

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

**STATE OF FLORIDA**

**v.**

**CASE NO.: 2023-CF-330**

**MICHAEL REGALSKI,  
Defendant.**

---

**ORDER GRANTING DEFENDANT'S FLORIDA RULE OF CRIMINAL  
PROCEDURE 3.800(b)(2) MOTION**

**THIS CAUSE** came before the Court on Defendant's Florida Rule of Criminal Procedure 3.800(b) Motion, dated September 3, 2025. The Court, having reviewed the Motion and court file, finds as follows:

1. Defendant was charged by Amended Information with three counts of Attempted First Degree Murder with a Firearm (Counts I-III), Shooting at, within, or into an Occupied Vehicle (Count IV), and two counts of Tampering with Physical Evidence (Counts V and VI). Following a jury trial, Defendant was found guilty of three counts of Attempted Second Degree Murder, a lesser included offense (Counts I-III), Shooting at, within, or into an Occupied Vehicle (Count IV), and Tampering with Physical Evidence (Count V). Defendant was found not guilty of Tampering with Physical Evidence (Count VI).

2. On September 19, 2024, Defendant was sentenced to 25 years (with a 25-year minimum/mandatory sentence) on Count I, 20 years (with a 20-year minimum/mandatory sentence) on Count II, to be served consecutively to Count I, 20 years (with a 20-year minimum/mandatory sentence) on Count III, to be served consecutively to Count II, 15 years on Count IV, to be served concurrently with Count III, and 5 years on Count V, to be served

concurrently with Counts III and IV. Defendant appealed his judgment and sentence, and the appeal remains pending before the Fifth District Court of Appeal.

3. Thereafter, on June 17, 2025, Defendant filed a 3.800(b)(2) Motion, wherein he claims that the imposition of consecutive 10-20-Life sentences on Counts II and III was impermissible because there was a single injury.

4. On August 14, 2025, the Court signed its Order Granting Defendant's Motion. *See* the August 14, 2025 Order, attached as Exhibit A. On August 19, 2025, the Court Verification Form was amended only to reflect Count III being served concurrently with Count II. However, on September 3, 2025, Defendant filed a Florida Rule of Criminal Procedure 3.800(b)(2) Motion requesting that the Court Verification Form be amended to reflect both Counts II and III being served concurrently. The Court Verification Form indicates that Count III should be served concurrently but Count II still indicates that it should be served consecutively rather than concurrently. Accordingly, an alteration is required to align the Order, dated August 14, 2025, and the Court Verification Form, dated August 19, 2025.

Accordingly, it is **ORDERED**:

1. Defendant's Motion, dated September 3, 2025, is **GRANTED**. The **CLERK OF THE COURT** is directed to amend Defendant's sentences to reflect that Defendant's sentences on Counts II and III are to be served **concurrently**. **Specifically, Count II is to be served concurrently with Count I, and Count III is to be served concurrently with Count II.** The amended Court Order Disposition Sheet and/or Court Verification Form is to be submitted to the undersigned for signature. Defendant does not need to be present for resentencing. *See Valentin v. State*, 963 So. 2d 317, 320-21 (Fla. 5th DCA 2007) (holding that "the ministerial

act of ordering the two minimum mandatory sentences to be served concurrently”  
does not require Defendant to be present for resentencing.).

2. All other sentences **REMAIN INTACT AND UNCHANGED.**


**DONE AND ORDERED** in Chambers at Inverness, Citrus County, Florida this 9  
day of September, 2025.

  
\_\_\_\_\_  
**JOEL FRITTON**  
**CIRCUIT JUDGE**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished to the following by e-service or U.S. Mail delivery this 9<sup>th</sup> day of September, 2025.

- [x] Office of the State Attorney, EserviceCitrus@sao5.org
- [x] Michael Ufferman, Esq., ufferman@uffermanlaw.com

  
\_\_\_\_\_  
**Judicial Assistant/Deputy Clerk**

# Exhibit A

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

**STATE OF FLORIDA**

**v.**

**CASE NO.: 2023-CF-330**

**MICHAEL REGALSKI,  
Defendant.**

---

**ORDER GRANTING DEFENDANT'S FLORIDA RULE OF CRIMINAL  
PROCEDURE 3.800(b) MOTION**

**THIS CAUSE** came before the Court on Defendant's Florida Rule of Criminal Procedure 3.800(b) Motion, dated June 17, 2025. The Court, having reviewed the Motion and court file, finds as follows:

1. Defendant was charged by Amended Information with three counts of Attempted First Degree Murder with a Firearm (Counts I-III), Shooting at, within, or into an Occupied Vehicle (Count IV), and two counts of Tampering with Physical Evidence (Counts V and VI).

2. Defendant was found guilty following a jury trial on August 1, 2024. Specifically, Defendant was found guilty of three counts of Attempted Second Degree Murder, a lesser included offense (Counts I-III), Shooting at, within, or into an Occupied Vehicle (Count IV), and Tampering with Physical Evidence (Count V). Defendant was found not guilty of Tampering with Physical Evidence (Count VI).

3. On September 19, 2024, Defendant was sentenced to 25 years (with a 25-year minimum/mandatory sentence) on Count I, 20 years (with a 20-year minimum/mandatory sentence) on Count II, to be served consecutively to Count I, 20 years (with a 20-year minimum/mandatory sentence) on Count III, to be served consecutively to Count II, 15 years on Count IV, to be served concurrently with Count III, and 5 years on Count V, to be served

concurrently with Counts III and IV. Court costs and fines were imposed. Defendant appealed his judgment and sentence, and the appeal remains pending before the Fifth District Court of Appeal.

4. Thereafter, on April 9, 2025, Defendant filed a Florida Rule of Criminal Procedure 3.800(b)(2) Motion, wherein he claims that improper FDLE and incarceration costs were imposed. That Motion was denied by the Court. Subsequently, on June 17, 2025, Defendant filed the instant 3.00(b)(2) Motion, wherein he claims that the imposition of consecutive 10-20-Life sentences on Counts II and III was impermissible because there was a single injury.

5. Florida case law regarding the imposition of consecutive 10-20-Life sentences, pursuant to section 775.087, Florida Statutes, is replete with diverse outcomes, which are fact-dependent. Consecutive minimum mandatory sentences under section 775.087, Florida Statutes are “improper where the offenses occurred during a single criminal episode unless the defendant discharges the firearm and injures multiple victims or causes multiple injuries to one victim. . . . The injuries bifurcate the crimes thus allowing stacking of minimum mandatory sentences.” *Valentin v. State*, 963 So. 2d 317, 319-20 (Fla. 5th DCA 2007); *see also Edwards v. State*, 145 So. 3d 194, 195-96 (Fla. 5th DCA 2014).

6. In *Cook v. State*, the Fifth District addressed a similar fact pattern to the one at bar, and held that consecutive 10-20-Life sentences were impermissible; specifically, the Fifth District held that

there were indeed three victims . . . Mullins, Crews, and the restaurant. Both Mullins and Crews were threatened at gunpoint; *however, the gun was only fired once and the bullet only struck Mullins*. Under the reasoning in *Ames* and *McGouirk*, Cook’s minimum mandatory sentences could not be stacked because the gun was only fired once. Although Crews was assaulted and threatened, she was not physically injured and arguably not a victim for purposes of stacking the minimum mandatory sentences. Therefore, . . . [the] imposition of minimum mandatory sentences under these circumstances was erroneous.

*Cook v. State*, 775 So. 2d 425, 427 (Fla. 5th DCA 2001) (Emphasis Added). Furthermore, the Fifth District held that consecutive 10-20-Life sentences are inappropriate “where . . . **only one person was shot** during a single criminal episode[.]” *Torres-Rios v. State*, 205 So. 3d 883, 883 (Fla. 5th DCA 2016) (Emphasis added); *see also Wanless v. State*, 271 So. 3d 1219, 1225 (Fla. 1st DCA 2019) (holding that bifurcation for stacking consecutive minimum/mandatory sentences does not occur where “there are no distinct acts to effect the bifurcation. There were multiple victims, but each was victimized by the same act.”).

7. Here, the record established that one victim was injured. *See* Trial Transcript, Day Two, dated July 31, 2024, excerpt attached as Exhibit A, pg. 134, lns. 6-7 (“Q. And that’s where the bullet went into your hip? A. Yes, ma’am”). Accordingly, since there was a single injury arising from a singular criminal episode, bifurcation did not occur; therefore, Defendant’s sentence for Counts II and III should be served concurrently rather than consecutively. *See Torres-Rios*, 205 So. 3d at 883; *Cook*, 775 So. 2d at 427; *Wanless*, 271 So. 3d at 1225.

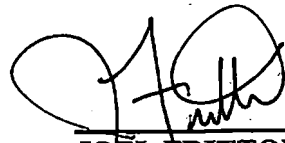
Therefore, it is **ORDERED**:

1. Defendant’s Motion, dated June 17, 2025, is **GRANTED**. Defendant’s sentences shall be corrected to reflect that Defendant’s sentences on Counts II and III are to be served **concurrently**. *See Valentin v. State*, 963 So. 2d 317, 320-21 (Fla. 5th DCA 2007) (holding that “the ministerial act of ordering the two minimum mandatory sentences to be served concurrently” does not require Defendant to be present for resentencing.).
2. The **CLERK OF THE COURT** is directed to correct Defendant’s sentences to reflect that Defendant’s sentences on Counts II and III are to be served

**concurrently.** The amended Court Order Disposition Sheet is to be submitted to the undersigned for signature.

3. All other sentences **REMAIN INTACT AND UNCHANGED.**

**DONE AND ORDERED** in Chambers at Inverness, Citrus County, Florida this 14 day of August, 2025.



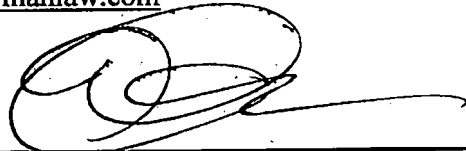
JOEL FRITTON  
CIRCUIT JUDGE

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished to the following by e-service or U.S. Mail delivery this 14 day of August, 2025.

[x] Office of the State Attorney, EserviceCitrus@sao5.org

[x] Michael Ufferman, Esq., ufferman@uffermanlaw.com



Judicial Assistant/~~Deputy Clerk~~

# EXHIBIT A

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

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NUMBER: 09-2023-CF-000330-A

MICHAEL REGALSKI,

Defendant.

-----/

\*\*\*\*TRANSCRIBED FROM ECR RECORDING\*\*\*\*

TRANSCRIPT OF TRIAL DAY TWO PROCEEDINGS BEFORE  
THE HONORABLE JOEL FRITTON

TAKEN AT: CITRUS COUNTY COURTHOUSE

DATE & TIME: 31 July 2024  
8:31 a.m. to 4:06 p.m.

TRANSCRIBED BY: PAUL K. SPANGLER, RMR,  
Certificates of Merit and  
Proficiency, Notary Public

JOY HAYES COURT REPORTING  
407 Courthouse Square  
Inverness, Florida 34450  
(352) 726-4451



INDEX TO WITNESS

<u>Witness</u>	<u>Page</u>
<b>PHILIP TOMKINS</b>	
Direct Examination By Ms. Mannis	44
Cross-Examination By Ms. Bauman	55
Redirect Examination By Ms. Mannis	55
<b>[REDACTED]</b>	
Direct Examination By Ms. Mannis	99
Cross-Examination By Ms. Bauman	114
Redirect Examination By Ms. Mannis	120
<b>[REDACTED]</b>	
Direct Examination By Ms. Mannis	123
Cross-Examination By Ms. Bauman	137
Redirect Examination By Ms. Mannis	141
<b>[REDACTED]</b>	
Direct Examination By Mr. Shore	144
Cross-Examination By Ms. Bauman	154
Redirect Examination By Mr. Shore	157
<b>CRAIG CALLAHAN</b>	
Direct Examination By Mr. Shore	160
<b>CHRISTOPHER KNIGHT</b>	
Direct Examination By Ms. Mannis	175
Cross-Examination By Ms. Bauman	184
<b>THOMAS WAY</b>	
Direct Examination By Mr. Shore	204
Cross-Examination By Mr. Lizanich	242
Redirect Examination By Mr. Shore	249
<b>AMARA DREW</b>	
Direct Examination By Ms. Mannis	253
Cross-Examination By Ms. Bauman	263
Direct Examination By Ms. Mannis	265
Cross-Examination By Mr. Lizanich	297
Redirect Examination By Ms. Mannis	314

1           A.    Uh, that's the -- one of the photos of the  
2 wound I had in my right hip.

3           Q.    And here in photo number six?

4           A.    That's the wound -- that's another photo of the  
5 wound in my right hip.

6           Q.    And that's where the bullet went into your hip?

7           A.    Yes, ma'am.

8           Q.    How were you feeling physically and emotionally  
9 while you were in the ambulance?

10          A.    Like my life was about to end.

11          Q.    Now, we're going to hear from your doctor about  
12 the specifics of your injuries, but I want to talk a  
13 little bit about how the injury impacted you and -- and  
14 how your recovery, uh, was.

15               MS. BAUMAN:  Objection, Your Honor, relevance.

16               THE COURT:  Approach.

17               (Begin sidebar.)

18               THE COURT:  Go to the other side.

19               MS. MANNIS:  Uh, I have to prove -- for great  
20 bodily harm, I have to prove it could, uh, lead to  
21 great bodily harm or permanent disfigurement.  So  
22 how his injury has impacted him, his recovery versus  
23 how long he was in the hospital, things like that  
24 are, uh --

25               THE COURT:  What's your response?