

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

v.

Case No.: 2020-CF-1316

EDWARD MERRILL GRAY, III,

Defendant.

**ORDER GRANTING MOTION FOR POST CONVICTION RELIEF, VACATING AND
SETTING ASIDE JUDGMENT AND SENTENCE ON ALL COUNTS, VACATING
PROBATION ORDER, GRANTING DEFENDANT A NEW TRIAL ON ALL COUNTS,
AND SETTING CASE FOR STATUS HEARING**

THIS CAUSE is before the Court after a hearing held on April 13, 2023, on Defendant's Motion for Postconviction Relief timely filed by and through counsel on May 5, 2022, pursuant to Florida Rule of Criminal Procedure 3.850. At the hearing, the State conceded that Defendant should be allowed to withdraw his plea. Having reviewed Defendant's motion, the State's response, Defendant's reply, the record, Defendant's testimony and the arguments presented at the hearing, and applicable law, the Court finds that Defendant's motion should be granted.

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

- 1) Defendant's Motion for Postconviction Relief is **GRANTED**.
- 2) Defendant's plea entered on July 6, 2021, is **WITHDRAWN**.
- 3) The judgment and sentence imposed on all counts on August 24, 2021, and the written Judgment and Sentence entered on August 26, 2021, including the Corrected Charges/Costs/Fees Order entered on January 18, 2022, are **VACATED AND SET ASIDE**.
- 4) The Order of Community Control/Probation entered on September 22, 2021, is **VACATED AND SET ASIDE**.
- 5) Defendant is **GRANTED** a new trial on all counts.

- 6) The instant case will be placed back on the Court's docket, and a status hearing is scheduled for June 8, 2023, at 1:30 p.m.
- 7) A separate order to transport Defendant back to the custody of the Santa Rosa County Sheriff's Department will be entered by the Court, if needed. However, the Court has also entered an Order Setting Bond in the event that the Defendant may be released from the Santa Rosa County Jail rather than first being transported back to the Department of Corrections.

DONE AND ORDERED.

eSigned by CIRCUIT COURT JUDGE CLIFTON DRAKE in 20001316CFMXAX
on 04/13/2023 11:31:15 9RXc8YE8

CLIFTON A. DRAKE
CIRCUIT JUDGE

CAD/yvt

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Order has been furnished by via e-service (unless otherwise indicated) to the following:

--Michael Ufferman, Michael Ufferman Law Firm, P.A., 2022-1 Raymond Diehl Road,
Tallahassee, Florida 32308 (ufferman@uffermanlaw.com)

--Mark Alderman, Assistant State Attorney, 6495 Caroline Street, Suite S, Milton, Florida 32570
(malderman@osal.org)

--Florida Department of Corrections, ATTN: Bureau of Admission and Release, 501 South
Calhoun Street, Tallahassee, Florida 323992500

--Santa Rosa County Jail, Classifications

this _____ day of _____, 2023.

DONALD C. SPENCER, Clerk of Court

BY: _____
Deputy Clerk

NOTICE

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact:

Court Administration, ADA Liaison

Santa Rosa County Courthouse

4025 Avalon Boulevard

Milton, Florida 32583

Phone: (850) 623-3159 Fax: (850) 983-0602

Email: ADA.SantaRosa@flcourts1.gov

at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before your scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.