

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 2013-301792CFDB

VS.

COLTON ELLIS
_____ /

**ORDER GRANTING MOTION FOR ARREST OF JUDGMENT AND/OR FOR
JUDGMENT OF ACQUITTAL**

This Court having heard Defendants Motion for Arrest of Judgment and/or for Judgment of Acquittal on August 11, 2014 and having considered the pleadings, record and arguments of counsel it is:

Found, Ordered and Adjudged:

1. The information charges Defendant as follows:
 - I) Use of a Computer to Seduce, Solicit or Lure Child contrary to 847.0135(3)(a) a third degree felony;
 - II) Traveling to Meet a Minor After Use of a Computer to Solicit a Child contrary to 847.0135(4)(a) which is a second degree felony;
 - III) Unlawful Use of a Two Way Communication Device contrary to 934.215, a third degree felony;

On June 20, 2014 a jury found the Defendant not guilty of the charge of Use of a Computer to Solicit a Child as alleged in Count I of the Information but convicted this Defendant of Count II and III.

2. For reasons stated on the record on August 11, 2014 this Court finds that the verdicts are truly legally inconsistent, see e.g. State v. Kelley, 109 So. 3d 316 (Fla. 1st DCA 2013), grants Defendant's Motion for Arrest of Judgment and enters a Judgment of Acquittal on Count II and Count III of the information.

DONE AND ORDERED in Daytona Beach, Volusia County, Florida on this 11 day of August, 2014.


HONORABLE R. MICHAEL HUTCHESON
CIRCUIT JUDGE

cc: Robert W. Rawlins, III, Esquire
Laura Coln, Esq., Assistant State Attorney

FILED
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CLERK OF THE CIRCUIT COURT
& COUNTY COURT
VOLUSIA COUNTY
FLORIDA