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State of Florida)
) SS: Barry J. Stone
County of Broward)

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT

STATE OF FLORIDA,)
)
 Plaintiff,)
)
 vs.) CASE NO: 84-3235 CF
)
RONALD STEWART,)
)
 Defendant.)
-----X

Proceedings had and taken before the
Honorable Barry J. Stone, one of the Judges of said
Court, at the Broward County Courthouse, commencing at
or about 9:00 o'clock a. m., Monday, January 28, 1985,
in the City of Fort Lauderdale, County of Broward, State
of Florida, and being a Change of Plea Hearing.

APPEARANCES:

KELLY HANCOCK, ESQUIRE,
ASSISTANT STATE ATTORNEY,
APPEARING ON BEHALF OF THE STATE.

ROBERT STONE, ESQUIRE,
SPECIAL PUBLIC DEFENDER,
APPEARING ON BEHALF OF THE DEFENDANT.



LAWYER'S NOTES

[illegible]

Thereupon:

The following proceedings were had:

THE COURT: Are we ready?

MR. HANCOCK: The State is, Your Honor.

THE COURT: Ronald Stewart. Case No. 84-
3235.

MR. STONE: Good morning, Your Honor.

THE COURT: Mr. Stone.

MR. STONE: Your Honor, if it please the
Court, on behalf of Ronald Stewart the following
is tendered to the Court. The State and the
Defense agree to the following plea agreement:
Number 1, that the Defendant enter an Alfred
Plea indicating it is in his best interest to
plead; Number 2, that the charge of murder one
be reduced to murder two; Number 3, that the
sentence will be 50 years to run concurrent with
the sentence the Defendant is already serving
which was imposed by Judge Coker in this
jurisdiction, as well as the sentence he received
in the State of Mississippi; further, that the
State of Florida shall return the Defendant to
the State of Mississippi no later than 60 days
from the date of today, which would be March 28th,
1985.

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1 I have a cite of North Carolina versus
2 Alfred as well as the provision of the Rule 3.172
3 Subsection D which says, "Before the trial court
4 accepts a guilty or nolo contendere plea, he must
5 determine that the defendant either one, acknowledges
6 guilt or acknowledges the plea to be in his best
7 interest while maintaining his innocence." This
8 is the subsection that my client wishes to plead
9 under.

10 THE COURT: Mr. Hancock.

11 MR. HANCOCK: Yes. May it please the Court.
12 In reference to that, Your Honor, I do have a
13 representative from the Hollywood Police
14 Department, Ed Shubert (phonetic), is here. I
15 have discussed the case thoroughly with the lead
16 detectives from Hollywood and they have no
17 objection to this plea if the Court accepts it.
18 Also, I have the deceased's mother and father are
19 also here and present in court. I have discussed
20 the case thoroughly with them and it is my
21 understanding they also would have no objection
22 to the plea. If the Court has any questions of
23 either one, the detective is here and also the
24 family.

25 THE COURT: You are the detective from

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Hollywood?

2 MR. SHUBERT: Yes.

3 THE COURT: You understand the terms of the
4 plea?

5 MR. SHUBERT: Yes, sir. It was explained
6 to me.

7 THE COURT: And the victim's family, sitting
8 in the back of the room. Folks, do you have any
9 questions you want to ask me about this? I know
10 you've talked to Mr. Hancock quite extensively.

11 MR. HARRISON: Yes, we feel Kelly did the
12 best -- We go by his decision.

13 THE COURT: Thank you. All right. Swear
14 the Defendant, please.

15 (Thereupon RONALD STEWART, the Defendant
16 herein, to maintain the issues of his part to be
17 maintained, offered himself as a witness in his own
18 behalf, who, being first duly sworn, was examined and
19 testified upon his oath as follows:)

20 THE COURT: All right, Mr. Stewart. I'm
21 going to ask you several questions to make sure
22 you understand the effect of the plea you are
23 entering into at this time and to make sure you
24 understand what rights you are giving up by entering
25 this plea at this time. You have to answer all my

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1 questions out loud so the court reporter can take
2 down all your answers on the record. Mr. Stone is
3 right here. If you have any questions at all
4 about anything I ask you you can confer with Mr.
5 Stone and you can ask me if Mr. Stone has no
6 objection to you asking me. Do you understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You just heard everything Mr.
9 Stone just said, correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Does that concur with your
12 understanding of what the plea agreement is with
13 the State?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You understand, Mr. Stewart --
16 Before we proceed, the charge is now being reduced
17 as part of the plea negotiation to murder in the
18 second degree, correct?

19 MR. HANCOCK: That is correct, Your Honor.

20 THE COURT: And the indictment is going to
21 be amended accordingly?

22 MR. HANCOCK: Yes, it would. We would at
23 this time just amend it to murder in the second
24 degree.

25 THE COURT: As a condition of the plea?

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1 MR. HANCOCK: Yes, and it is my understanding
2 also it would be under the old and not under the
3 new guidelines.

4 MR. STONE: That's correct.

5 THE COURT: You are not electing the
6 guidelines?

7 MR. STONE: We're specifically not electing
8 the guidelines.

9 THE COURT: All right. With respect to this
10 last point, Mr. Stewart, you understand what Mr.
11 Stone is referring to when he says he is specifically
12 not electing the guidelines? You've talked this
13 over with him and understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Is that your agreement as well?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. You understand that
18 you're now charged with murder in the second
19 degree. That is a felony. The maximum sentence
20 for murder in the second degree is life in prison.
21 You understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: You understand that until the
24 State reduced the charge to murder in the second
25 degree the charge that you were facing was murder

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1 in the first degree and a maximum sentence was
2 the death penalty. You understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: And if the jury -- You
5 understand that you had a right to a jury trial
6 in this case, you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You understand you are waiving
9 your right to a trial now by entering this plea.
10 You understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You understand if you had had a
13 trial in the charge of murder in the first degree
14 that the trial would have been what we call a
15 bifurcated trial. The first part of the trial
16 would have nothing to do with the sentencing
17 phase. It would have to do with whether you were
18 guilty or not guilty. Then if the jury in that
19 part of the trial had found you guilty we would
20 then have had a second part of the trial which
21 would have then been to determine whether the jury
22 would advise the Court whether in their opinion
23 you should be sentenced to death or whether you
24 should be sentenced to life in prison with a 25
25 year mandatory minimum. You've discussed all that



1 with Mr. Stone, I'm sure. Is that correct?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, you understand that the
4 Court would not have been bound to accept their
5 advice but the Court would have been certainly
6 influenced or certainly interested in their advice
7 and would have taken their advice into
8 consideration in whatever decision that the Court
9 made. You understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: And you understand that there
12 are rules that would have governed that advice
13 with respect to aggravating and mitigating factors
14 that would have been taken into consideration
15 by the jury and by the Court in that regard. Do
16 you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: You've gone over all those
19 things with Mr. Stone?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Have you also gone over the
22 facts of the case with Mr. Stone thoroughly and
23 do you feel he understands everything from your
24 perspective about the case and has he gone over
25 the facts of the case with you thoroughly?

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1 THE DEFENDANT: Yes.

2 THE COURT: Now, if we would have had a trial
3 in the case you understand that the State had the
4 burden of proof to prove the case against you
5 beyond a reasonable doubt?

6 THE DEFENDANT: Yes.

7 THE COURT: And you understand that if we
8 would have had a trial you had the right to be
9 present in court at all times. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: You understand you're waiving
12 your rights to those things now by the entry of
13 this plea. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that if we
16 would have had a trial you had the right to confront
17 your accusers; your lawyer could have cross
18 examined all the witnesses and you had the right
19 to have your lawyer argue your case to the jury or
20 argue your case to the Court; make any additional
21 motions that he might have wanted to have heard.
22 You're waiving your right to all those things. Now
23 none of those things are going to happen. Do you
24 understand that?

25 THE DEFENDANT: Yes.

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1 THE COURT: You understand if we would have
2 had a trial you had the right to bring in your own
3 witnesses, you could have subpoenaed them and made
4 them come to court to testify. Do you understand
5 that?

6 THE DEFENDANT: Yes.

7 THE COURT: You understand if we would have
8 had a trial you had the right to testify yourself
9 or you could have elected to remain silent and the
10 jury would have been told that was your right and
11 could not be used against you. Now you are waiving
12 your right to that because you're not going to have
13 any trial, right?

14 THE DEFENDANT: Yes.

15 THE COURT: You understand you would have
16 had the right to appeal any issue of law or fact.
17 By entering this plea you are waiving your right
18 to appeal. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: If you contend that my sentence
21 is not legal or unconstitutional or if you contend
22 this Court has no jurisdiction over you or over
23 this case, those issues could still be appealed
24 within 30 days and a public defender would
25 represent you if you're indigent. Do you

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1 understand that?

2 THE DEFENDANT: Yes, sir. Excuse me, Your
3 Honor.

4 THE COURT: Yes.

5 (Thereupon, a brief discussion was had
6 between the Defendant and his counsel, Mr. Stone.)

7 THE COURT: Has anybody threatened you or
8 forced you or coerced you or in any way pressured
9 you to enter this plea?

10 THE DEFENDANT: No, sir.

11 THE COURT: Are you under the influence of
12 any drugs, alcohol, or medicine?

13 THE DEFENDANT: No, sir.

14 THE COURT: Have you had any drugs, alcohol,
15 or medicine in the last few days?

16 THE DEFENDANT: No, sir.

17 THE COURT: Has anybody made any promises to
18 you in exchange for this plea except what you've
19 just heard Mr. Stone state on the record just now
20 this morning?

21 THE DEFENDANT: Nothing except for the plea
22 agreement that he read, no, sir.

23 THE COURT: Now, you understand at this
24 point still the Court has made no promises except
25 if I accept this plea. Then at that point I would

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1 abide by the plea. But at this point I've made
2 no promises. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you ever been declared
5 incompetent or ever been found mentally ill?

6 THE DEFENDANT: No.

7 THE COURT: Are you now being treated by a
8 psychiatrist?

9 THE DEFENDANT: No, sir.

10 THE COURT: All right. At this time I would
11 like to hear a statement of the facts and also a
12 statement with respect to the factors that you
13 think that the Court should take into consideration
14 as to whether I accept this plea or not and the
15 factors that went into consideration in the entry
16 of a plea in this matter, that being an Alfred Plea
17 which is a no contest plea.

18 You understand you are pleading no contest
19 because it is what is called an Alfred Plea? I
20 know you've discussed that with Mr. Stone, correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: On the other hand, if I find this
23 plea is in your best interest and accept this plea
24 that you are not reserving any rights to appeal in
25 this case. Do you understand that? You will be



1 bound except in the instances that I've just out-
2 lined for you, you'd be bound to abide by the
3 sentence of this Court. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: And you understand that by
6 pleading no contest this Court will be accepting
7 that as an acknowledgment by you that after the
8 jury and the Judge heard whatever the facts were
9 that were presented that they could in fact legally
10 have concluded beyond a reasonable doubt that you
11 were in fact guilty even though you might profess
12 your innocence. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Mr. Hancock.

15 MR. HANCOCK: May it please the Court, yes,
16 Your Honor. The State would be prepared to show
17 through legal and competent evidence admissible
18 in a court of law that on May 2nd, 1983 Regina
19 Harrison left her residence at 137 Southwest 2nd
20 Avenue in Dania at approximately 5:00 o'clock p. m.
21 She informed her mother she was going for a bicycle
22 ride and that she'd be back shortly within
23 approximately an hour. The evidence would in
24 fact show she did not return and that Regina
25 Harrison's father contacted the Dania Police

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1 Department fearing something had happened to his
2 daughter. A police report was made and a search
3 was conducted by the family and also friends of
4 the family.

5 On May 3rd of 1983 friends of the family
6 while searching the West Lake Park area at 700
7 Sheridan Street in Broward County, Florida, they
8 did find the deceased and at that time the police
9 were contacted.

10 The medical examiner, Dr. Onglay arrived.
11 He conducted an autopsy the next day and in fact
12 determined the cause of death was manual strangulation
13 and that it was in fact homicide in reference to the
14 manner of death.

15 The State would also show that Rose Lehman
16 contacted the police department on or about May 5th
17 of 1983 and talked to Detective Jim Gibbons of the
18 Hollywood Police Department. She in fact informed
19 Detective Gibbons that she had seen Regina Harrison
20 riding her bicycle in the area of Scott Street and
21 the board walk as her and Susan Moss were walking
22 down the board walk. Susan Moss knew Harrison
23 and had talked about her when they saw her. In
24 fact Lehman did a composite -- or John Valor,
25 I. D. Technician of the Miami Police Department did

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1 a composite of the person she described with
2 Regina Harrison. The evidence would show the
3 composite was put in the newspapers and Detective
4 Robert Grimm of the Fort Lauderdale Police Depart-
5 ment contacted Detective Gibbons and told him that
6 he was aware of Ronald Stewart who resembled the
7 composite; that he had been arrested on several
8 rapes that occurred in the Victoria Park area.

9 At that time Detective Gibbons went to the
10 Fort Lauderdale Police Department and got a
11 photograph of Mr. Stewart and put it in a photo-
12 graphic lineup and showed Rose Lehman. Rose
13 Lehman immediately picked out Mr. Stewart from
14 the photographic lineup and said that was the one
15 she had seen Regina Harrison with.

16 The State would further call several
17 witnesses, a Calvin Le Mieux would testify and
18 John Baglio and another person who were in prison
19 with Mr. Stewart. Mr. Le Mieux would in fact
20 testify that on two occasions he had contact with
21 Mr. Stewart where Mr. Stewart indicated that he
22 had in fact killed a lady in a park in Hollywood
23 when they were riding bikes.

24 Detective Gibbons went to the Florida State
25 Prison and came in contact with Mr. Stewart and had

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1 requested some hair samples. As a result of that,
2 Mr. Stewart did give Detective Gibbons some hair
3 samples. He denied he was involved in this crime.
4 Calvin Le Mieux would in fact testify that after
5 Detective Gibbons had left the Florida State
6 Prison that Mr. Stewart asked Calvin Le Mieux
7 about hair samples; if in fact what would happen
8 if they can actually compare hair samples. John
9 Baglio would testify that Mr. Stewart told him at
10 a session they had, a religious session, that in
11 fact he had killed some girl in Hollywood and that
12 he didn't mean to do it and he felt bad but he had
13 in fact done it. Both of them would testify that
14 Mr. Stewart had requested to go back to Mississippi
15 where he was facing rape charges where he could
16 get away from the State of Florida, as he didn't
17 want to be prosecuted for the death of the girl
18 in Hollywood.

19 The State would also call George Duncan to
20 testify that there was blood found in the culture
21 swabs that were taken from the vagina of Regina
22 Harrison and in fact the blood type was Type O. The
23 victim in this case had Type A. Blood samples
24 were taken from Mr. Stewart and George Duncan
25 would testify that he was Type O and that a

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1 certain percentage of the population would have
2 Type O.

3 Judge, I think, basically, that would be
4 what the State would show at trial.

5 THE COURT: Type O is a common blood type,
6 correct?

7 MR. HANCOCK: Yes. I think in fact it would
8 be common to somewhere like 40 to 60 percent of the
9 population would have Type O, of the male
10 population. It would be 60 percent of the total
11 population but I think if you subtract half for
12 females, that would reduce that.

13 THE COURT: Mr. Stone.

14 MR. STONE: I'm not sure exactly how you
15 want me to proceed.

16 THE COURT: I am interested in hearing on
17 the record at this time what you feel would be
18 factors that the Court should consider in weighing
19 the acceptability of the plea.

20 MR. STONE: Well, number one, Judge, as I
21 had ample opportunity to discuss this with the State
22 and also my investigators put over 150 hours into
23 this case - I myself have at least 100 hours in
24 this - we have deposed some 45 witnesses or so;
25 we've deposed just about every material witness



1 and we've come up with the conclusion that the
2 State did not have a very strong case in State
3 of Florida versus Ronald Stewart. In fact they
4 have a very weak case based basically on the
5 identification of one person, Rose Lehman, who
6 says that she saw the Defendant within a 24 hour
7 period of the homicide. That description, on cross
8 examination, I think could be severely weakened
9 because the description that she gave the police
10 and the description of Ronald Stewart, there is a
11 material variance.

12 On the Defense side, Your Honor, you have
13 three people that have confessed to the State that
14 they heard another person say that they in fact
15 killed Regina Harrison; they are Jerry Crossman,
16 Loretta Sue Belling, and Paulette Chappell. Paulette
17 and Loretta Sue have been called on as also giving
18 statements to the police indicating that Charles
19 Poe is the person that actually did the killing.
20 Jerry Crossman was subpoenaed and invoked his
21 Fifth Amendment rights at the time of deposition
22 and but for the fact that the case is now over
23 with we have reason to believe he'll give the
24 statement to the effect that Charles Poe did in
25 fact confess to him that he killed Regina Harrison.



1 We feel that if the case proceeded to trial there's
2 an excellent chance that a jury would have found
3 there was a reasonable doubt based upon a lack of
4 evidence. The police work that was done in this
5 case did not rise to any standard of excellence at
6 all. In fact, the lead detective destroyed his
7 original notes in connection with this matter.

8 The police also interviewed six or seven
9 other individuals who they suspected to be the
10 person who committed this crime, particularly a
11 Frank Cejak (phonetic). Now, Frank Cejak was
12 followed on Hollywood Beach because he was riding
13 a bicycle. They took fingerprints and found out
14 that he in fact had been arrested for sexual
15 battery. They never showed his picture to Rose
16 Lehman. It was just those types of things that
17 I think would have indicated to a jury that there
18 was less than credible evidence.

19 Also as the State indicated there was no
20 physical evidence to tie Ronald Stewart to this
21 crime. For example, the police took soil samples
22 from the crime scene. Then they executed a search
23 warrant in his home in Mississippi and took out two
24 pairs of sneakers that he had some soil on them and
25 some blood. It turned out it wasn't blood and it

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1 turned out that the soil from his shoes did not
2 match the soil from the crime scene.

3 They also found some hair samples at the
4 scene which they compared to hair samples of Ronald
5 Stewart's; they did not match. There was also a
6 fingerprint that was found on the bike that
7 presumably belonged to Regina Harrison that was
8 found at the crime scene. It also did not match
9 that of Ronald Stewart's. However, the police
10 never bothered to match the fingerprint of the
11 other suspects to those people.

12 Now, the reason I think that Ronald Stewart
13 entered this plea, Your Honor, is not because he
14 was concerned with what a jury, you know, would do
15 in terms of reasonable doubt, but he was concerned
16 that if in fact he were convicted that the death
17 penalty would be imposed. I think based upon his
18 prior record and number of convictions that he
19 had, he was severely concerned that that would be
20 the sentence that would be imposed. So rather than,
21 you know, run the risk of the death penalty, he
22 chose to enter this plea.

23 THE COURT: All right. Mr. Stewart, you've
24 heard all that; you've heard what Mr. Stone said and
25 you've heard what the State Attorney, Mr. Hancock,



1 said. Do you want any more time to talk to Mr.
2 Stone about this? Have you had enough time to talk
3 to him?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you feel after taking into
6 consideration everything your attorney discussed
7 with you, everything you know about this case, do
8 you feel it is in your best interest to enter this
9 plea?

10 THE DEFENDANT: Yes.

11 THE COURT: One other thing is part of this
12 plea, the plea that has been expressed to me was
13 going to be 50 years sentence to incarceration
14 in the custody of the Department of Corrections.
15 That is going to be concurrent with Judge Coker's
16 sentence and the sentence you are presently serving
17 in Mississippi and the Court is going to direct
18 that you then be returned to Mississippi. However,
19 I do want you to understand -- Did you have a chance
20 to tell him, Mr. Stone, that I'm not the governor
21 of Florida or the governor of Mississippi. They're
22 in charge of prison and they make those kinds of
23 decisions. I can accept this plea but once you
24 leave this court I have no control over where you
25 serve your sentence. I have no control over whether



1 or not they would send you back to Mississippi.

2 You can talk to Mr. Stone about that but I
3 do want you to understand that if for any reason -
4 I don't have any particular reason in mind one
5 way or another - but if it turns out you do serve
6 all or part of your sentence in Florida, I might
7 not have any control over that other than what
8 you hear in this record today. I would not allow
9 you to withdraw your plea if that should happen;
10 do you understand that?

11 THE DEFENDANT: Well, mainly --

12 THE COURT: I concur as far as sending you
13 back to Mississippi. As far as I'm concerned you
14 can go back to Mississippi. But once you leave
15 here, I'm not in control of your sentence. Do
16 you understand that, except for the length of it.
17 Do you understand what I'm saying?

18 THE DEFENDANT: In the plea agreement what
19 I'm trying to get across is that I would like to be
20 returned to the State of Mississippi by the State
21 of Florida within 60 days.

22 THE COURT: And Mr. Hancock who is the State
23 Attorney concurs in that and I don't know any
24 particular reason why you would not be returned
25 to Mississippi. All right. I just want you to



1 understand that if for any reason that were delayed
2 or if you should be sent to Mississippi to serve
3 your sentence there and for some reason they send
4 you back here, those are all decisions that are
5 made in the executive branch of the government. I
6 don't have control over that. That is all I want
7 you to know. Do you understand that?

8 THE DEFENDANT: Mr. Stone, let me speak with
9 you for a minute.

10 MR. STONE: Excuse me.

11 (Thereupon, a brief off-the-record discussion
12 was held between the Defendant and his counsel, Mr. Stone.)

13 THE COURT: Okay. Do you understand that?

14 MR. STONE: What I'm explaining to my client
15 is you will enter an order directing the State of
16 Florida to send him back to the State of
17 Mississippi in accordance with our agreement, with
18 the plea agreement.

19 THE COURT: With the agreement, that's
20 correct.

21 MR. STONE: That would be a court order
22 subject to all the sanctions of a court order.

23 THE COURT: In other words, whatever power
24 I have, I'll exercise in this court order, that
25 you be sent back to Mississippi. But once it leaves



1 here, I'm only a judge, I'm not a governor. You
2 understand that those decisions are made in the
3 executive branch of government in terms of
4 enforcement of the order. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Mr. Hancock, do you agree this
7 plea is in the best interest of the people of the
8 State of Florida?

9 MR. HANCOCK: Yes, Judge. After talking to
10 the police departments, the Fort Lauderdale Police
11 Department and the Hollywood Police Department and
12 also with the family, I feel it is in the best
13 interest of the State of Florida.

14 THE COURT: All right. The Court finds that
15 the plea is freely -- One other thing, Mr. Stewart,
16 how old are you?

17 THE DEFENDANT: Twenty-four.

18 THE COURT: How far did you get in school?

19 THE DEFENDANT: Eighth grade.

20 THE COURT: Do you read and write okay?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Are you confused in any way at
23 all about what we're doing here today? Do you
24 understand this is it? I'm going to sentence you
25 in just a minute if I accept this plea; do you

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1 understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you have any other questions
4 of Mr. Stone before I proceed?

5 THE DEFENDANT: No.

6 THE COURT: Do you waive a presentence
7 investigation, Mr. Stone?

8 MR. STONE: Yes, Your Honor.

9 THE COURT: All right. There being no reason
10 why sentence should not be imposed at this time?

11 MR. STONE: None whatsoever.

12 THE COURT: Does anybody else have anything
13 further to say?

14 MR. HANCOCK: Nothing by the State.

15 THE COURT: The Court finds that the plea
16 is freely, voluntarily, and intelligently entered;
17 the Defendant is represented by competent counsel
18 with whom he is satisfied.

19 Did I ask you that question? Have you had
20 enough time to talk this over with Mr. Stone?

21 THE DEFENDANT: Yes.

22 THE COURT: Are you satisfied with his
23 representation of you?

24 THE DEFENDANT: Yes.

25 THE COURT: The Defendant is represented by

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Ft. Lauderdale, Fl. 33304



523-6114

1 competent counsel with whom he is satisfied; he
2 understands the charges and the maximum sentence
3 that could be imposed; there is a factual basis
4 for the plea. The Court will accept the plea and
5 the Court finds the plea is in the best interest
6 of the Defendant.

7 There being no reason why sentence should
8 not be imposed at this time -- Do you understand,
9 Mr. Stewart, you're going to be adjudicated guilty?
10 I understand you've already been adjudicated guilty
11 in other cases. That makes you a convicted felon.
12 You do lose civil rights. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: To the amended charge of murder
15 in the second degree, there being no reason why
16 sentence should not be imposed, today, the Defendant
17 is hereby sentenced to the custody of the Department
18 of Corrections for a period of 50 years to run
19 concurrently with the sentence imposed by Judge
20 Coker and to run concurrently with the sentence
21 that he is currently serving in the State of
22 Mississippi. The Court will enter an order that
23 the Defendant is to be returned to the State of
24 Mississippi in accordance with the plea negotiations
25 to serve the balance of his sentence in accordance



1 with the law.

2 MR. HANCOCK: That would be perfect, Judge.

3 THE COURT: Okay.

4 MR. HANCOCK: Thank you, Judge.

5 THE COURT: The Defendant will receive credit
6 for 279 days time served.

7 MR. STONE: Thank you very much, Judge.

8 THE COURT: Okay, Mr. Stone. Thank you.

9 (Thereupon, the proceedings were ended.)

10 - - - - -



CERTIFICATE

I HEREBY CERTIFY that the foregoing, pages 1 to and including 27, is a true and correct transcription of my stenographic notes of proceedings had before the Honorable BARRY J. STONE, Presiding Judge, at the Broward County Courthouse, Fort Lauderdale, Broward County, Florida, on the 28th day of January, 1985, commencing at 9:00 o'clock a. m.

IN WITNESS WHEREOF I have hereunto affixed my hand this 18th day of February, 1985.

Jerrill L. Vogel
Court Reporter

