

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA

STATE OF FLORIDA,

vs.

Case No.: CF-2012-1225

JAMES MICHAEL RHEA,
Defendant.

**ORDER DISMISSING DEFENDANT'S AMENDED MOTION FOR
POSTCONVICTION RELIEF**

THIS CAUSE comes before the Court on the Defendant's Amended Motion for Postconviction Relief, pursuant to Florida Rule of Criminal Procedure 3.850, filed on, or about, November 28, 2016. This Court, having reviewed the file, the Motion, the State's response, and being otherwise fully advised in the premises hereby finds as follows:

The Defendant was charged by information, on July 16, 2012, with principal to robbery with a firearm. The charge was amended on June 24, 2013 to principal to robbery with a firearm - possession/discharge. On June 26, 2013, the Defendant was found guilty by a jury of principal to robbery with a firearm; however, the jury found that the Defendant did not possess a firearm. On August 1, 2013, the Defendant was sentenced to twenty-five (25) years in the Department of Corrections.

On August 21, 2013, the Defendant filed a notice of appeal. On January 9, 2015, the Fifth District Court of Appeal issued a mandate affirming the Defendant's conviction and sentence *per curiam*.

The Defendant's motion raises several claims of ineffective assistance of counsel. On January 5, 2018, this Court entered an Order finding that claims one (1), two (2), and three (3) of

the Defendant's Amended Motion for Postconviction Relief were facially sufficient and granted the Defendant an evidentiary on those claims.

On March 22, 2018, a hearing was held in which the parties advised the Court that they had come to a resolution of the Defendant's motion. Upon the agreement by the parties and the Court, the Defendant's sentence was thereby modified/reduced to twenty (20) years in the Department of Corrections, will all credit for time served. In exchange for the sentence reduction, the Defendant agreed to waive all claims of ineffective assistance of counsel, with the exclusion of a claim based on newly discovered evidence. Accordingly, the Court finds that the Defendant's present motion should be dismissed.

and any other claims

Dismiss

BASED ON THE FOREGOING, it is hereby,

ORDERED AND ADJUDGED that the Defendant's Amended Motion for Postconviction Relief is **DISMISSED**.

DONE AND ORDERED in Chambers at Brooksville, Hernando County, Florida, this 27th day of March, 2018.

Daniel B Merritt Jr

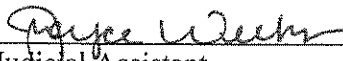
DANIEL B. MERRITT, JR.
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals by hand delivery and/or U.S. Mail/Courthouse box delivery this 27th day of March, 2018: ^{e-}*service*

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