

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

ANDRE ABRAMS SR
Defendant.

CASE NUMBER: 01-2021-CF-003691-A

DIVISION I

MOTION FOR POST-TRIAL RELEASE PENDING APPEAL

COMES NOW the Defendant, Andre Abrams Sr, by and through the undersigned Counsel, pursuant to Rule 3.691 of the Florida Rules of Criminal Procedure, and respectfully moves this Court for entry of an Order grant post-trial release on bond pending appeal.

AS GROUNDS for this Motion, the Defendant states the following:

1. On March 14, 2025, the Defendant was sentenced to one year in the Alachua County Jail following a jury verdict finding him guilty of three counts of the lesser-included offense of improper exhibition of a weapon, a misdemeanor, instead of three counts of aggravated assault. The Court subsequently set aside the convictions on Counts II and III and sentenced the Defendant on a single misdemeanor count.
2. Pursuant to *Florida Rule of Criminal Procedure 3.691(a)*, a defendant who has been adjudicated guilty and sentenced may be released on bail pending appeal unless the defendant has previously been convicted of a felony and has not had his or her civil rights restored, or the conviction is for an offense for which post-trial release is prohibited under section 903.133, *Florida Statutes*.
3. The Defendant has never been convicted of a felony.
4. The Defendant's conviction is not for an offense that is prohibited from post-trial release under section 903.133, Florida Statutes.
5. Additionally, the Defendant respectfully asks the Court to consider the following factors outlined in Youghans v. State, 90 So. 2d 308 (Fla. 1956):

- a. The appeal is being pursued in good faith under the Defendant's statutory right to appellate review of his judgment and sentence. *See F.S. 924.05*
 - b. The Defendant has no history of failing to appear and has demonstrated compliance by remaining on pretrial release for over three years without violating the law or any condition of release.
 - c. The Defendant has significant ties to the community, as demonstrated by numerous letters of support from community members and those who appeared in support at sentencing. The Defendant respectfully requests the Court take judicial notice of these letters, which are in the court file. *See F.S. 90.202(6)*.
 - d. While the sentence imposed is not insignificant, it is not so severe as to presume a risk of flight. However, the length of the sentence is such that, without release pending appeal, any favorable ruling by the appellate court may be rendered meaningless.
6. The Defendant affirms that he will maintain contact with counsel and abide by all orders of the Court.

WHEREFORE, the Defendant respectfully requests this Court to the Defendant respectfully requests that this Court: Grant his Motion for Appeal Bond; and set a reasonable bond pending the outcome of the direct appeal

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CERTIFICATE OF SERVICE

THE UNDERSIGNED CERTIFIES that a true and correct copy of the foregoing has been furnished to
Pamela C. Goeckel, Assistant State Attorney, at, eservice@sao8.org, via E-Service, on April 24, 2025.

s/ **Aubroncee S. Martin**
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