

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL  
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA**

**STATE OF FLORIDA,**

**Plaintiff,**

**Case # 2012-CF-008312-B-O**

**vs.**

**CHEYANNE CHRISTINA WOODS,**

**Defendant,**

\_\_\_\_\_ /

**DEFENDANT’S MOTION TO MODIFY OR REDUCE SENTENCE  
PURSUANT TO RULE 3.800(c)**

Defendant, CHEYANNE CHRISTINA WOODS, by and through the undersigned counsel and pursuant to Rule 3.800(c) of the Florida Rules of Criminal Procedure, hereby moves this Court to reduce or modify the sentence delivered in this matter. Attached to this motion are the following exhibits:

**Exhibit A** – Plea Hearing transcripts, held on November 6, 2012

**Exhibit B** – Sentencing Hearing transcripts, held on April 28, 2014

**Exhibit C** – Pre-disposition Report, dated January 18, 2013

**PROCEDURAL HISTORY**

1. Woods was arrested on June 19, 2012 and ultimately indicted on August 21, 2012 with one count of First Degree Murder (With a Firearm) in violation of Florida Statutes §§ 782.04(1) and 775.087; one count of Burglary of a Dwelling with an Assault or a Battery (With a Firearm) in violation of Florida Statutes §§ 810.02(1)(b)1, 810.02(2)(a), 775.087(1) and 775.087(2); and, one count of Robbery with a Firearm in violation of Florida Statutes §§ 812.13(2)(a) and 775.087(2)(a)(3).

2. On November 6, 2012, at the direction of trial counsel, Woods withdrew her initial plea of not guilty and pleaded guilty to one count of Robbery with a Firearm pursuant to a plea agreement with the State. Woods was sentenced on April 28, 2014 to twenty (20) years of incarceration.

3. On May 9, 2014, Woods filed a motion for reconsideration of her sentence pursuant to Florida Rule of Criminal Procedure 3.800(1), which was denied without a hearing. Woods appealed to the Fifth District Court of Appeals on October 28, 2014, which per curiam affirmed her conviction on March 10, 2015.

4. On March 9, 2015, Woods filed a motion for post-conviction relief pursuant to Florida Rule of Criminal Procedure 3.850. The trial court summarily denied the motion on March 23, 2016. Woods appealed to the Fifth District Court of Appeals on June 16, 2016, which per curiam affirmed her conviction on October 25, 2016. On October 26, 2016, Woods filed a motion for a written decision, which was denied on November 23, 2016.

5. On January 3, 2017, Woods filed a pro se petition for writ of habeas corpus in the Middle District of Florida, case # 6:17-cv-00005-GAP-TBS, which is still pending before the Court.

### **RELEVANT FACTS**

#### **Plea Hearing**

6. On November 6, 2012, Woods entered into a Plea and Sentencing Agreement with the State, whereby she agreed to testify truthfully against her co-defendants in exchange for the State entering a nolle prosequi of the first-degree murder and burglary with an assault or battery counts. Woods agreed to enter a guilty plea to Robbery with a Firearm. The agreement called for a maximum sentence of twenty-seven (27) years of incarceration and twenty-five (25) years of probation. Otherwise, there was no agreed upon sentence. The agreement recognized that Woods

could ask the Court to impose a youthful offender or downward departure sentence, but that the Court was not obligated to impose such a sentence. The score sheet reflected a lowest permissible sentence of 138.3 months, and a maximum sentence of life imprisonment.

7. During the plea hearing, Woods stated that co-defendant McIntyre was involved in the planning and set-up of the robbery. (Exhibit B).

8. Woods continued to fulfill her obligations of cooperation where she testified at a deposition for co-defendant Jamal Jackson on February 6, 2013. Her deposition testimony fully explained each co-defendants involvement. Specifically, that Jackson initiated the robbery plan, and told each of the girls the roles they would play in the robbery. Co-defendant, Chaquida Roosevelt, was responsible for letting Jackson, Manuel Rey, and Damien Glover in Michel's apartment. Woods further testified that Jackson and Rey had guns when they entered Michel's apartment, and Glover had a police baton. After the robbery, Rey stated he had shot Michel, and the five co-defendants drove to a subdivision to dispose of the baton that Glover was carrying. In regard to the items taken from Michel's apartment, Woods testified she saw two laptops, a watch, cellular phones, and McIntyre took several pairs of shoes. Woods deposition prompted Jackson to change his plea to guilty of Second Degree Murder on January 31, 2014.

#### Sentencing Hearing

9. A sentencing hearing was conducted on April 28, 2014. Woods' mother, Barbara Saunders, testified that Woods had been raised by her and Woods' father, Marvin Woods. Saunders and Woods had been together for twenty-two (22) years. Saunders stated that, prior to the spring of 2012, Woods had been an "A" student and on the flag team at her high school. Saunders also testified that while incarcerated, Woods had earned her high school diploma, and

was interested in continuing her schooling. She explained that Woods had not been raised with any exposure to criminal life.

10. Marvin Woods, Cheyenne Woods' father, testified that Woods had an older sibling who lived outside the home, and two younger siblings who were still at home. Marvin Woods expressed that he could not believe it when Woods was arrested because the things she was accused of doing were way out of character for her, and she did not know anything about "the street life." (Exhibit B, p. 16). Marvin Woods expressed that Woods had been a good kid who fell into the wrong hands.

11. The lead detective, Michael Moreschi, also testified on Woods behalf. He stated that after being arrested, Woods gave him some information, but during the interrogation she invoked her right to counsel. Later she met with him in the presence of her attorney and the State, and gave Detective Moreschi more information that was valuable to the investigation. Detective Moreschi stated that he believed Woods had been honest and up-front with him during the interview conducted at the Orange County Jail. Detective Moreschi also expressed that he had observed real remorse from Woods during the sentencing hearing. Further, he could not understand how the three female co-defendants had gone from being honor students to being in their current situation, but he felt all three had redeeming qualities and would later contribute something to society. When asked by plea counsel whether Woods was the first person to "give a proffer" in the case, Detective Moreschi responded that McIntyre was arrested the same night as Woods, and was very upfront and honest. (Exhibit B, p. 21).

12. Detective Moreschi continued,

And even though Cheyanne wasn't, and I gave her -- I gave her a little more of the responsibility in this case because I felt like if there -- if any of the other five would have dropped out, this thing would have kept going, but if she had, this would have not happened.

I understand -- and **you were here, Judge** -- and from Mr. Altman, that she -- **when she sat here during the trial for the people that are fully responsible for killing Berson Michel, that she did the right thing, and I'm proud of her for that.**

(Exhibit B, p. 22) (emphasis added).

13. Woods then called her aunt, Angela Saunders, to testify on her behalf. Angela Saunders advised that Woods had been a great kid growing up, and was a good student. She further advised that Woods' actions were out of character for her.

14. Lastly, Woods gave the Court a letter written on her behalf by a corrections officer named Angela Williams. The State did not present any witnesses.

15. The Court took notice of the Pre-Disposition Report prepared in advance of the sentencing that recommended youthful offender sanctions. (Exhibit C, p.7).

16. The State then informed the Court that Woods "came off of" her story that she knew nothing about the robbery or the male co-defendants "pretty quickly," and gave a proffer. (Exhibit B, p. 28). The prosecutor further stated that the three female co-defendants seemed like "very nice young women" and that it would surprise him if they were involved in something like this again. (Exhibit B, p. 28-29). The State continued,

I don't think any of them knew that anything like this would come of this. They did know that Manny and Jamal had guns and carried guns with them a lot.

I don't think any of them expected any -- anything; you know, any murder or any violence like this to happen, although perhaps that was foreseeable.

As I said, they all were very cooperative once they -- very quickly, they testified at deposition. They told the truth at trial. They all said -- they all agreed to take polygraphs, although we didn't -- we didn't go to the trouble of doing that because it did seem that they were entirely honest.

I don't believe this -- anything like this had happened before, that it was just the first time.

(Exhibit B, p. 29).

17. Plea counsel argued that Woods was an upstanding, bright, attractive honor roll student prior to the crime, which occurred shortly after her seventeenth birthday. He further stated due to Woods youth and her inability, as a young person, to make wise decisions. Plea counsel alerted the Court that Woods had fulfilled the terms of her plea agreement, giving truthful testimony and depositions. Finally, counsel argued that Woods had been bettering herself while incarcerated the past two years at the county jail, obtaining her high school diploma, participating in counseling, and peer-counseling other inmates. He asked the Court to consider a youthful offender sentence and release Woods on community control to prove she can be a productive member of society.

18. Woods addressed the Court on her own behalf, apologizing to Michel's family and telling the Court that she intended to continue to better herself and try to positively influence others.

19. Since Woods' incarceration she has continued to take advantage of every opportunity to rehabilitate and better herself. She has received a certification in vocational studies and is currently a teacher's aide. Moving forward she will be attending boot camp at the institution to gain more structure and direction as a youth.

20. Woods' sentence was excessive and reflects almost twice the term of years of her calculated criminal scoresheet, her pre-disposition report recommended youthful offender sanctions, and the two other female co-defendants whom she testified against received significantly lower sentences of six years incarceration. Woods now files the instant motion pursuant to Rule 3.800(c) of the Florida Rules of Criminal Procedure. The equitable and just result of the instant motion is to reduce the sentence imposed.

21. Undersigned counsel has spoken with the original prosecutor in Woods' case, James Altman, Esq., he has indicated he always believed Woods' sentence was much harsher than that

of her co-defendants and does not object to Woods' sentence being reduced in the Court's discretion.

### ARGUMENT

A. *Woods' Sentence Should Be Reduced Due to Mitigating Circumstances.*

22. The United States Supreme Court has held that

[a] sentencing judge, however, is not confined to the narrow issue of guilt. His task within fixed statutory or constitutional limits is to determine the type and extent of punishment after the issue of guilt has been determined. **Highly relevant - if not essential - to her selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant's life and characteristics.**

Williams v. New York, 337 U.S. 241, 247 (1949) (emphasis added).

23. Woods fulfilled her plea agreement and testified truthfully, several times, on behalf of the State, to the conspiracy and the carrying out of an armed robbery with firearm and the death of Michael Bersen.

24. Woods was the first person to give a sworn statement to police and the State Attorney, fully admit her involvement, and the respective involvement of the other parties. However, she was the only party charged as a principal, and received a far harsher sentence than the other co-defendants with similar levels of involvement. The two female co-defendants, who did not plead guilty, received significantly lower sentences. Woods received more than three times the length of time of incarceration compared to both co-defendants.

25. Woods was a minor at the time the crime was committed, and took no physical role in the robbery or the subsequent killing. She had no prior knowledge that murder would occur, and there was no evidence to support a claim that she knew, or should have known that a murder would occur.

26. As testified to by the lead detective in the case, Detective Moreshi, without her testimony,

it was unlikely there would have been convictions on all the co-defendants involved in the robbery and/or murder. Since Woods was the first to offer sworn testimony in this case, the first to change her plea to guilty it is likely that none of the other co-defendants would have agreed to change their pleas and cooperate with the State in the prosecution of this case.

27. The Office of Juvenile Justice conducted a thorough, and in depth pre-disposition investigation and recommended that she be sentenced as a youthful offender. The score sheet calculated a sentence of 138.3 months, and a maximum sentence of life imprisonment. The trial court's twenty-year (20) sentence was excessive in consideration of the current case, and Woods' history.

28. Woods has always regretted her involvement in this case and has stood by what was best in the name of justice for the victims and their families involved in the case. She has continued to show remorse for her actions and constantly betters herself while being incarcerated.

29. For these reasons, Woods' sentence should be modified or reduced.

WHEREFORE, Defendant, CHEYANNE CHRISTINA WOODS, respectfully requests that this Court enter an Order:

- A. Reducing Woods' sentence in this case to a determinate term of seventy-two (72) months in the custody of the Department of Corrections; or, in the alternative,
- B. Scheduling an evidentiary hearing to determine the merits of this Motion; and
- C. Award such other and further relief as this Court deems just and proper.



Dated: Orlando, Florida  
March 17, 2017

Respectfully submitted,

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Counsel for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Florida E-filing Portal this 17th day of March 2017 to:

James Altman, Esq.  
Office of the State Attorney  
415 North Orange Avenue  
Orlando, Florida 32801

/s/ Jennifer M. Manyen  
Jennifer M. Manyen, Esq.