UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v. **Case No. 8:22-cr-156-KKM-MRM**

JORDAN LEAHY

_____/

SENTENCING MEMORANDUM

This Court should sentence Mr. Leahy a term of imprisonment of 4 to 10 months, to account for his properly calculated Guidelines range, reduced by the sentence previously imposed on him by a Florida court for the same conduct.

BACKGROUND

Jordan Leahy grew up the son of a single mother, who became pregnant with him at a young age. His mother never disciplined him and allowed him to smoke marijuana. Jordan considers his maternal grandmother's former boyfriend, Kermit Beckwith, to be his grandfather, and still maintains a supportive relationship with Kermit. Jordan's family explains that he was not raised in a racist household, and that he frequently associated with black people and supported black public figures like football players and President Obama.

Jordan's outward expressions toward black people changed after he went to prison. Jordan has been in a lifelong struggle with major depressive disorder, an illness that he has never treated. Instead, Jordan has passed from one crisis to the

next, frequently finding himself involuntarily committed for suicidal thoughts. After a relationship gone wrong, Jordan went to prison for stalking his ex-girlfriend. There, he found the inmates sorting themselves by race, and found himself doing the same for self-preservation. His family reports that his first use of racist language was after his return from prison.

A common thread in Jordan's story is that he shocks people to get attention. His mother explained to the FBI that Jordan's use of racist language after prison was a new way to shock people. Kermit agreed that Jordan harbors no actual racial animosity even though he has used racist language, and Kermit's wife agreed that his use of racist language stemmed not from actual racial animus but rather is "a way to try [to] assert himself," because he "lacks overall confidence and may have been trying to establish himself."

There was evidence of Jordan's tendency to shock people for attention at trial. The Government called Gabriella Bolt, Mr. Leahy's ex-girlfriend, to testify. During her relationship with Mr. Leahy, she explained, "He would tail people and like try to crash into their bumper or open up the door and try to tap the side mirror and then close his door back up and then he would come over and start bragging about it." Doc. 85 at 154. That is, Mr. Leahy would deliberately drive "erratically" to shock people. *Id*. at 156.

On the night of the instant offense, Mr. Leahy drove around excessively drunk

and came across the victim, Mr. [redacted]. Mr. [redacted] testified that Mr. Leahy pulled alongside his car and started shouting swear words and racial epithets from his window, swerved in his direction, and tailgated Mr. [redacted] so closely that Mr. [redacted] was worried that Mr. Leahy was going to use the "PIT maneuver" or make contact with his bumper. Doc. 84 at 40, 43-44. When Mr. [redacted] approached a left turn lane, Mr. Leahy pulled alongside him again, and veered toward Mr. [redacted] until he felt compelled to pull into the left turn lane. Doc. 84 at 44. When that happened, Mr. Leahy's car made contact with Mr. [redacted] sidemirror, causing no damage. Doc. 84 at 78. Then he drove off, leaving Mr. [redacted] in the left turn lane on Starkey Road, and stopping at the next red light. Doc. 84 at 79.

What Jordan did not know was that Mr. [redacted] young daughter was in the car. After being arrested on the scene, Mr. Leahy pled guilty in a Florida court to felony battery with a sentencing enhancement for evidencing racial prejudice, and DUI. He was sentenced to probation, and then six months in jail after a violation. During the presentence investigation in this case, Mr. Leahy explained his remorse and his view of the case:

> What I did was wrong. I terrorized a group of people. I had no idea his daughter was in the car. It wasn't a hate crime. I stand by my innocence. It wasn't because he was black or because of a road. I feel bad. I am sorry to the victims, for sure. I was doing it for attention.

Thus, although Mr. Leahy exercised his constitutional right to a jury trial and has

challenged legal elements of the federal offense he was found guilty of, he has repeatedly accepted responsibility for the wrongfulness of what he did.

Jordan has struggled on and off with drugs and alcohol. When he got out of jail for the instant offense, he began living in a sober living facility and got a job at a golf course, though he has been rarely employed before. Doc. 84 at 164-65. The FBI arrested him at the golf course. During the course of the FBI's investigation, the agency examined Mr. Leahy's social media accounts. His social media included various items evidencing racial tolerance toward black people, such as regretful words for a black beauty pageant winner Cheslie Kryst, who committed suicide; support for Martin Luther King Jr. versus Malcolm X; and a love of Bob Marley's music.

ARGUMENT

Mr. Leahy's properly calculated Guidelines range is 10 to 16 months' imprisonment. Following a 6-month downward departure, this Court should sentence Mr. Leahy in a range of 4 to 10 months.

I. The Guidelines range is 10 to 16 months' imprisonment.

Appropriately calculated, Mr. Leahy merits an offense level of 10 and a criminal history category of III, yielding an advisory sentencing range of 10 to 16 months' imprisonment. However, the probation officer has used the base offense level and related enhancements applicable for aggravated assault, has applied the

"hate crime" motivation enhancement, and has miscalculated Mr. Leahy's criminal history points. Mr. Leahy has timely objected to these aspects of the presentence report, and this Court should sustain his objections.

A. The offense level is 10.

The default base offense level of 10 applies, rather than the base offense level and specific offense characteristics for aggravated assault, because Mr. Leahy did not actually intend to harm the victims with his car, he only intended to frighten them. Further, the hate-crime motivation enhancement is inapplicable because the jury did not necessarily find that Mr. Leahy "intentionally selected" Mr. [redacted] because of his race.

i. The aggravated assault guideline does not apply.

The applicable guideline for Mr. Leahy's offense of conviction under § 245 is U.S.S.G. § 2H1.1. For the base offense level, that provision directs courts to "[a]pply the [g]reatest" of, as relevant here, "the offense level from the offense guideline applicable to any underlying offense" or 10 "if the offense involved (A) the use or threat of force against a person; or (B) property damage or the threat of property damage." U.S.S.G. § 2H1.1(a)(1), (3). "'Offense guideline applicable to any underlying offense' means the offense guideline applicable to any conduct established by the offense of conviction that constitutes an offense under federal, state, or local law (other than an offense that is itself covered under Chapter Two,

Part H, Subpart 1)." *Id*. § 2H1.1 cmt. n.1.[1] "'Aggravated assault' means a felonious assault that involved (A) a dangerous weapon with intent to cause bodily injury (i.e., not merely to frighten) with that weapon . . . ." *Id*. § 2A2.2 cmt. n.1.

Here, the Government cannot show that Mr. Leahy intended to cause bodily injury with his car. Indeed, the evidence affirmatively shows that Mr. Leahy only intended to frighten the victims. Ms. Bolt testified to Mr. Leahy's history of deliberately aggressive driving, and his harassing other drivers by tailgating them, tapping their bumper, and tapping their side mirrors. The Government presented this evidence to show Mr. Leahy's "provocative driving habits," asserting that the

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[1] The commentary goes on to explain that at issue in determining whether a guideline is applicable to "the offense of conviction" is the "conduct *set forth in the count of conviction* . . . ." *Id*. (emphasis added). Thus, the court is limited to the language in the indictment – "the conduct set forth in the count of conviction" – in determining the "underlying offense" under § 2H1.1. *Cf. United States v. Genao*, 343 F.3d 578, 583 (2d Cir. 2003) (interpreting identical language in § 2B1.1(c)(3) and holding that courts may only consider the language of the indictment, not extraneous evidence); *United States v. Bah*, 439 F.3d 423, 427 (8th Cir. 2006) (citing *Genao*, 343 F.3d at 583) (same); *United States v. Arturo Garcia*, 590 F.3d 308, 315-16 (5th Cir. 2009) (citing *Genao*, 343 F.3d at 584; *Bah*, 439 F.3d at 427) (same); *United States v. Kim*, 95 F. Appx. 857, 862 (9th Cir. 2004) (unpublished) (same); *United States v. Griffith*, 115 F. Supp. 3d 726, 740 (S.D.W.V. 2015) (same). Because the language of Count One does not *by itself* establish an "underlying offense" of aggravated assault, the default offense level of 10 applies. *But see United States v. Brown*, 934 F.3d 1278, 1305-07 (11th Cir. 2019) (considering trial evidence to determine the "underlying offense" under § 2H1.1 without deciding whether a court is limited to the language of the indictment).

similarity between his past driving history and the instant offense demonstrates willfulness. Doc. 41 at 15.

Mr. [redacted] testified that Mr. Leahy pulled alongside his car and started shouting swear words and racial epithets from his window, swerved in his direction, and tailgated Mr. [redacted] so closely that Mr. [redacted] was worried that Mr. Leahy was going to use the "PIT maneuver" or make contact with his bumper. Doc. 84 at 40, 43-44. But, despite ample opportunity to do so, and despite being quite drunk, Mr. Leahy never crashed into the side of Mr. [redacted] car, never performed the PIT maneuver, and never contacted Mr. [redacted] bumper. Instead, when Mr. [redacted] approached a left turn lane, Mr. Leahy pulled alongside him again, and veered toward Mr. [redacted] until he felt compelled to pull into the left turn lane. Doc. 84 at 44. When that happened, Mr. Leahy's car made contact with Mr. [redacted] sidemirror, causing no damage. Doc. 84 at 78. Just as Ms. Bolt said he used to brag about, Mr. Leahy tapped Mr. [redacted] mirror. Then he drove off, leaving Mr. [redacted] in the left turn lane on Starkey Road, and stopping at the next red light. Doc. 84 at 79.

Mr. Leahy had every opportunity to cause bodily injury to the victims if that was what he intended. And surely he caused the victims to *think* he intended to cause them bodily harm. But the Government must prove that he "inten[ded] to cause bodily injury (i.e., not merely to frighten) with [the] weapon . . . ." *See*

U.S.S.G. § 2A2.2 cmt. n.1. Instead, the evidence shows that Mr. Leahy intended to harass and frighten the victims with the car, just as he had previously boasted to Ms. Bolt about doing to others, and consistent with his tendency to try to shock people. Accordingly, the base offense level of 10 from U.S.S.G. § 2H1.1(a)(3) applies.

ii. The hate-crime-motivation enhancement does not apply.

The relevant guideline provides, "If *the finder of fact at trial* or, in the case of a plea of guilty or nolo contendere, the court at sentencing determines beyond a reasonable doubt that the defendant *intentionally selected* any victim or property of the offense of conviction because of the actual or perceived race [or] color . . . of any person, increase by 3 levels." *Id*. § 3A1.1(a) (emphases added). The finder of fact at trial was the jury. The only finding the jury made was that Mr. Leahy was guilty of Count One. The Court may presume that, in making that finding, the jury followed the Court's instructions. *See United States v. Almanzar*, 643 F.3d 1214, 1222 (11th Cir. 2011) (citing *United States v. Ramirez*, 426 F.3d 1344, 1352 (11th Cir. 2005)) ("We presume that jurors follow the instructions given by the district court."). That is, the jury found each element of the offense by proof beyond a reasonable doubt, as those elements were explained by the Court in its instructions. Therefore, the enhancement applies if the jury's verdict necessarily implies that it found beyond a reasonable doubt that Mr. Leahy "intentionally selected" a victim because of the

actual or perceived race or color of any person.[2]

Here, the jury's verdict does not support the enhancement because the jury only found that race or color was the "but-for" cause of the offense. Section 245(b)(2)(B) requires a finding that the defendant acted "because of" the victim's race. The Court instructed the jury that this was a standalone element that it must find beyond a reasonable doubt. Doc. 77 at 9. Explaining this element, the Court instructed that the element is satisfied if race was the "but-for" cause of Mr. Leahy's conduct. *Id.* The Court elaborated, "Race need not be the only cause, in order to be a but-for cause. A single event may have many but-for causes, as long as each one is necessary to produce the outcome." *Id.*

The jury's finding that Mr. [redacted] race or color was a but-for cause of Mr. Leahy's actions does not amount to a finding that Mr. Leahy "intentionally selected" Mr. [redacted] because of his race or color. To be sure, if a defendant intentionally

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[2] There is no further opportunity for factfinding by the Court, although the PSR seems to suggest there is. The court makes the finding at the sentencing hearing only "in the case of a plea of guilty or nolo contendere . . . ." U.S.S.G. § 3A1.1(a). Here, there was a plea of not guilty and a trial, and the jury was the finder of fact at trial.

[3] The enhancement may apply if the defendant intentionally selects a victim because of the race of "any person." U.S.S.G. § 3A1.1(a). However, Count One of the indictment alleged only J.T. as a victim, and only the jury's finding on Count One can possibly supply the basis for the enhancement. Therefore, only Mr. Leahy's motivation as to J.T. and his race are at issue, and no one else, e.g., the other occupants of J.T.'s car.

selects a victim because of the victim's race, the victim's race is a but-for cause of the defendant's actions. But the converse is not necessarily true. That is, it is not the case that every time the victim's race is a but-for cause of the defendant's conduct toward the victim the defendant has "intentionally selected" that victim because of his race. This is because a defendant may intentionally select a victim because of some non-racial characteristic of the victim, such as membership in a group exclusively made up of a particular race.

For example, suppose a prison gang exists that exclusively admits black people into its membership. In a dispute with a rival gang, some of the all-black gang's members assault a member of the rival gang. In further retaliation, members of the rival gang assault a member of the all-black gang. For this second assault, the race of the victim is a but-for cause of the assault: the attackers would not have selected the victim but for the victim's being black, because the victim would not have been a member of the gang but for his being black. However, the rival gang members did not intentionally select the victim because of his being black, they intentionally selected the victim because of his membership in the gang. Other examples in which a victim's race is the but-for cause of a defendant's actions, but where the defendant does not intentionally select the victim because of his race, might include a defendant who attacks members of an all-black church because of religious animus or a defendant who attack's an all-black university's football team because he believes the

team cheated in a game, and so on. A defendant's selection of a victim may be for non-racial reasons, but the victim's race may nonetheless be a but-for cause of his conduct.

Thus, § 3A1.1(a)'s "intentional selection" standard is narrower than the "but-for cause" element provided by § 245(b)(2)(B), as that element was explained to the jury by the Court. Of course, the above examples are hypothetical and the Government did not proceed at trial on the theory that Mr. Leahy's motivation was non-racial. But the jury was not required to accept the Government's theory in full and was not asked to decide whether Mr. Leahy intentionally selected Mr. [redacted] because of his race. Further, the Court's instructions do not lead to the conclusion that the jury's verdict necessarily implies that it found intentional selection. So long as the but-for causation standard the Court instructed the jury on is theoretically broader than the "intentional selection" standard in § 3A1.1(a), the jury's verdict on Count One cannot provide the basis for the enhancement. Because the factfinder at trial did not find beyond a reasonable doubt that Mr. Leahy intentionally selected his victim because of someone's race or color, the enhancement does not apply. The base offense level of 10 is accordingly the final offense level.

B. Mr. Leahy's criminal history category is III.

The PSR calculates nine criminal history points for Mr. Leahy, leading to a criminal history category of IV. Mr. Leahy timely objected to a total of three of these

criminal history points. The Court should sustain Mr. Leahy's objections, leading to a total of only six criminal history points and a category of III.

First, the Court should sustain Mr. Leahy's objection to his purported 2017 conviction for forgery in Georgia. The probation office has not provided the parties the materials on which it relies for this paragraph. The burden will fall to the Government to prove the facts in this paragraph.

Second, the criminal history points the PSR assigns to Mr. Leahy's convictions for felony battery evidencing racial prejudice and DUI should be reduced to 0. As the PSR recognizes, "These are state charges consisting of the instant offense." The Guidelines allocate criminal history points "for each prior sentence." *See* U.S.S.G. § 4A1.1(a)-(c). The Guidelines then specifically define the term "prior sentence": "The term 'prior sentence' means any sentence previously imposed upon adjudication of guilt, whether by plea of guilty, trial, or plea of nolo contendere, *for conduct not part of the instant offense*." *Id*. § 4A1.2(a)(1) (emphasis added). A straightforward application of § 4A1.2(a)(1) demonstrates that the sentence the Florida court imposed is not a scorable "prior sentence" for purposes of the Guidelines. The Florida court's sentence was for the instant offense.

In discussions with counsel, the probation officer has suggested that the Florida court's sentence for DUI should score, even if the felony battery sentence should not. But this argument runs headlong into the Guidelines' rule on multiple

sentences. The Guidelines provide:

> If the defendant has multiple prior sentences, determine whether those sentences are counted separately or treated as a single sentence. Prior sentences always are counted separately if the sentences were imposed for offenses that were separated by an intervening arrest (i.e., the defendant is arrested for the first offense prior to committing the second offense). *If there is no intervening arrest, prior sentences are counted separately unless (A) the sentences resulted from offenses contained in the same charging instrument; or (B) the sentences were imposed on the same day. Treat any prior sentence covered by (A) or (B) as a single sentence.* See also § 4A1.1(e).

Id. § 4A1.2(a)(2) (emphasis added).

Both criteria for treating Mr. Leahy's felony battery conviction and DUI conviction as a single sentence apply: the two offenses were charged in the same information and the sentences were imposed on the same day. The two sentences are treated as one, and the single sentence is not scorable under § 4A1.2(a)(1) because the sentence was for "conduct" that was "part of the instant offense."

In those same discussions, the Government has suggested that the DUI conviction should score under Note 5 in the commentary to § 4A1.2. This note provides, "**Sentences for Driving While Intoxicated or Under the Influence.** Convictions for driving while intoxicated or under the influence (and similar offenses by whatever name they are known) are always counted, without regard to how the offense is classified. Paragraphs (1) and (2) of § 4A1.2(c) do not apply." U.S.S.G. § 4A1.2 cmt. n.5.

The Government misunderstands the import of this commentary. This note interprets subsection (c) of § 4A1.2, not subsection (a)(1). Subsection (c) provides that certain minor offenses do not yield criminal history points. Note 5 interprets subsection (c), and clarifies that DUI offenses are not subject to subsection (c)'s exception. Note 5 does not erase subsection (a)(1)'s clear command to count only sentences imposed "for conduct not part of the instant offense" any more than it erases the Guidelines' clear commands to disregard foreign sentences, sentences that are too old to score, or many juvenile sentences. *See id*. § 4A1.2(d), (e), (h). Accordingly, Mr. Leahy's Florida sentence for the instant offense does not produce criminal history points.

II. This Court should depart downward by six months.

Mr. Leahy was sentenced to six months in jail for the conduct that makes up the instant offense. In a policy statement, the Guidelines provide,

> A downward departure may be appropriate if the defendant (1) has completed serving a term of imprisonment; and (2) subsection (b) of § 5G1.3 (Imposition of a Sentence on a Defendant Subject to Undischarged Term of Imprisonment or Anticipated Term of Imprisonment) would have provided an adjustment had that completed term of imprisonment been undischarged at the time of sentencing for the instant offense. Any such departure should be fashioned to achieve a reasonable punishment for the instant offense.

U.S.S.G. § 5K2.23. The adjustment referenced in § 5K2.23, in turn, provides:

> If subsection (a) [dealing with crimes committed while imprisoned] does not apply, and a term of imprisonment resulted from another offense that is relevant conduct to the instant offense of conviction under the provisions of subsections (a)(1), (a)(2), or (a)(3) of § 1B1.3 (Relevant Conduct), the sentence for the instant offense shall be imposed as follows:
>
> (1) the court shall adjust the sentence for any period of imprisonment already served on the undischarged term of imprisonment if the court determines that such period of imprisonment will not be credited to the federal sentence by the Bureau of Prisons; and
>
> (2) the sentence for the instant offense shall be imposed to run concurrently to the remainder of the undischarged term of imprisonment.

Id. § 5G1.3(b).

These provisions plainly apply here. Mr. Leahy has completed serving a term of imprisonment of six months. *See id*. § 5K2.23(1). Further, § 5G1.3(b) would have applied had Mr. Leahy not yet completed serving that term. *See id.* § 5K2.23(2). That is, the Florida court's sentence for felony battery and DUI resulted from offenses that are relevant conduct to the instant offense. *See id*. § 5G1.3(b). Under the procedure provided by § 5G1.3(b)(1) and (2), this Court should therefore adjust Mr. Leahy's sentence downward by subtracting six months' imprisonment from his Guidelines range.

III. The statutory sentencing factors support a sentence within the properly calculated Guidelines range.

Mr. Leahy has been a long-term sufferer of major depressive disorder that has only been treated through acute crisis management in the form of short-term commitments. The sense of hopelessness he suffers seems to cause him to lash out to shock others and assert himself. His family members' consistent accounts of his history and his social media posts indicate that his use of racist language stems more from his desire to bring about an effect in his listeners than inherent racial animus. Although he challenged the elements of this federal offense, he accepted responsibility in the Florida court by pleading guilty and served the sentence, and has expressed remorse for the wrongfulness of his conduct while apologizing to the victims. After he was released from the Florida jail he took steps to better himself by moving to a sober living facility and getting a steady job before he was arrested again there. He now has two felony convictions for what all will perceive as "hate crimes," for the same conduct. A sentence of 4 to 10 months' imprisonment is sufficient but not greater than necessary to serve the statutory goals of sentencing.

DATED this 3rd day of November 2022.

Respectfully submitted,

A. FITZGERALD HALL, ESQUIRE
FEDERAL DEFENDER

/s Samuel E. Landes

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd of November 2022, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send a notice of the electronic filing to AUSA Carlton Gammons.

*/s **Samuel E. Landes***
Samuel E. Landes, Esq.
Assistant Federal Defender

Jordan Leahy

Feb 2 ·

Some brilliant quotes from Cheslie Kryst's essay she wrote in 2021. "I Discovered that the world's most important question, especially when asked repeatedly and answered frankly, is: Why?" Why work so hard to capture the dreams I've been taught by society to want when I continue to only find emptiness?" And this quote is like something tesla or Einstein wrote Lol very well spoken, intelligent woman. "Far too many of us allow ourselves to be measured by a standard that some sternly refuse to challenge and others simply acquiesce to because fitting in and going with the flow is easier than rowing against the current." Why couldn't it be a heartless mindless robot like a Kardashian that jumped off the roof. Another beautiful soul lost to the sickness of American society. But yet we continue to ignore our ways and blame it on mental health. Whatever helps you fools sleep at night. Like she said it's so fucking infuriating. It gets to the point where it's like Why do this anymore if all it brings is misery? RIP Cheslie Kryst. Another beautiful unique soul lost to the machine that is society. Never snuff out your spirit because society tells you you aren't good enough. Just isolate and stay away from everyone 😂that's what I do

2

Like Comment Share

Jordan Leahy
Apr 22 ·

Bob Marley
Apr 21 ·

"Truth is truth. I don't care who offend when the truth speak." #bobmarley

📷 by #DennisMorris
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6 3 Comments

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Ryan Nuzum
Thats what Malcolm X called the white man.
Like · Reply · 21w

Jordan Leahy
Ryan Nuzum I know😂 Malcom x can eat shit
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Ryan Nuzum
Jordan Leahy I forgot you like MLK
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Write a reply...
Press Enter to post.

Write a comment...
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Jordan Leahy
June 30 ·

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IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA	21-07459-CF-A (A771WRE ENCOMPASSED)
VS.	**FELONY INFORMATION**
JORDAN LEAHY PID 311090788 W/M; DOB: 09/30/92	1. FELONY BATTERY, 2°F 2. DRIVING UNDER THE INFLUENCE, 1°M

IN THE NAME AND BY THE AUTHORITY FOR THE STATE OF FLORIDA:

BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, prosecuting for the State of Florida, in the said County, under oath, Information makes that

JORDAN LEAHY

in the County of Pinellas and State of Florida, on the 8th day of August, in the year of our Lord, two thousand twenty-one, did actually and intentionally touch or strike, or cause bodily harm to Jason Thomas, against the will of Jason Thomas, the said JORDAN LEAHY having a prior conviction for the offense of Battery, to-wit: September 21, 2018, the commission of such felony evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability or advanced age of Jason Thomas; contrary to Chapter 784.03(2)/775.085, Florida Statutes, and against the peace and dignity of the State of Florida. [B11]/1

COUNT TWO

And the State Attorney aforesaid, under oath as aforesaid, further information makes that JORDAN LEAHY, in the County of Pinellas, State of Florida, on the 8th day of August, in the year of our Lord, two thousand twenty-one, did drive or was in actual physical control of a vehicle while under the influence of alcoholic beverages, and was affected to the extent that his normal faculties were impaired, or had a blood or breath alcohol level of 0.08 or more; and by the operation of said vehicle, did cause or contribute to causing damage to the property or person of another; and had a blood or breath alcohol level of .15 or higher; contrary to Chapter 316.193(4)/316.193(3)(c)1/26.012, Florida Statutes, and against the peace and dignity of the State of Florida. [2TB]

STATE OF FLORIDA
PINELLAS COUNTY

Personally appeared before me, BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, or his duly designated Assistant State Attorney, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged; hence this information is filed in good faith in instituting this prosecution, and that he has received testimony under oath from the material witness or witnesses for the offense.

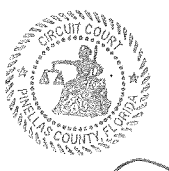
The foregoing instrument was acknowledged before me by means of ☑physical presence or ☐online notarization this SEP 01 2021 by F.L. Schaub, who is personally known to me and who did take an oath.

KATHY J. AUSTIN
Commission # HH 146608
Expires July 18, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NOTARY PUBLIC

Assistant State Attorney for the Sixth Judicial Circuit of the State of Florida, Prosecuting for said State

SO21-218594 A-MTH/0826hr31



STATE OF FLORIDA-PINELLAS COUNTY

I hereby certify that the foregoing is a true copy as the same appears among the files and records of this court.

This 1 day of Aug, 2022

KEN BURKE
Clerk of Circuit Court & Comptroller

By: _____
Deputy Clerk

I#: 2022014087 BK: 21891 PG: 342, 01/13/2022 at 10:53 AM, RECORDING 2 KEN BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL BY DEPUTY CLERK: clk105209

IN THE CIRCUIT COURT, SIXTH JUDICAL CIRCUIT,
IN AND FOR PINELLAS COUNTY FLORIDA
DIVISION: FELONY

UCN : **522021CF007459000APC**

REF No. : **21-07459-CF - D**

OBTS NUMBER_____

STATE OF FLORIDA
VS.

JORDAN PATRICK LEAHY
Defendant

PID: 311090788
SS# [redacted]

JUDGMENT

The Defendant, **JORDAN PATRICK LEAHY**, being personally before this court represented by **NICHOLAS J DORSTEN ESQ** the attorney of record, and the state represented by **JAY D. PATEL, Assistant State Attorney**, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	**FELONY BATTERY**	**784.03**	**2F**
02	**DRIVING UNDER THE INFLUENCE**	**MISDEMEANOR**	

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

ICD: JDMT (34817445)
RETURN TO:
CRIMINAL COURT RECORDS

Filed, JAN 13, 2022, 7:06, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County

PINELLAS COUNTY FL OFF. REC. BK 21891 PG 343

Defendant : **JORDAN PATRICK LEAHY**

UCN : **522021CF007459000APC**
REF No. : **21-07459-CF - D**

_____ and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD as to Count(s) _____

Sentence Deferred Until Later Date *(Check if Applicable)*

_____ The Court hereby defers imposition of sentence until _____ (Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **December 28, 2021.**

_____
JUDGE

FINGERPRINTS OF THE DEFENDANT

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:

Det. Martin 5917-6
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, **JORDAN PATRICK LEAHY**, and that they were placed thereon by the defendant in my presence in open court this day.

STATE OF FLORIDA-PINELLAS COUNTY
I hereby certify that the foregoing is a true copy as the same appears among the files and records of this court.
This 1 day of Aug, 2022
KEN BURKE
Clerk of Circuit Court & Comptroller
By: _____ Deputy Clerk

_____
JUDGE

ICD: JDMTPRINTS ONDEMAND (34817364)

Filed, JAN 13, 2022, 7:06, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County

Defendant: **JORDAN PATRICK LEAHY** UCN: **522021CF007459000APC** OBTS Number _____
REF No.: **21-07459-CF - D**

SENTENCE

(as to Count **01**)

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **AIMEE ELIZABETH WYANT, Assistant Public Defender**, and having been adjudicated guilty, 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,

and the Court having placed the defendant on probation and having subsequently revoked the defendant's probation.

It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount, **as previously imposed.** The Defendant shall pay a **$50.00** Indigent Criminal Defense Fee as required by s. 27.52 F.S. The Defendant shall pay **$100.00** as a Cost of Prosecution assessment.

The Defendant **pay attorney fees and costs of defense as determined by the Court.**

The Defendant is **committed to the custody of the Sheriff of Pinellas County, Florida.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

To Be Imprisoned:

The Defendant is to be imprisoned for a term of **180 DAYS**.

SPECIAL PROVISIONS

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

Mandatory/Minimum Provisions:

No Mandatory/Minimum provisions are imposed on this count.

Other Provisions:
Please see the last page of this document for other provisions.

Filed, MAR 30, 2022, 12:19, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County

Defendant: **JORDAN PATRICK LEAHY** UCN: **522021CF007459000APC** OBTS Number _____
REF No.: **21-07459-CF - D**

SENTENCE

(as to Count **02**)

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **AIMEE ELIZABETH WYANT, Assistant Public Defender**, and having been adjudicated guilty, 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,

and the Court having placed the defendant on probation and having subsequently revoked the defendant's probation.

It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount, **as previously imposed.**

The Defendant is **committed to the custody of the Sheriff of Pinellas County, Florida.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

To Be Imprisoned:

The Defendant is to be imprisoned for a term of **180 DAYS.**

SPECIAL PROVISIONS

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

Mandatory/Minimum Provisions:

No Mandatory/Minimum provisions are imposed on this count.

Other Provisions:

Consecutive/Concurrent As To Other Counts	**It is further ordered that the sentence imposed for this count shall run concurrent with the sentence set forth in count 01 of this case.**

Filed, MAR 30, 2022, 12:19, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County

Defendant: **JORDAN PATRICK LEAHY** UCN: **522021CF007459000APC** OBTS Number _____
REF No.: **21-07459-CF - D**

Other Provisions: (continued)

Jail Credit — **It is further ordered that the defendant shall be allowed a total of 129 DAYS as credit for time incarcerated before imposition of this sentence.**

Immigration Detainer — **It is further ordered that, as per s. 908.104(3)(b), F.S., the secure correctional facility in which the defendant is to be confined shall reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.**

It is further ordered that:

Restitution is not applicable in this case.

Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas 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 in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the 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.

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **March 25, 2022.**

_____
Judge

STATE OF FLORIDA-PINELLAS COUNTY
I hereby certify that the foregoing is a true copy as the same appears among the files and records of this court.
This 1 day of Aug, 2022
KEN BURKE
Clerk of Circuit Court & Comptroller
By: _____
Deputy Clerk

ICD: SENTENCE (35002868)

Filed, MAR 30, 2022, 12:19, Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County