

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

STATE OF FLORIDA

Case Number: 05-2018-CF-038652-AXXX-XX

vs.

Filed in Open Court on December 17, 2019 4:17 pm.  
M. Levsen, Deputy Clerk

MARKICE LUVERN HARVEY

Participant ID 3560899



31407877

COURT MINUTES – JURY TRIAL

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Judge: ROBIN C LEMONIDIS  
State Attorney: WILLIAM G RESPESS  
Defense Attorney: CHRISTOPHER BERES  
Dig. Rec. Unit #: V4C VIERA CTRM 4C  
Dig. Rec. Time: 16:17:03  
Arrest Data: 08/07/2018 201800278349  
08/28/2018 4802609 201800305999

Disposition Date: 12/17/2019

Count: 1	782..04.(1a1)	FIRST DEGREE PREMEDITATED MURDER WITH FIREARM	F-CAP
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CASE ACTIVITY

Presence

The Defendant was present.

Plea

The Defendant has waived a Pre-Sentence Investigation.

Verdict/Disposition

Jury Trial held.

Count 1: The Defendant was tried by Jury, and was found Guilty of the charge as entered.

The Defendant was adjudicated guilty.

The Defendant has been fingerprinted.

GENERAL ORDERS/REMARKS

COURT FINDS DEFENDANT IS INDIGENT FOR PURPOSES OF APPEAL

SENTENCE

Jail (Items marked with \*(COS) are Conditions of Suspension)

You are ordered to serve life imprisonment in the Department of Corrections.

Credit for 498 days time served.

The defendant is remanded to custody.

**Fines/Court Costs/Fees** *(Items marked with \*COP, \*COCC, or \*COS are Conditions of Probation, Community Control, or Suspension)*

The Defendant is hereby ordered to pay the following amounts:

<u>Count</u>	<u>Amount</u>	<u>Description</u>	<u>Due Date</u>
1	\$451.00	Court Costs	
1	\$50.00	Public Defender Application Fee	
<b>Subtotal:</b>		<b>\$501.00</b>	
Total for all counts above:		\$501.00	<i>See Order for Fines / Costs / Fees for additional information.</i>

**Restitution**

You are ordered to pay \$5,300.00 to KAY BROWN, c/o (SURVIVER FOR DIMITRIC BAILEY), 861 GENA ROAD SW, PALM BAY, FL 32908, which shall be paid jointly and severally with any co-defendants, to-wit: XAVIAR DEON TURNER 2018-CF-38652-CXXX-XX.

Restitution shall be payable through the Clerk of the Circuit Court; with an additional \$3.50 fee for each payment.

Restitution is reduced to a civil judgment for which sum let execution issue.

**Related Sentences**

Confinement shall run concurrent with any active sentence and all counts in this Judgment.

<b>Count: 2</b>	<b>782..04.(1a3)</b>	<b>FIRST DEGREE FELONY MURDER</b>	<b>F-CAP</b>
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**CASE ACTIVITY**

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**Presence**

The Defendant was present.

**Verdict**

Jury Trial held.

Count 2: The Defendant was tried by Jury, and was found Guilty of the charge as entered.

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**GENERAL ORDERS/REMARKS**

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COUNT 2: COURT DISMISSED THIS COUNT AS A RESULT OF A CONVICTION OF COUNT 1

<b>Count: 3</b>	<b>812..13.(2a)</b>	<b>ROBBERY W FIREARM INFLICT GREAT BODY HARM OR DEATH</b>	<b>F-1-PBL</b>
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**CASE ACTIVITY**

**Presence**

The Defendant was present.

**Plea**

The Defendant has waived a Pre-Sentence Investigation.

**Verdict/Disposition**

Jury Trial held.

Count 3: The Defendant was tried by Jury, and was found Guilty of the charge as entered.

The Defendant was adjudicated guilty.

The Defendant has been fingerprinted.

**GENERAL ORDERS/REMARKS**

COURT FINDS DEFENDANT INDIGENT FOR PURPOSES OF APPEAL

**SENTENCE**

**Jail** *(Items marked with \*(COS) are Conditions of Suspension)*

You are ordered to serve life imprisonment in the Department of Corrections.

Credit for 498 days time served.

With the following minimum mandatory provisions imposed:

- It is further ordered that the defendant shall serve no less than 25 years imprisonment pursuant to Section 775.087(2)(a)3, Florida Statutes, for the sentence specified in this count. The defendant is not eligible for statutory gain-time under Section 944.275, Florida Statutes, or any form of discretionary early release.

The defendant is remanded to custody.

**Fines/Court Costs/Fees** *(Items marked with \*COP, \*COCC, or \*COS are Conditions of Probation, Community Control, or Suspension)*

The Defendant is hereby ordered to pay the following amounts:

<u>Count</u>	<u>Amount</u>	<u>Description</u>	<u>Due Date</u>
3	\$73.00	Court Costs	
Subtotal:		\$73.00	

Total for all counts above: \$73.00 *See Order for Fines / Costs / Fees for additional information.*

**Related Sentences**

Confinement shall run concurrent with any active sentence and all counts in this Judgment.

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.