

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff

CASE: 16-9425CF10A

vs.

JUDGE: MARTIN S. FEIN

CLARCK PAUL,
Defendant

**ORDER GRANTING STATE'S MOTION TO UTILIZE NEW STATUTORY DEATH
PENALTY SENTENCING PROCEDURES PURSUANT TO F.S.S. 921.141 AND
ORDER DENYING DEFENDANT'S MOTION TO PRECLUDE APPLICATION OF THE
RECENT AMENDMENT TO F.S.S. 921.141**

This cause having come forward and been heard on April 25, 2023
the Court states as follows:

1. On April 24, 2023, the State filed a Motion to Utilize New Statutory Death Penalty Sentencing Procedures pursuant to F.S.S. 921.141.
2. On April 24, 2023, the Defendant filed a Motion to Preclude Application of the Recent Amendment to F.S.S. 921.141.
3. On April 25, 2023, the Court conducted a hearing on both motions.
4. After considering the State's motion, the Defendant's motion and arguments from the State and the Defendant this Court makes the following findings of fact and conclusions of law:
 - A. The most recent amendments to F.S.S. 921.141 as reflected in the current version of the law are procedural changes in the law. As such pursuant to Love vs. State, 286 So.3d

PAGE 2
CASE #16-9425CF10A

177 (Fla. 2019) and Dobbert vs. Florida, 432 U.S. 282 (1977) this Court is required to apply the law in its current form.

B. The trial in the present case has not commenced as of this date.

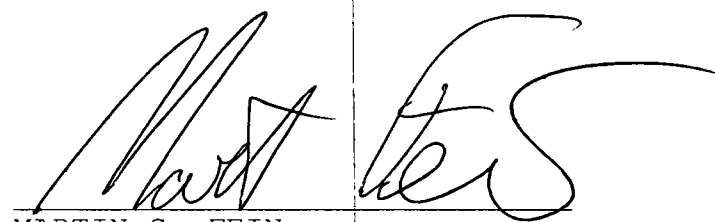
C. The Defendant's maximum possible penalty has not changed from the previous version of F.S.S. 921.141 to the amended and current version of F.S.S. 921.141. The Defendant's maximum possible penalty was imposition of the death penalty under both the previous version and the amended and current version of F.S.S. 921.141.

Therefore, based on the foregoing it is **ORDERED and ADJUDGED** that the State's motion is **GRANTED** and the Defendant's motion is **DENIED**.

This Court will apply the current version of F.S.S. 921.141 as that is the law as of this date.

The Defendant has the right to appeal this order within 30 days of rendition of this order.

DONE and ORDERED at Fort Lauderdale, Broward County, Florida this 25th day of April, 2023.



MARTIN S. FEIN
CIRCUIT COURT JUDGE
case #16-9425CF10A

CC: Antonya Johnson, Assistant State Attorney
 Stephen Zaccor, Assistant State Attorney
 Maury Halperin, Attorney for Defendant
 Maria Della Guardia, Attorney for Defendant
 Kaitlin Gonzalez, Attorney for Defendant
 Lien Lafargue, Attorney for Defendant

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