

**IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY,  
FLORIDA.**

**STATE OF FLORIDA,  
Plaintiff,**

**CASE NO. 05-2007-CF-48580-AXXX-XX  
FIFTH DCA CASE NO: 5D25-2623**

**v.**

**LARRY DONELL GOODMAN,  
Defendant.**

**ORDER GRANTING DEFENDANT'S AMENDED MOTION TO  
CORRECT SENTENCING ERRORS, SCHEDULING RESENTENCING  
HEARING, APPOINTING CONFLICT COUNSEL, AND ORDER TO TRANSPORT**

**THIS CAUSE** came before the Court upon the Defendant's Amended Motion to Correct Sentencing Errors, filed pursuant to Rule 3.800(b)(2), Florida Rules of Criminal Procedure, on February 3, 2026. Based upon a review of the Defendant's Motion and the official Court file, and being otherwise fully advised in the premises, the Court makes the following findings of fact and conclusions of law:

a. On March 31, 2008, after a jury trial, the Defendant was found guilty of Home Invasion Robbery. The jury found that the Defendant did not possess a firearm during the commission of the crime. (See Exhibit "A", Verdict).

b. On August 4, 2008, the Defendant was sentenced to a term of natural life in the custody of the Department of Corrections as a habitual violent felony offender. The written judgment stated that the Defendant was convicted of Home Invasion Robbery Reclassified, a life felony. (See Exhibit "B", Judgment).

c. On March 12, 2009, the Defendant was resentenced after a motion to correct sentencing error was filed. The Defendant was sentenced to 30 years in the custody of the Department of Corrections with a ten year minimum mandatory as a habitual violent felony

offender for Home Invasion Robbery no Firearm or Other Weapon, a first degree felony. (See Exhibits “C”, Amended Judgment, and “D”, Sentencing transcript, pgs. 7-8).

d. The Fifth District Court of Appeal affirmed the Defendant’s judgment and sentence with a mandate issuing on November 4, 2009. (See Exhibit “E”, Mandate).

e. On August 12, 2025, the Defendant was again resentenced after a motion to correct illegal sentence was granted in part. The Defendant was sentenced to 30 years and a day in the custody of the Department of Corrections with a 15 year minimum mandatory sentence. The written judgment again states that the Defendant was convicted of Home Invasion Robbery Reclassified, a life felony. (See Exhibit “F”, Amended Judgment).

f. The Defendant first claims that during the August 12, 2025 resentencing, the court mistakenly believed that it was required to sentence the Defendant to more than 30 years. It is clear from the sentencing transcript that the judge was aware that he had the discretion to either impose or not impose a habitual violent felony offender sentence. However, he believed that if he chose to impose a habitual violent felony offender sentence, he would be required to sentence the Defendant to more than 30 years with a 15 year minimum mandatory sentence. (See Exhibit “G”, Sentencing Transcripts, pgs. 55-61). The judge was correct that if he decided to impose a habitual violent felony offender sentence, he was required to impose a 15 year minimum mandatory sentence for a first degree felony under section 775.084(4)(b), Florida Statutes (2007). However, the habitual felony offender statute does not require the imposition of a sentence greater than the statutory maximum for the offense. Peek v. State, 143 So. 3d 1101, 1102 (Fla. 5<sup>th</sup> DCA 2014). “[W]hen imposing an HVFO sentence the trial [court] has discretion as to the length of sentence.” Lovett v. State, 773 So. 2d 574, 576 (Fla. 3d DCA 2000).

Resentencing is required where a court was mistaken as to the sentence that could be imposed under the habitual violent felony offender statute. Id. Therefore, the Defendant must be resentenced.

g. The Defendant next claims that his written sentence incorrectly lists his offense as Home Invasion Robbery Reclassified, a life felony. The Defendant is correct that this is a scrivener's error which must be corrected.

Accordingly, it is **ORDERED AND ADJUDGED:**

1. The Defendant's Amended Motion to Correct Sentencing Errors is **GRANTED**.
2. A resentencing hearing is scheduled for the 31st day of March, 2026, at 2:00 p.m. at the Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, Brevard County, Florida.
3. The Office of Regional Counsel is appointed to represent the Defendant at the hearing.
4. Once the Defendant has been resentenced, the Clerk of the Court is hereby directed to amend the Judgment and Sentence Minutes under case number 05-2007-CF-48580-XXXX-XX to reflect the Defendant's offense as Home Invasion Robbery no Firearm or Other Weapon, a first degree felony.
5. Upon receipt of this Order, the Sheriff of Brevard County, Florida, shall forthwith resume custody of and deliver **LARRY DONELL GOODMAN** (DC # E34526) to the Brevard County Jail and, further, shall present **LARRY DONELL GOODMAN** before this Court for a resentencing hearing on March 31, 2026 at 2:00 p.m.
6. The Defendant shall be brought to the Brevard County Jail Complex **no later than March 30, 2026** so the Defendant can be available for all purposes, including but not limited to the opportunity for defense counsel to meet with the Defendant to prepare for the hearing.

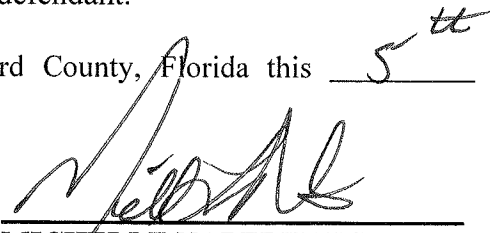
7. It is anticipated that Defendant's presence will be required for 3 days, so that the Defendant shall be held until the 1st day of April, 2026, and shall on that date be transported from the Brevard County Jail Complex to the appropriate location, including but not limited to the custody of the Department of Corrections, unless there is further order of the Court to continue the Defendant's custody by the Brevard County Sheriff.

8. That the Clerk of the Court shall prepare certified copies of this Order for immediate distribution to the Sheriff of Brevard County, Florida and conformed copies to the State Attorney's Office, the Office of Regional Counsel, and Ricky D. Dixon, Secretary to the Florida Department of Corrections, Tallahassee, Florida.

9. That **LARRY DONELL GOODMAN** be released from the custody of Ricky D. Dixon, Secretary to the Florida Department of Corrections, Tallahassee, to a duly authorized transporting agent of the Brevard County Sheriff's Department to be brought before the undersigned Circuit Judge before the date set forth above.

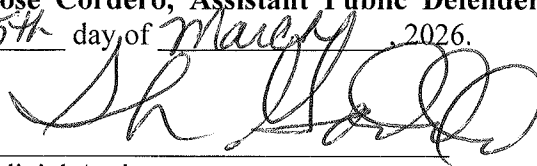
10. That the Sheriff of Brevard County, Florida, shall prior to the execution of this Order, give a minimum of twenty four (24) hours notice unto the above named institution of its intent to pick up **LARRY DONELL GOODMAN** and shall provide said institution with a certified copy of this Order at the time of resuming custody of the defendant.

**DONE AND ORDERED** in Viera, Brevard County, Florida this 5<sup>th</sup> day of March, 2026.

  
MICHELLE NABERHAUS  
CIRCUIT JUDGE

**CERTIFICATE OF SERVICE**

I do certify that copies hereof have been furnished via e-service to **Office of the State Attorney**, [BrevFelony@sa18.org](mailto:BrevFelony@sa18.org); via e-service to the **Office of the Attorney General**, [crimappdab@myfloridalegal.com](mailto:crimappdab@myfloridalegal.com); via e-service to the Office of Regional Counsel, [rccbrevard@rc5state.com](mailto:rccbrevard@rc5state.com); via e-service to **Victoria Rose Cordero, Assistant Public Defender**, Seventh Judicial Circuit, [cordero.victoria@pd7.org](mailto:cordero.victoria@pd7.org) this 5<sup>th</sup> day of March, 2026.



Judicial Assistant  
Eighteenth Judicial Circuit  
The Moore Justice Center  
2825 Judge Fran Jamieson Way  
Viera, Florida 32940-8006

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

CASE NUMBER 052007CF048580AXXX

STATE OF FLORIDA,  
Plaintiff,

vs

LARRY DONELL GOODMAN,  
Defendant

FILED IN OPEN COURT  
Date 3-31-08 Time 2:33pm  
CLERK CIRCUIT AND COUNTY COURT  
By [Signature] DC

**VERDICT**

We, the jury, find as follows, as to the defendant, in this case (check only one)

☒ A) The defendant, Larry Donell Goodman, is guilty of Home Invasion Robbery

Special Interrogatory

If you find the defendant guilty of Home Invasion Robbery, you must answer the following (check only one)

☐ 1) Beyond a reasonable doubt, the defendant, Larry Donell Goodman, actually possessed a firearm during the commission of this crime

or

☒ 2) The Defendant, Larry Donell Goodman, did not possess a firearm during the commission of this crime

☐ B) The defendant, Larry Donell Goodman, is guilty of Robbery With a Weapon

☐ C) The defendant, Larry Donell Goodman, is guilty of Robbery

☐ D) The defendant, Larry Donell Goodman, is guilty of Burglary

☐ E) The defendant, Larry Donell Goodman, is guilty of Aggravated Assault

☐ F) The defendant, Larry Donell Goodman, is guilty of Assault

☐ G) The defendant, Larry Donell Goodman, is guilty of Trespass

☐ J) The defendant, Larry Donell Goodman, is guilty of Petit Theft

☐ K) The defendant, Larry Donell Goodman, is not guilty

So say we all this 31 day of MARCH, 2008, in Titusville, Brevard County, Florida

[Signature]  
FOREPERSON

Case # 05 2007 CF 048580 AXXX XX  
Document Page # 69



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Reserved for Recording

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

☐ Probation Violator    ☐ Community Control Violator    ☐ Retrial    ☐ Resentence

STATE OF FLORIDA

Case Number 05 2007 CF 048580-AXXX XX

vs

Filed in Open Court, on August 4 2008 9 35 am

LARRY DONELL GOODMAN

V Williams Deputy Clerk

**JUDGMENT**

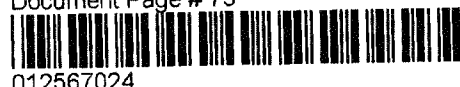
Court was opened with the Honorable LAWRENCE V JOHNSTON (2008-09) presiding, and in attendance State Attorney GREGORY KONIECZKA Trial Clerk V Williams, Court Reporter RYAN REPORTING Ancona, J The Defendant LARRY DONELL GOODMAN being personally before this Court represented by TODD DERATANY, the attorney of record and said Defendant having previously been tried and found guilty by the Court of on March 31, 2008, the following crime(s)

| OBTS Number(s) 0501162078                                          |                                    |                        |        |
|--------------------------------------------------------------------|------------------------------------|------------------------|--------|
| Count                                                              | Crime                              | Offense Statute Number | Degree |
| 1                                                                  | HOME INVASION ROBBERY RECLASSIFIED | 812 135                | FLIFE  |
| <u>X</u> the prior ADJUDICATION OF GUILT in this case is confirmed |                                    |                        |        |

DONE AND ORDERED in open court at Brevard County, Florida, on August 4, 2008

LAWRENCE V JOHNSTON (2008-09), Circuit Judge

Case # 05 2007 CF 048580 AXXX XX  
Document Page # 79



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DISTRIBUTION

ORIGINAL COURT FILE

☒ DEFENSE ATTORNEY/PD

☐ DEFENDANT

☒ STATE ATTORNEY

☐ PROBATION & PAROLE

☒ DEPT OF CORRECTIONS(2)

☒ SHERIFF

2

*Reserved for Recording*

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA

Case Number 05 2007 CF 048580-XXXX XX

vs

OBTS Number(s) 0501162078

LARRY DONELL GOODMAN

**SENTENCE**

The Defendant LARRY DONELL GOODMAN being personally before this Court accompanied by the Defendant's attorney of record TODD DERATANY and herein and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence and to show cause why the Defendant should not be sentenced as provided by law and no cause being shown

**It is the sentence of the Court that**

**(as to Count 1)**

X The Defendant is hereby committed to the custody of the Department of Corrections

**To be imprisoned (Check one, unmarked sections are inapplicable)**

X For a term of natural life

3

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA

Case Number 05 2007-CF 048580-XXXX-XX

vs

OBTS Number(s) 0501162078

LARRY DONELL GOODMAN

**SPECIAL PROVISIONS**

By appropriate notation the following provisions apply to the sentence imposed

(as to Count 1)

**Other Provisions**

**Original Jail Credit**

X

It is further ordered that the defendant be allowed a total of 418 days as credit for time incarcerated before imposition of this sentence

4/4

**CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA

Case Number 05 2007-CF 048580-XXXX-XX

vs

LARRY DONELL GOODMAN

**SIGNATURE PAGE**

In the event the above sentence is to the Department of Corrections, the Sheriff of Brevard County Florida, is hereby ordered and directed to deliver the Defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute

The Defendant was advised in open court of the right to appeal from this sentence by filing a notice of appeal within thirty (30) days from this date with the clerk of this court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency

In imposing the above sentence, the Court further recommends

*(Items marked with \*(COP) \*(COCC) and \*(COS) are Conditions of Probation Community Control and Condition of Suspension)*

(as to Count 1)

**General**

COURT APPOINTED PD FOR APPEAL PURPOSES

THIS CASE IS FOR SENTENCING ONLY JURY TRIAL WAS PREVIOUSLY HELD ON 03-31 08

**Special Provisions**

Def Adj Hbtul Violent Fel Off

DONE AND ORDERED at Brevard County, Florida on August 4, 2008

\_\_\_\_\_  
LAWRENCE V JOHNSTON (2008-09) Circuit Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U S Mail / hand delivery to TODD DERATANY 107 S RIVERSIDE PL INDIALANTIC, FL 32903 4259 on 8-4-08

\_\_\_\_\_  
Deputy Clerk

I acknowledge receipt of a certified copy of this Order and the conditions have been explained to me I will immediately report to the Probation and Parole Office for further instructions

\_\_\_\_\_  
Date\_\_\_\_\_  
Probationer/Community Controllee

INSTRUCTED BY \_\_\_\_\_

e-recording

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Reserved for Recording

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

☐ Probation Violator    ☐ Community Control Violator    ☐ Retrial    ☒ Resentence

STATE OF FLORIDA

Case Number 05-2007-CF-048580-AXXX-XX

vs

Filed in Open Court, on March 12, 2009 2 27 pm

LARRY D GOODMAN

E Williams, Deputy Clerk

**JUDGMENT**

Court was opened with the Honorable LAWRENCE V JOHNSTON (2008-09) presiding, and in attendance State Attorney GREGORY J KONIECZKA, Trial Clerk E Williams, Court Reporter RYAN REPORTING SCHOLLENBARGER, K The Defendant, LARRY D GOODMAN, being personally before this Court represented by TODD DERATANY, the attorney of record, and said Defendant having the following crime(s)

| OBTS Number(s) 0501162078           |                                                                                                                                                                                                                |                        |        |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------|
| Count                               | Crime                                                                                                                                                                                                          | Offense Statute Number | Degree |
| 1                                   | (LJO) HOME INVASION ROBBERY NO FIREARM OR OTHER WEAPON                                                                                                                                                         | 812 135(2c)            | FI     |
| <input checked="" type="checkbox"/> | and no cause being shown why the Defendant should not be adjudicated guilty, it is ordered that the Defendant is hereby ADJUDICATED GUILTY of the above crime(s)                                               |                        |        |
| <input checked="" type="checkbox"/> | And having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, the defendant shall be required to submit blood or other biological specimens |                        |        |

DONE AND ORDERED in open court at Brevard County, Florida, on March 12, 2009

LAWRENCE V JOHNSTON (2008-09), Circuit Judge

Case # 05-2007-CF-048580-AXXX-XX  
Document Page # 123



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DISTRIBUTION    ORIGINAL-COURT FILE    ☐ DEFENDANT    ☐ PROBATION & PAROLE    ☐ SHERIFF  
☐ DEFENSE ATTORNEY/PD    ☐ STATE ATTORNEY    ☐ DEPT OF CORRECTIONS(2)

Filing 243129194

STATE OF FLORIDA v. LARRY D GOODMAN

05-2007-CF-048580-AXXX-XX

1237

BAR CODE LABEL

RESERVED FOR RECORDING

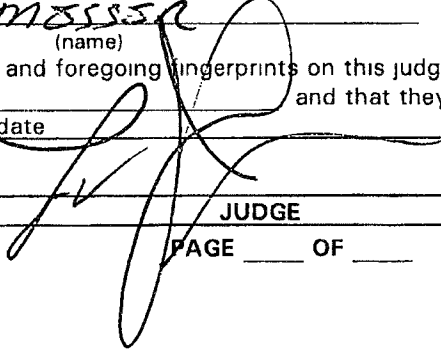
PTY D 1  
Event Code 5637

|                                                                                                                                                                                         |                                                            |                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT<br>BREVARD COUNTY FLORIDA<br><input type="checkbox"/> IN THE COUNTY COURT, BREVARD COUNTY FLORIDA |                                                            | CASE NUMBER<br>05 <u>2007 CF-04850</u> AXXX XX                                              |
| DIVISION<br><input type="checkbox"/> CIVIL<br><input checked="" type="checkbox"/> CRIMINAL<br><input type="checkbox"/> TRAFFIC                                                          | FINGERPRINTS OF DEFENDANT<br>OBTS NUMBER <u>0501152078</u> | FILED IN OPEN COURT<br>This <u>12</u> day of <u>March</u><br>20 <u>09</u> at <u>2 27</u> PM |
| PLAINTIFF<br><br>STATE OF FLORIDA<br>vs<br><br><u>LARRY Donell Goodman</u>                                                                                                              |                                                            | CLERK OF COURTS<br>BY <u>E Williams</u> DC                                                  |

|                                                                                     |                                                                                     |                                                                                     |                                                                                       |                                                                                       |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1 R Thumb                                                                           | 2 R Index                                                                           | 3 R Middle                                                                          | 4 R Ring                                                                              | 5 R Little                                                                            |
|  |  |  |   |  |
| 6 L Thumb                                                                           | 7 L Index                                                                           | 8 L Middle                                                                          | 9 L Ring                                                                              | 10 L Little                                                                           |
|  |  |  |  |  |

Fingerprints taken by RAY MESSER (name) DEPUTY #396 (title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, \_\_\_\_\_ and that they were placed thereon by the defendant in my presence in open court this date \_\_\_\_\_

|                                               |                                                                                               |                          |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------|
| DONE AND ORDERED<br>BREVARD COUNTY<br>FLORIDA | <br>JUDGE | DATE<br><u>3 12 2009</u> |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------|

LAW 148  
Rev 12/2006

PAGE \_\_\_\_ OF \_\_\_\_

*Reserved for Recording*

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA  
vs  
LARRY D GOODMAN

Case Number 05-2007-CF-048580-XXXX-XX  
OBTS Number(s) 0501162078

**SENTENCE**

The Defendant, LARRY D GOODMAN, being personally before this Court, accompanied by the Defendant's attorney of record, TODD DERATANY, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the Defendant should not be sentenced as provided by law, and no cause being shown

**It is the sentence of the Court that**

**(as to Count 1)**

- X and the Court having previously entered a judgment in this case on August 4, 2008, now resentsences the Defendant
- X The Defendant is hereby committed to the custody of the Department of Corrections
- X And having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, the defendant shall be required to submit blood or other biological specimens

**To be imprisoned (Check one, unmarked sections are inapplicable)**

- X For a term of thirty (30) years

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA  
vs  
LARRY D GOODMAN

Case Number 05-2007-CF-048580-XXXX-XX  
OBTS Number(s) 0501162078

**SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed

(as to Count 1)

**Other Provisions**

|                             |          |                                                                                                                                            |
|-----------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Original Jail Credit</b> | <u>X</u> | It is further ordered that the defendant be allowed a total of 418 days as credit for time incarcerated before imposition of this sentence |
| <b>DOC Credit</b>           | <u>X</u> | The defendant is to receive credit for any time previously served in the Department of Corrections as to this case                         |
| <b>Related Sentences</b>    | <u>X</u> | Sentence shall run concurrent with any active sentence                                                                                     |

5/5

**CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA

Case Number 05-2007-CF-048580-XXXX-XX

vs

LARRY D GOODMAN

**SIGNATURE PAGE**

In the event the above sentence is to the Department of Corrections, the Sheriff of Brevard County, Florida, is hereby ordered and directed to deliver the Defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute

The Defendant was advised in open court of the right to appeal from this sentence by filing a notice of appeal within thirty (30) days from this date with the clerk of this court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency

In imposing the above sentence, the Court further recommends

*(Items marked with \*(COP) \*(COC) and \*(COS) are Conditions of Probation Community Control and Condition of Suspension)*

(as to Count 1)

**General**

THE COURT HEREBY VACATES IT'S PREVIOUS SENTENCE (8-4-08) DEFENDANT RESENTENCED  
Court granted motion to correct sentence

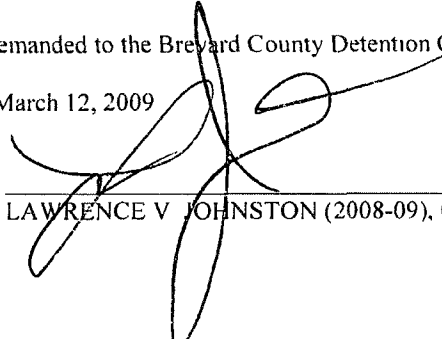
DEFENDANT PREVIOUSLY FOUND GUILTY BY JURY ON MARCH 31, 2008 OF HOME INVASION  
ROBBERY NO FIREARM OR OTHER WEAPON (FS 812 135 2 C)

**Special Provisions**

Def Adj Hbtul Violent Fel Off

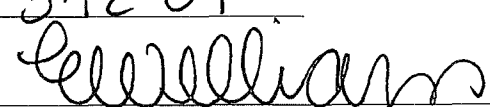
THE COURT HEREBY ORDERS THE DEFENDANT remanded to the Brevard County Detention Center

DONE AND ORDERED at Brevard County, Florida, on March 12, 2009

  
\_\_\_\_\_  
LAWRENCE V. JOHNSTON (2008-09), Circuit Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail / hand delivery to TODD DERATANY,  
503 5TH AVE STE 105, INDIALANTIC, FL 32903-4275 on 3.12.09

  
\_\_\_\_\_  
Deputy Clerk

I acknowledge receipt of a certified copy of this Order, and the conditions have been explained to me I will immediately report to the Probation and Parole Office for further instructions

\_\_\_\_\_  
Date

\_\_\_\_\_  
Probationer/Community Controllee

INSTRUCTED BY \_\_\_\_\_



014199947

March 12, 2009

C O INCLUDED

State of Florida v Larry Donell Goodman

Page 1/9

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

Case No 05-2007-CF-48580

LARRY D GOODMAN,  
Defendant/Appellant,

ORIGINAL

vs

STATE OF FLORIDA,  
Plaintiff/Appellee

TRANSCRIPT OF PROCEEDINGS  
SENTENCING

FILED  
CLERK OF CIR  
BREVARD CO FL

2009 JUN 16 A 9 49

SCOTT ELLIS

DATE TAKEN  
TIME  
PLACE

March 12, 2009  
2 44 p m  
Brevard County Courthouse  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940

BEFORE

LAWRENCE V JOHNSTON, III  
Circuit Court Judge

This cause came on to be heard at the time and place  
aforesaid, when and where the following proceedings were  
reported by

KIM KAY SHOLLENBARGER  
RYAN REPORTING  
REGISTERED PROFESSIONAL REPORTERS

1670 S FISKE BLVD  
ROCKLEDGE, FLORIDA 32955  
(321) 636-4450  
FAX (321) 633-0972

100 RIALTO PLACE, SUITE 700  
MELBOURNE, FLORIDA 32901  
(321) 723-8538  
FAX (321) 725-6315

Ryan Reporting

8edddc1e 4a36 4fc4 a68d 4a1af0a2e5cf

A P P E A R A N C E S

For the Defendant/Appellant

DERATANY, GOLDFARB, RIEHL & REID  
ATTORNEYS AT LAW

503 5th Avenue, Suite 105  
Indialantic, Florida 32903

BY TODD C DERATANY, ESQUIRE  
Attorney at Law

For the Plaintiff/Appellee

NORMAN R WOLFINGER, ESQUIRE  
STATE ATTORNEY

2725 Judge Fran Jamieson Way, Bldg D  
Viera, Florida 32940

BY GREGORY J KONIECZKA, ESQUIRE  
Assistant State Attorney

Reporter's Certificate

9

1 believe that because he does have a prior -- he qualifies  
2 as a habitual violent felony offender only because -- he  
3 only has one prior, it just so happens that prior is a  
4 robbery charge So when you take into consideration the  
5 fact that while he does only have one prior offense,  
6 which he didn't go to prison for, all he got was  
7 probation, which he successfully completed, it's still,  
8 at 30 years, despite the great trauma that the victim  
9 went through in this case, it still seems a tad steep  
10 And of course I respect whatever the Court does, but I  
11 would request that the Court sentence Mr Goodman to ten  
12 years in prison I'm sorry, yes, ten years in prison,  
13 the minimum mandatory for HVFO

14 THE COURT Mr Goodman, is there anything  
15 you want to share with me before I impose sentence?

16 A No, sir

17 THE COURT There's no legal reason why  
18 sentence should not be imposed?

19 MR DERATANY No

20 THE COURT I would propose and adjudicate  
21 him guilty of the offense, sentence him to 30 years in  
22 the Department of Corrections with credit for any time  
23 served, as a violent habitual felony offender with a 10  
24 year mandatory minimum sentence concurrent within that 30  
25 years Incorporate the previously signed orders with

1 respect to this particular case into this final judgment  
2 Anything else I need to articulate?

3 MR KONIECZKA No, Judge, I think that  
4 covers it

5 THE COURT You have 30 days to appeal my  
6 judgment and sentence I will appoint the Public  
7 Defender's office to represent you for purposes of the  
8 appeal, not only on this sentence, but also on the  
9 continuing appeal that you have on the trial itself

10 MR DERATANY Yes, I'm not going to be  
11 filing a new Notice of Appeal, I think we got leave to  
12 file

13 THE COURT Right

14 MR KONIECZKA The original appeal is  
15 still pending

16 MR DERATANY Very good  
17 (End of proceedings at 2 51)

18

19

20

21

22

23

24

25

112

# M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

## FIFTH DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL OR BY PETITION, AND AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION OR DECISION,

YOU ARE HEREBY COMMANDED THAT FURTHER PROCEEDINGS AS MAY BE REQUIRED BE HAD IN SAID CAUSE IN ACCORDANCE WITH THE RULING OF THIS COURT ATTACHED HERE TO AND INCORPORATED AS PART OF THIS ORDER, AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA

WITNESS THE HONORABLE DAVID A MONACO, CHIEF JUDGE  
OF THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FIFTH DISTRICT,  
AND THE SEAL OF THE SAID COURT AT DAYTONA BEACH, FLORIDA ON THIS DAY

DATE November 4, 2009

FIFTH DCA CASE NO 5D08-2839

COUNTY OF ORIGIN Brevard

TRIAL COURT CASE NO 05-2007-CF-48580-A

Case # 05-2007-CF-048580-AXXX-XX

Document Page # 146



014963903



*Susan Wright*  
SUSAN WRIGHT  
CLERK

212

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT  
JULY TERM 2009

NOT FINAL UNTIL THE TIME EXPIRES  
TO FILE A MOTION FOR REVISION, AND,  
IF FILED, DISPOSED OF.

LARRY DONELL GOODMAN,

Appellant,

v

Case No 5D08-2839

STATE OF FLORIDA,

Appellee

---

Decision filed October 13, 2009

Appeal from the Circuit Court  
for Brevard County,  
Lawrence V Johnston, Senior Judge

James S Purdy, Public Defender, and  
Nancy Ryan, Assistant Public Defender,  
Daytona Beach, for Appellant

Larry D Goodman, DeFuniak Springs,  
Pro Se

Bill McCollum, Attorney General,  
Tallahassee, and L Charlene Matthews,  
Assistant Attorney General, Daytona  
Beach, for Appellee

PER CURIAM

AFFIRMED

MONACO, C J , ORFINGER and EVANDER, JJ , concur

Reserved for Recording

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA

\_\_\_\_ Probation Violator      \_\_\_\_ Community Control Violator      \_\_\_\_ Retrial      XX Resentence

STATE OF FLORIDA

Case Number: 05-2007-CF-048580-XXXX-XX

vs.

Filed in Open Court on August 12, 2025 3:24 pm.

LARRY D. GOODMAN

K. Lester, Deputy Clerk



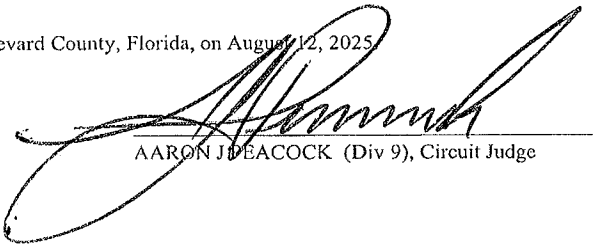
40095462

JUDGMENT

Court was opened with the Honorable AARON J PEACOCK (Div 9) presiding, and in attendance: State Attorney: CO STATE BREVARD ATTORNEY; Trial Clerk K. Lester. The Defendant, LARRY D. GOODMAN, and said Defendant having the following crime(s):

| OBTS Number(s): 0501162078                                                                                                                                                 |                                    |                        |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------|--------|
| Count                                                                                                                                                                      | Crime                              | Offense Statute Number | Degree |
| 1                                                                                                                                                                          | HOME INVASION ROBBERY RECLASSIFIED | 812.135.               | FLIFE  |
| <u>X</u> and no cause being shown why the Defendant should not be adjudicated guilty, it is ordered that the Defendant is hereby ADJUDICATED GUILTY of the above crime(s). |                                    |                        |        |

DONE AND ORDERED in open court at Brevard County, Florida, on August 12, 2025



AARON J PEACOCK (Div 9), Circuit Judge

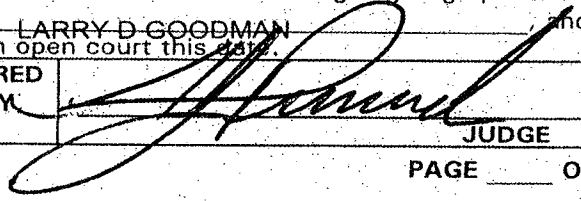
PTY: D-1  
Event Code 5637

|                                                                                                                                                                                            |  |                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT,<br>BREVARD COUNTY, FLORIDA<br><input type="checkbox"/> IN THE COUNTY COURT, BREVARD COUNTY, FLORIDA |  | <b>CASE NUMBER</b><br><b>05-2007-CF-048580-AXXX-XX</b>                                                                             |
| <b>FINGERPRINTS OF DEFENDANT</b><br><br><b>OBTS NUMBER</b> _____                                                                                                                           |  | <b>FILED IN OPEN COURT</b><br><br>This _____ day of _____,<br>20____, at _____ M.<br><br><b>CLERK OF COURTS</b><br><br>BY _____ DC |
| <b>PLAINTIFF</b><br><br><b>STATE OF FLORIDA</b><br>vs                                                                                                                                      |  |                                                                                                                                    |
| <b>LARRY D GOODMAN</b>                                                                                                                                                                     |  |                                                                                                                                    |

|                                                                                     |                                                                                     |                                                                                     |                                                                                      |                                                                                       |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. R. Thumb                                                                         | 2. R. Index                                                                         | 3. R. Middle                                                                        | 4. R. Ring                                                                           | 5. R. Little                                                                          |
|   |   |   |   |   |
| 6. L. Thumb                                                                         | 7. L. Index                                                                         | 8. L. Middle                                                                        | 9. L. Ring                                                                           | 10. L. Little                                                                         |
|  |  |  |  |  |

Fingerprints taken by: Adam 5560 (name) Deputy (title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, LARRY D GOODMAN, and that they were placed thereon by the defendant in my presence in open court this 08/12 day of 2025.

|                                                                    |                                                                                                     |                                  |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------|
| <b>DONE AND ORDERED</b><br><b>BREVARD COUNTY</b><br><b>FLORIDA</b> | <br><b>JUDGE</b> | <b>DATE</b><br><b>08-12-2025</b> |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------|

LAW 148  
Rev. 07/2008

PAGE \_\_\_\_ OF \_\_\_\_

BAR CODE LABEL

*Reserved for Recording*

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA

Case Number: 05-2007-CF-048580-XXXX-XX

vs.

OBTS Number(s): 0501162078

LARRY D. GOODMAN

**SENTENCE**

The Defendant, LARRY D. GOODMAN, having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the Defendant should not be sentenced as provided by law, and no cause being shown

**It is the sentence of the Court that:**

(as to Count 1)

X and the Court having previously entered a judgment in this case on August 4, 2008, now resentsences the Defendant

X The Defendant is hereby committed to the custody of the Department of Corrections.

**To be imprisoned (Check one; unmarked sections are inapplicable):**

X For a term of thirty (30) years, one (1) day.

Printed: 8/12/2025 3:33:09PM

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA

Case Number: 05-2007-CF-048580-XXXX-XX

vs.

OBTS Number(s): 0501162078

LARRY D. GOODMAN

**SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed:

(as to Count 1)

|                                 |          |                                                                                                                                                                                                                                                                                               |
|---------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Habitual Felony Offender</b> | <u>X</u> | The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of Section 775.084(4)(a), Florida Statutes. The requisite findings by the Court are set forth in a separate order or stated on the record in open court. |
|---------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Other Provisions:**

|                             |          |                                                                                                                                            |
|-----------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Original Jail Credit</b> | <u>X</u> | It is further ordered that the defendant be allowed a total of 60 days as credit for time incarcerated before imposition of this sentence. |
|-----------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------|

|                   |          |                                                                                                                     |
|-------------------|----------|---------------------------------------------------------------------------------------------------------------------|
| <b>DOC Credit</b> | <u>X</u> | The defendant is to receive credit for any time previously served in the Department of Corrections as to this case. |
|-------------------|----------|---------------------------------------------------------------------------------------------------------------------|

**CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA

Case Number: 05-2007-CF-048580-XXXX-XX

vs.

LARRY D. GOODMAN

**SIGNATURE PAGE**

In the event the above sentence is to the Department of Corrections, the Sheriff of Brevard County, Florida, is hereby ordered and directed to deliver the Defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The Defendant was advised in open court of the right to appeal from this sentence by filing a notice of appeal within thirty (30) days from this date with the clerk of this court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the Court further recommends:

*(Items marked with \*(COP), \*(COCC), and \*(COS) are Conditions of Probation, Community Control, and Condition of Suspension)*

(as to Count 1)

**General**

ALL PREVIOUSLY ASSESSED FINANCIALS ARE TO REMAIN AS PREVIOUSLY ORDERED

**Confinement**

DEFENDANT IS TO SERVE MINIMUM MANDATORY SENTENCE OF 15 YEARS

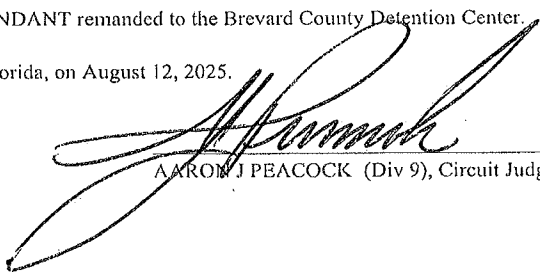
DEFENDANT IS TO RECEIVE ALL PREVIOUS DOC CREDIT TIME SERVED AND ANY CREDIT TIME SERVED IN THE BREVARD COUNTY JAIL

**Special Provisions**

Defendant is adjudicated a habitual felony offender and has been sentenced to an extended term pursuant to s. 775.084(4)(a), F.S.

THE COURT HEREBY ORDERS THE DEFENDANT remanded to the Brevard County Detention Center.

DONE AND ORDERED at Brevard County, Florida, on August 12, 2025.

  
AARON J. PEACOCK (Div 9), Circuit Judge

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO: 05-2007-CF-04880-AXXX-XX

LARRY D. GOODMAN,

Defendant.

\_\_\_\_\_/

TRANSCRIPT OF DIGITALLY  
RECORDED HEARING

The Transcript of the Digitally Recorded  
Proceedings taken in the above-styled case,  
at the Moore Justice Center, 2825 Judge  
Fran Jamieson Way, Viera, Florida, on the  
12th day of August, 2025, before the  
HONORABLE AARON J. PEACOCK.

1

2

3 APPEARANCES:

4

For the Plaintiff:

5

TIFFANY MARIE COLON, ESQ.  
Assistant State Attorney  
Office of the State Attorney  
2725 Judge Fran Jamieson Way  
Building D  
Viera, Florida 32940

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9 For the Defendant:

Pro se

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INDEX

Proceedings 4

EXHIBIT INDEX

State's Exhibit Number One 46  
received in evidence:  
(Information)

State's Exhibit Number Two 46  
received in evidence:  
(Notice of Intent)

...oOo...

1 THE COURT: The Court, meaning the prior Court?

2 MS. COLON: Correct. That, that -- and that went  
3 on appeal. That they found that, you know, that is a --  
4 that is valid, he is HVFO. And per the Statute, it is  
5 for a first degree felony or a life felony. It is life  
6 with a fifteen year min man.

7 THE COURT: Yeah. Do you have any cases that -- I  
8 mean, I don't even know if there are. Is there a case  
9 that says that a Court --

10 MS. COLON: Can increase?

11 THE COURT: -- can do that? Yeah, can increase  
12 the sentence?

13 MS. COLON: I haven't looked at that, specifically,  
14 so I don't know.

15 THE COURT: I mean, to make it a legal sentence,  
16 you have to increase it.

17 MS. COLON: Correct.

18 THE COURT: On some level.

19 MS. COLON: Correct. Because the minimum mandatory  
20 is fifteen, not ten.

21 THE COURT: Right.

22 MS. COLON: So at some point he was going to get an  
23 increased sentence. At least for the minimum mandatory,  
24 I think he is probably even more than -- or I am not  
25 going to do math on the fly. I am not as good as

1 Mr. Doyle. But at some point it was going to get  
2 increased, because that was not correct. It wasn't a ten  
3 year minimum mandatory, it was a fifteen year minimum.

4 THE COURT: When Johnston sentenced him to life,  
5 was that discretionary at all? Meaning if, if he was  
6 found guilty of possession of a firearm, actual  
7 possession of a firearm, so the robbery was, would be  
8 reclassified as actual possession of a firearm, and HVFO,  
9 at, at that point, is it a mandatory?

10 MS. COLON: So I only, like the Court, I'm sure,  
11 knows and has, had at is disposal, too, I only have the  
12 transcripts.

13 THE COURT: Yeah.

14 MS. COLON: And so the transcripts, he just says  
15 that, yes, he is HVFO, and he is going to sentence him to  
16 life. I don't even think that there, if I remember  
17 correctly, there was mention about correctly, there was  
18 mention about any sort of minimum mandatory, as part of  
19 the sentencing the first time around. It was just life  
20 in prison.

21 And then it wasn't until the second sentencing  
22 where they started discussing the minimum mandatories.  
23 At least that is what I remember. I can pull it up, but  
24 I know I have gone through it and read it, and I just  
25 remember seeing in the first one in 2008, he was

1 sentenced to life in prison.

2 THE COURT: Oh, maybe I am thinking PRR. I mean,  
3 we just did one, right?

4 MS. COLON: Right.

5 THE COURT: We just had a robbery, but that person  
6 was PRR.

7 MS. COLON: Correct.

8 THE COURT: Robbery with a firearm, and PRR means  
9 you go for life.

10 MS. COLON: Correct. That is mandatory life. Here  
11 the maximum is life, with a fifteen year min man.

12 THE COURT: Right. All right. Anything else?

13 MS. COLON: No, Your Honor.

14 THE COURT: Yes, sir.

15 THE DEFENDANT: As you just mentioned, my original  
16 sentence, they gave me life. My offense on all those  
17 papers that you just pulled out and put in evidence, my  
18 charging information says F dash life. So you wouldn't  
19 have been able to give me the enhancements for a life  
20 felony, because it was life. But to give the ten,  
21 twenty, life, and the habitual violent felony offender  
22 was illegal at the same time, because they have to offset  
23 each other. They can't be the same penalty. And they  
24 did give me the ten mandatory when they gave me a natural  
25 life the first time. And once I began serving a legal

1 sentence, I cannot be increased without double jeopardy,  
2 like you identified.

3 That is, when we had the status hearing, that is  
4 what those cases stated in the rehearing. There was  
5 multiple cases on there that identified this cannot  
6 happen without like JQC implications, because --

7 THE COURT: JQC?

8 THE DEFENDANT: JQC. No, because any attempt to  
9 increase a sentence after somebody already started  
10 raising, or serving it, is unlawful. It is  
11 unconstitutional, and it is illegal.

12 However, apparently this is what you are going to  
13 do. Or that is what she is asking for. So I just  
14 wanted to put on the record I object to it, and notify  
15 the laws and rules and Constitutional violations of it,  
16 so you can make a willful decision.

17 THE COURT: How do you, how do you, like I said, to  
18 Ms. Colon, though, how do you, to make your illegal  
19 sentence legal, I have -- well, I don't have to increase  
20 it.

21 THE DEFENDANT: You have discretion.

22 THE COURT: I could use my discretion.

23 THE DEFENDANT: Yes. You could take off the --

24 THE COURT: If I don't use my discretion, you have  
25 to be sentenced to fifteen years, which is more than the

1 ten years.

2 THE DEFENDANT: If you don't use what you should  
3 use, then you could just literally take off the habitual  
4 and leave it at thirty years. That would negate the  
5 fifteen, ten problem, and I still got the same amount of  
6 years left in prison.

7 THE COURT: I could do that.

8 THE DEFENDANT: Exactly.

9 THE COURT: But you are saying if, you are saying  
10 that is basically my only option.

11 THE DEFENDANT: No, you can let me go home. That  
12 is more options. You can always think down, instead of  
13 trying to put me back in prison.

14 THE COURT: Yeah, but I could go to life.

15 THE DEFENDANT: I know, but I would win on appeal,  
16 sir. We know this already. Why do we have to go through  
17 these extra steps?

18 THE COURT: That is what I am saying to you. I  
19 don't believe that you would win on appeal. You asked  
20 for a new sentencing.

21 THE DEFENDANT: I understand.

22 THE COURT: I am giving you a new sentencing. And  
23 the ramifications of a new sentencing is that the  
24 habitual violent felony offender calls for something more  
25 than thirty years, and a fifteen year minimum mandatory.

1 THE DEFENDANT: The habitual also calls for you  
2 having a jury in here, but we ain't doing that either.

3 THE COURT: No, it does not call --

4 THE DEFENDANT: Please.

5 THE COURT: Okay. I am ready to impose sentence.

6 Sir, I am going to find that you, based on the  
7 findings are a habitual violent felony offender. The  
8 record is very clear that we did not have a hearing  
9 today, based on the rulings that I made and the notices  
10 in the file and the previous findings for the separate  
11 hearing, finding you an habitual violent felony offender.

12 As for this de novo sentencing, I am going to  
13 sentence you to -- I am not going to exercise my  
14 discretion. I am seeing no reason to do that. I have  
15 reviewed the transcripts. I have seen and heard from, or  
16 I have read victim impact statements. I have read the  
17 prior, the judge that heard the trials. It sounds like  
18 both trials. I am not going to exercise my discretion.

19 I am going to sentence you as an habitual violent  
20 felony offender. The sentence is thirty years and a day,  
21 with a fifteen year minimum mandatory. That makes that  
22 a legal habitual violent felony offender sentence.  
23 Something over thirty years, with the fifteen year  
24 minimum mandatory.

25 All other all, all the costs that were previously

1 ordered should be ordered.

2 MADAM CLERK: (Indiscernible).

3 THE COURT: Okay. They are telling me all the  
4 costs were placed into a civil lien, so they will remain  
5 in as a civil lien.

6 Oh, wait a minute. What about a Scoresheet?

7 MS. COLON: I have one printed, Your Honor.

8 THE COURT: Okay.

9 MS. COLON: I wasn't sure. I figured, because he  
10 is being resentenced, we might need one for today.  
11 Obviously, nothing has changed on the Scoresheet, but it  
12 just has today's date, since he is being resentenced. So  
13 I do have a copy for the Court.

14 And I wasn't sure if the Court needed another  
15 order about the HVFO, but I printed that out, just in  
16 case.

17 THE COURT: No, I don't want to confuse that.

18 MS. COLON: Okay.

19 THE COURT: Because I, the decision is that --

20 MS. COLON: Right.

21 THE COURT: -- I am not doing that, or I am not  
22 making the finding myself. Another judge has done that.

23 Can you show him? I do plan on entering a  
24 Scoresheet, because I think it is probably --

25 MS. COLON: Yes, sir.