN WEISSBLUM
Clerk of the Court

By: 

Holly Davis
Deputy Clerk