

IN THE COUNTY COURT
OF THE 11TH JUDICIAL DISTRICT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CASE NO.: F14-17337 & F15-8706

STATE OF FLORIDA,
Plaintiff,
vs.
WILMINGTON TOUSSAINT,
Defendant.

COPY

2016 JUN 28 PM 3:29
CLERK OF THE COURT
11TH JUDICIAL DISTRICT

CRIMINAL COURT DIVISION
2016 JUN 24 PM 9:33
ALBERTO MILIAN, CLERK
11TH JUDICIAL DISTRICT

PROCEEDINGS HAD AND TAKEN
BEFORE
THE HONORABLE ALBERTO MILIAN

Richard E. Gerstein Justice Building
1351 Northwest 12th Street
Miami, Florida 33125

October 19, 2015
9:53 a.m. - 11:21 a.m.

RECEIVED, 07/25/2016 12:38:46 PM, Clerk, Supreme Court

1 APPEARANCES:

2 On Behalf of the Plaintiff:

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9 On Behalf of the Defendant:

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1 (Thereupon, the following proceedings were had:)

2 THE COURT: Let's go to Wilmington
3 Toussaint, at F14-17337 on page 1.

4 COURT CLERK: Judge, we have the new case
5 printing on page 2.

6 MR. STAMAS: We could hold on just a
7 second if you want to do that.

8 THE COURT: All right. Can we skip that,
9 then? Is that the -- on page two, he's under
10 Billy Toussaint?

11 COURT CLERK: Yes, Your Honor.

12 MS. LEWIS: Yes.

13 THE COURT: Thank you. Let's skip Mr.
14 Toussaint's cases, and we'll go to Leonardo
15 Medina F15-15483.

16 (Thereupon, the case was passed and the proceedings
17 continued as follows:)

18 THE COURT: And I'm sorry. Corrections,
19 can I get anybody out of here for you?

20 CORRECTIONS: Yes. Can you could address
21 Toussaint, Judge, on page 1?

22 THE COURT: Yes, sir. Let's go to page
23 number 1. We have Mr. Wilmington Toussaint.
24 You have two cases and you have another case
25 under "Billy Toussaint" on page 2.

1 MS. LEWIS: Yes, Your Honor. I wanna --

2 THE COURT: Good morning, sir. How are
3 you?

4 MR. STAMAS: Good morning. How you doing,
5 Judge?

6 THE COURT: It's good to see you.

7 MR. STAMAS: Good to see you.

8 MS. LEWIS: On the new case printing on
9 page 2, Your Honor, F15-20238, the State is
10 taking no action.

11 Your Honor --

12 THE COURT: All right. So that's good
13 news.

14 MS. LEWIS: On his other two cases, Your
15 Honor, they are set rate plea. The defendant
16 scores 44.7 months' state prison at the bottom
17 of the guidelines to ten years state's -- state
18 prison. The State's offer is an adjudication
19 at bottom of the guidelines.

20 THE COURT: What says the Defense?

21 MR. STAMAS: That's the bad news. Judge,
22 I'm -- just retained on the case Friday.

23 THE COURT: All right.

24 MR. STAMAS: So, if I could just get a
25 word -- get a word with Mr. Toussaint?

1 THE COURT: You can, but let me ask you to
2 do something kindly. Would you state your name
3 for the record?

4 MR. STAMAS: Pete Stamas, S-T-A-M-A-S.

5 THE COURT: And would you -- have you
6 filed a Notice of Appearance?

7 MR. STAMAS: No, sir.

8 COURT CLERK: Judge, I think I have one --

9 THE COURT: Okay.

10 COURT CLERK: (Unintelligible).

11 THE COURT: Thank you, Selena (phonetic).

12 If you haven't filed one, before you talk to
13 the client and before I -- excuse me --
14 discharge a public defender, would you be kind
15 enough and go back to my chambers through that
16 door right here and, um, left when you go out
17 that door?

18 MR. STAMAS: Yes, Judge.

19 THE COURT: Go to my chambers and get a
20 Notice of Appearance and file it right now in
21 open court.

22 MR. STAMAS: You got it, Judge.

23 THE COURT: It -- especially --
24 potentially, you're gonna work -- be able to
25 work out a deal for Mr. Toussaint.

1 Mr. Toussaint, good news for you. The new
2 case is not going to be filed by the State
3 Attorney's Office. Yeah, we're gonna see if I
4 can plead your case out this morning. If not,
5 we'll set it down for Final Violation of
6 Probation Hearing and, and a day of trial,
7 okay?

8 DEFENDANT: Yes, sir.

9 THE COURT: All right. Have a seat and
10 relax. All right. Tell my assistant Jeanette
11 (phonetic) that I sent you back there.

12 MR. STAMAS: Thank you, Judge.

13 THE COURT: Anybody else -- I sent you
14 back there.

15 MR. STAMAS: Thank you, Judge.

16 (Thereupon, a conversation was held off the record
17 and the proceedings continued as follows:)

18 MS. LEWIS: I'm sorry, on Mr. Toussaint,
19 did the Court discharge the public defender?

20 THE COURT: Not -- not yet, Ms. Lewis. I'm
21 waiting for the appearance to actually be
22 filed, and then I'll do that.

23 (Thereupon, a conversation was held off the record
24 and the proceedings continued as follows:)

25 THE COURT: That's not Mr. Wim -- You're

1 not Mr. Wimberly (phonetic), are you?

2 DEFENDANT: I'm Wilmington Toussaint,
3 Judge.

4 CORRECTIONS: Oh, Toussaint, Wilmington?

5 THE COURT: Yeah, I'm talking about Rodney
6 -- Robert Wimberly (phonetic).

7 (Thereupon, a conversation was held off the record
8 and the proceedings continued as follows:)

9 THE COURT: Good morning, sir. Are you
10 prepared to call up Mr. Toussaint's cases?

11 MR. STAMAS: Yes, sir.

12 THE COURT: Yes, sir. What do we want to
13 do on that?

14 MR. STAMAS: We're going to enter a denial
15 on the allegations for the VOP, and enter a
16 plea of not-guilty on the substantive. I think
17 it's introducing contraband into the jail?

18 THE COURT: That's correct. So when do you
19 want to set the VOP? How long will it take you
20 to get ready?

21 MR. STAMAS: What's your normal course --

22 THE COURT: Good morning.

23 MR. STAMAS: -- Judge? Thirty days?

24 THE COURT: Uh, could -- so when -- I'll,
25 I'll give you all the time you need me, 'cuz if

1 you, if you pick the time, I'm not going to
2 continue it.

3 COURT CLERK: We're setting to 12/11, Your
4 Honor.

5 THE COURT: Is that good for you, or do --

6 MR. STAMAS: I want sixty days.

7 THE COURT: -- want more time?

8 MR. STAMAS: No continuances?

9 THE COURT: Listen, I say that, but it --
10 odds -- that's always subject to exigent
11 circumstances.

12 MR. STAMAS: Now, in all seriousness,
13 Judge, it --

14 THE COURT: Realistically.

15 MR. STAMAS: I'm just -- realistically,
16 I'm just now reading this report. I understand
17 it's a -- from my what I understand, it's a
18 ninth (phonetic). I think it's a ninth.

19 THE COURT: I'll give you as much time as
20 you need.

21 MR. STAMAS: If you could set me off, um

22 --

23 THE COURT: We could -- what's a -- what's
24 a good time for next year? You got your case in
25 the Sellum (phonetic) building?

1 MS. LEWIS: Yes, Your Honor.

2 COURT CLERK: 1/8, Your Honor.

3 THE COURT: You want to do it on 1/8 --

4 MR. STAMAS: That's fine.

5 THE COURT: -- or do you need more time
6 than that?

7 MR. STAMAS: No, that's fine.

8 THE COURT: Is that good for you?

9 MS. LEWIS: That's fine.

10 MR. STAMAS: And then if I get anything
11 done --

12 THE COURT: That's the first week of the
13 year.

14 MR. STAMAS: Yeah, I got you.

15 THE COURT: All right. I know you got me,
16 but --

17 MR. STAMAS: (Chuckling).

18 THE COURT: -- well, I'm gonna get you
19 when you come back.

20 MR. STAMAS: Okay. All right.

21 THE COURT: So 1/8 is good for you?

22 MR. STAMAS: Yes, sir.

23 THE COURT: All right, 1/8. Let's set it
24 then.

25 COURT CLERK: Yes, Your Honor.

1 THE COURT: All right. Anything else?

2 MR. STAMAS: That's it.

3 MS. LEWIS: Both cases?

4 THE COURT: Yes, ma'am.

5 MR. STAMAS: Thanks, Judge.

6 THE COURT: Are you done?

7 MR. STAMAS: Well, can I -- could I speak
8 to Mr. Toussaint before we go do --

9 THE COURT: Yeah. Well, before you do,
10 come up here.

11 COURT CLERK: And the PD is discharged,
12 Judge, so.

13 THE COURT: The PD is discharged.

14 (Thereupon, the above-proceedings were concluded.)

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C E R T I F I C A T E

(STATE OF FLORIDA)

(COUNTY OF MIAMI-DADE)

I, ADALBERTO CARBALLO, Reporter, certify that I was authorized to and did report the foregoing proceedings and that the transcript is a true and correct transcription of my notes of the proceedings.



ADALBERTO CARBALLO, Reporter