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IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT, IN AND
FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 04-020405CF10A

Plaintiff,

JUDGE MARC H. GOLD

vs.

AARON MOHANLAL,

Defendant.

Proceedings had and taken before The Honorable
Marc H. Gold, one of the Judges of said Court, 6th Floor,
Broward County, Florida, on the 3rd day of July, 2007,
commencing at or about the hour of 2:00 o'clock p.m., and
being a STATE'S/DEFENSE MOTION.

APPEARANCES:

MICHAEL J. SATZ, STATE ATTORNEY,
BY: ANITA WHITE, ESQUIRE,
ASSISTANT STATE ATTORNEY,
Appearing on behalf of the State.

BY: STEVE ROSSI, ESQUIRE,
Appearing on behalf of the Defendant.

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(Thereupon, the following proceedings were had:)
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2 THE COURT: All right. Mohanlal, page 14. I just saw
3 Mr. Rossi, where did he go?

4 (Thereupon, a brief recess was had.)

5 THE COURT: where did Mr. Rossi go?

6 MS. WHITE: I told him to come in.

7 THE BAILIFF: He's coming in now.

8 THE COURT: All right. We're back in the Mohanlal
9 matter.

10 MR. ROSSI: Good afternoon, Judge.

11 THE COURT: Good afternoon.

12 MR. ROSSI: Steve Rossi on behalf of Aaron Mohanlal
13 and we would read or waive Mr. Hoeg's presence. Is that
14 correct, Aaron?

15 THE DEFENDANT: Yes.

16 MS. WHITE: Judge, we're here on two matters. The
17 first I think is the State's Motion to tax costs. It was
18 previously presented to the Court. I don't know if you
19 still have the paperwork.

20 MR. ROSSI: I've got an extra copy if you don't have
21 it.

22 THE COURT: No, no, no. Let me see what I have here.
23 I read a lot of motions but I don't believe that I read
24 this one.

25 You had your exhibit. What was the total amount of

1 money?

3

2 MS. WHITE: I'm sorry, Judge.

3 THE COURT: You're total of \$7,300.

4 MS. WHITE: \$7,310.16.

5 THE COURT: I rounded it off.

6 All right. Let's address that first.

7 MR. ROSSI: Judge, I've reviewed the information with
8 Mr. Mohanlal and everything appears that other than just
9 objecting for purposes of Pierce or Crawford the numbers
10 were attested to by seal by Ms. Anattie (ph), I believe
11 she's with the State Attorney's Office.

12 MS. WHITE: Yes.

13 MR. ROSSI: Otherwise it appears that everything is
14 documented pursuant to the State's Motion.

15 THE COURT: All right. Any objection?

16 MR. ROSSI: Other than that, Judge --

17 THE COURT: \$7,310.16 is ordered.

18 MR. ROSSI: We had three other motions. Two of which
19 the Court's already ruled on. That was a Motion to have
20 him remain in custody pending a reconsideration of bond in
21 which the Court granted, and the other one which was a
22 Motion to authorize transfer of personal property from one
23 facility to the other where he was currently housed and the
24 Court granted that as well.

25 The only remaining motion, Judge, is the

□

1 reconsideration of bond issue. As to that when we had⁴
2 requested a supersedes bond to be entered in reference to
3 Mr. Mohanlal's case we had indicated to the Court at that
4 time that there was at least approximately \$112,000 that
5 could be utilized for purposes of collateral on the bond.

6 Additionally, we had indicated to the Court that the
7 Defendant had no objection being placed on any type of

8 monitoring or pretrial release with conditions imposed by
9 the Court. The Court had denied the supersedes at that
10 time and basically indicated that you felt that \$112,000
11 was -- may have been sufficient for trial purposes but not
12 for purposes of a supersedes. You didn't give a specific
13 amount but had basically indicated that you wanted to see
14 what the family was prepared to have or put up in terms of
15 any type of a bond and what assets basically would be
16 available to do so. So what we did is went back to the
17 family to see what, if anything, the family had
18 collectively together that could be put up in the form of
19 assets or collateral and the family went ahead and did
20 that.

21 In court I have a bondsmen that has gone over this
22 information with the family. I also have in court, Judge,
23 Rose Reynolds, who is a licensed realtor --

24 THE COURT: What is her name?

25 MR. ROSSI: Rose Reynolds.

1 THE COURT: I thought you said Judge Rose Reynolds.⁵

2 That's what you said.

3 MR. ROSSI: Rose Reynolds not judge.

4 THE COURT: Did I hear right.

5 COURT REPORTER: Yes, Judge.

6 THE COURT: Maybe you were referring to me when you
7 said "Judge".

8 MR. ROSSI: I asked her to meet with the various
9 family members, his siblings and his father which is the
10 sole surviving relative in terms of a parent to see what

11 was available in terms of doing that and basically the
12 total amount that they have collectively together which
13 would include all of their real estate property as well as
14 their vehicles, any cash on hand, et cetera, would be
15 approximately \$450,000.

16 Now, if he were to -- If the Court were to agree to
17 that amount and he were to abscond they lose everything,
18 and we're not just talking about one family member here
19 we're talking about three siblings that live with the
20 father and they're basically students or they work
21 part-time. The father who's 71 years of age, they lose
22 everything. They lose their vehicles. They lose their
23 property. What little equity the Defendant has in his
24 remaining property would be lost as well and that's putting
25 up everything that they have, Judge.

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1 There are a couple other family members but one of⁶
2 them is a missionary that travels the world. She's
3 basically taken -- she's a missionary so she doesn't have
4 any kind of assets and there's no other assets or available
5 monies. So Ms. Reynolds is more than willing to testify
6 before the Court to indicate the information she's received
7 from them. The bondsmen is here and I've provided him the
8 background information concerning what that is, and as I
9 also told the Court he is willing to be placed on a monitor
10 or whatever other conditions you want.

11 Now, I think it's also important to know, Judge, and
12 I've got a case that indicates pertaining to bond review,
13 and I don't have a copy for the State but I may. That's
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14 Younghins, Y-O-U-N-G-H-I-N-S, factors which is cited --
15 It's actually Evans vs State, 863 So.2d 364, which he sites
16 Younghins and then Cooley vs State which is cited at,
17 C-O-O-L-E-Y, 720 So.2d 598.

18 In looking at the types of things pertaining to give a
19 bond, and obviously it's within the Court's discretion and
20 we understand that. But in that particular case the Court
21 had indicated that since the Defendant was facing a
22 mandatory minimum prison time that the Court was not
23 inclined to give a bond and the Court had indicated that
24 basically the factors that the Court needed to look at was
25 there any evidence of him trying to leave, what his ties

1 were to the community, the standard things that you look at ⁷
2 in reference to a bond condition and I think that's clearly
3 been displayed in this case, Judge, from the very
4 beginning.

5 I'm not going to rehash everything from the previous
6 hearing but to remind the Court very briefly is that the
7 case has been pending for over two years he's always
8 appeared on time. He's always known what his sanction
9 would be and he's never absconded, always appeared. Never
10 had a warrant issued for his arrest. Has no prior record
11 whatsoever. So if you were to grant this to him and he
12 were to leave he's basically going to destroy his family by
13 doing that and they all are willing to do that and they
14 believe he's going to stay here. His father's prepared to
15 speak to the Court again and answer any questions that the
16 Court may have again, and as I've indicated Ms. Reynolds is

17 prepared to testify before the Court pertaining to what she
18 has found out concerning the family's assets and what
19 they're willing to put up.

20 THE COURT: State?

21 MR. ROSSI: One more thing, I'm sorry. One other
22 thing, Judge, I think it's important too were absolutely,
23 as I indicated, filing a Notice of Appeal on the matter.
24 There's definitely judicial errors that there were many
25 things that were argued before the Court at the trial

1 level. There were Brady issues. There were other issues,⁸
2 so I think for purposes of good faith there's more than
3 ample good faith to indicate that there's a lot of issues
4 that could be argued appellate wise, so it wouldn't be a
5 frivolous appeal.

6 MS. WHITE: Judge, as far as argument I think the
7 factors that were delineated in the Younghins and
8 delineated in the Statute were brought before the court at
9 the original hearing. Your Honor then made findings of
10 fact related to those specific factors. You did leave it
11 open for the Defense to come back and provide more proof of
12 the Defendant's assets.

13 THE COURT: This is the thing that I was concerned
14 about in particular, severity of the sentence -- well, I
15 sentenced him to 43 years. Was he a U.S. citizen or he had
16 a passport?

17 MR. ROSSI: He's a resident.

18 THE COURT: I thought that was important and whatever
19 risk there was before he was found guilty it's much greater

20 now, and I indicated that the same bond would be
21 insufficient for me and you've come back essentially almost
22 quadrupling it, 455 from 112 was it?

23 MR. ROSSI: Yes.

24 MS. WHITE: I believe 112 was the amount available.
25 There was some dispute --

9

1 THE COURT: what was he out on bond on?

2 MS. WHITE: It was not 112. The bond was actually
3 higher than that and I can't remember what we calculated.

4 THE COURT: His bond pending trial was what?

5 MS. WHITE: I don't remember what we calculated. If
6 the clerk could --

7 (Thereupon, a brief recess was had.)

8 MR. ROSSI: It was thirteen charges total and the bond
9 amount should be on the court file, Judge.

10 THE COURT: All right. Here's what I have before me:
11 Almost half a million dollars in family property and
12 monies. What's the State's thought on that?

13 MS. WHITE: The State would think that's insufficient,
14 Your Honor. The Defendant posted almost 200,000, it was
15 closer to 200 than 100. This is a little more than
16 doubling. The factors here have changed quite a bit. The
17 Court made findings regarding the Defendant's ties outside
18 of the state. The sharpness or severity I should say of
19 the Defendant not being a citizen and other findings
20 regarding the quantity and quality of evidence at trial,
21 and the State would be asking for a much, much higher bond
22 in this case.

23 THE COURT: what would be satisfactory to the State?
24 MS. WHITE: \$750,000. At the time the Defendant was
25 presumed innocent he had posted almost a \$200,000 bond and

1 I believe just doubling that is sufficient. 10

2 MR. ROSSI: Like I said, Judge, the family's -- that's
3 everything they got and if there was more available I would
4 tell you there would be more available. And like I said,
5 I've got, I specifically had and requested the realtor to
6 be here because it had to basically do -- that property is
7 really where all the assets are. There's no jewelry.
8 There's no stocks or bonds. There's nothing else out
9 there.

10 MS. WHITE: Additionally, the State is only hearing of
11 this realtor at this very moment and the Defense has
12 provided no notice or no witness list regarding the fact
13 that this witness would be testifying. I was specifically
14 told that no one will be testifying in this hearing.

15 MR. ROSSI: I think I provided her name previously.

16 THE COURT: There's fifteen felony counts and one
17 misdemeanor.

18 MS. WHITE: Thirteen felonies.

19 THE COURT: I'm looking at the docket and it says
20 fifteen; two Third Degree Felonies and twelve Second Degree
21 Felonies. Am I missing something?

22 MR. ROSSI: Apparently what happened, Judge, is the
23 State had dropped --

24 THE COURT: Three Third Degree Felonies.

25 MR. ROSSI: The State dropped one of the charges and
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1 there was thirteen total. I found out from my client ¹¹ that
2 after he was sentenced he went to sign paperwork with
3 D.O.C. and they had reflected there was sixteen and it's
4 incorrect there's not sixteen charges.

5 THE COURT: How many felony counts are there?

6 MS. WHITE: Thirteen.

7 (Thereupon, a brief recess was had.)

8 THE COURT: And how many of them are Second Degree
9 Felonies?

10 MS. WHITE: Ten.

11 THE COURT: All right. I'm going to set the bond as
12 follows: On each of the Second Degree Felonies -- there's
13 ten of them, correct, \$55,000 in each one of them. On each
14 of the Third Degree Felonies -- there's three of them, is
15 that correct?

16 MS. WHITE: Yes, Judge.

17 THE COURT: \$15,000 each. If my math is correct
18 that's a total of -- well, wait a minute. My math is not
19 correct. What did I say \$20,000 each?

20 MS. WHITE: You said --

21 THE COURT: The Third Degree Felonies \$20,000 each for
22 a total of \$60,000. That makes a total of \$610,000.

23 Thank you.

24 MR. ROSSI: One last thing, Judge, so the clerk can
25 double check because the docket reflected additional

1 counts. It should only be thirteen counts.

2 THE COURT: If there's a correction on the disposition
3 sheet let me know and we'll correct it.

4 MS. WHITE: Will there be any conditions attached to
5 that bond?

6 THE COURT: That's the monetary amount and I believe
7 he gave an address where he's going to be residing with his
8 father?

9 MR. ROSSI: Yes, Judge.

10 THE COURT: And it will be under electronic --
11 actually GPS system, pretrial release conditions.

12 MR. ROSSI: And can you give me thirty seconds, Judge,
13 I want to check one thing? I want to check something with
14 my client real quick.

15 THE COURT: He has a passport; is that correct?

16 MR. ROSSI: The passport's already been given to the
17 Court as an item of evidence so it should be in the court
18 file, I didn't get it back.

19 Can I have one quick moment, please?

20 THE COURT: All right. I don't know if it's going to
21 effect my ruling but go ahead.

22 (Thereupon, a brief recess was had.)

23 MR. ROSSI: Judge, would you have any objection
24 with -- you've already entered an order instructing him to
25 be maintained in BSO custody and not to be sent to prison.

1 In light of the Court's ruling pertaining to the bond would
2 the court have any objection having him at least remain

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3 here for two weeks before being moved?

4 THE COURT: State?

5 MS. WHITE: Judge, I don't know why he should remain.

6 THE COURT: I don't know. That's really something --
7 if he can post a bond he'll be released from wherever he's
8 at, you understand that. I don't see any reason to prolong
9 this. I have no idea when they're going to send him. They
10 don't tell us because it could be weeks.

11 MR. ROSSI: It could be days.

12 THE COURT: It could be days.

13 All right. That's my order. That's my ruling. Thank
14 you.

15 MS. WHITE: I just wanted to bring to the Court's
16 attention that I'm trying to find the Rule, the Statute
17 now. The Statute does require that prior to the Defendant
18 being released on bond that the Court has to approve the
19 collateral and the things that are being put up. So that
20 is something that the Court will have to do.

21 THE COURT: Let me take testimony as to what
22 property's going to be securing this. The bondsmen is here
23 so I don't know --

24 MR. ROSSI: Yeah. Again, Judge, this does not total
25 the amount that you've indicated.

1 THE COURT: I don't know what the properties are. ¹⁴

2 MR. ROSSI: Can I start off and then -- the first
3 thing is a 1996 Mitsubishi. The second item is a property
4 located at [REDACTED]

5 THE COURT: Let me have it again.

6 MR. ROSSI: [REDACTED] Sunrise, Florida.
7 The next item of property is --
8 THE COURT: Who owns that?
9 MR. ROSSI: That is owned by the Defendant's father.
10 Do you want the name? First name Mohanlal, so it's the
11 last name is the first name.
12 THE WITNESS: No. Adhind, A-D-H-I-N-D.
13 THE COURT: Adhind and Nancy Mohanlal.
14 MR. ROSSI: First name Mohanlal and last name Adhind
15 the name of the Defendant father. First name is Mohanlal.
16 THE COURT: Mohanlal.
17 MR. ROSSI: Yes. Last name A-D-H-I-N-D.
18 THE COURT: You said Nancy. They both own the
19 property Nancy Mohanlal and Mohanlal --
20 MR. ROSSI: No, I'm sorry just "N" as in Nancy.
21 THE BAILIFF: N as in Nancy.
22 THE COURT: That's what I said. There's Mohanlal
23 Adhind --
24 MR. ROSSI: The Defendant's father.
25 THE COURT: And.

1 MR. ROSSI: Just him. 15
2 THE COURT: Where did Nancy come from?
3 MR. ROSSI: I was giving you the letter N as in Nancy.
4 THE COURT: Thank you. All right. Go ahead.
5 MR. ROSSI: Second property; 741 Jocobi, J-O-C-O-B-I,
6 Avenue. That's Port St. Lucie.
7 THE COURT: Yes.
8 MR. ROSSI: Third is --

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9 THE COURT: Who owns that one?

10 MR. ROSSI: By the father as well. Third one is a
11 four and a half acre lot. I don't have an exact address
12 Live Oak, Florida.

13 THE COURT: Who owns that?

14 MR. ROSSI: Father. 2000 Lincoln vehicle owned by the
15 father.

16 THE COURT: Who owns the Mitsubishi?

17 MR. ROSSI: That's owned by the brother, Mark
18 Mohanlal. There's approximate cash in the bank of \$8,000
19 with the father.

20 THE COURT: What's the equity in the [REDACTED]
21 Street property.

22 MR. ROSSI: \$220,000.

23 THE COURT: And the equity in the 741 Jacobi Avenue?

24 MR. ROSSI: \$30,000.

25 THE COURT: And the equity in the land?

16

1 MR. ROSSI: 65,000.

2 THE COURT: That's it. Well, 8,000 -- the Mitsubishi
3 was how much?

4 MR. ROSSI: The Mitsubishi was 1,500. The Lincoln was
5 9,000 and there was cash on hand of 8,000.

6 THE COURT: Oh, 8,000 cash. All right. As a
7 condition of the bond it must be secured by at least the
8 properties at [REDACTED], Sunrise; 741 Jacobi
9 Avenue, Port St. Lucie and the four and a half acres of
10 land in Live Oak, Florida. Also, there's a no contact
11 order imposed. He's to have no contact with any of the

12 witnesses in this matter except through you. No physical
13 contact, no faces, no letters, no phone calls, nothing.
14 The only way he can contact any of the witnesses in this
15 matter which includes the victim and his family is through
16 you and I don't know why you would be doing that anyway.

17 MR. ROSSI: Understood, Judge.

18 THE COURT: Thank you.

19 MR. ROSSI: Also, Judge, for purposes of the monitor
20 do you have any objection about him being employed during
21 that period of time?

22 THE COURT: I'm not going to address that now.
23 He's going to work with his father?

24 MR. ROSSI: His father has work at a construction.

25 THE COURT: I don't know if that will be an issue but

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1 we'll address that at another time.

2 MS. WHITE: I wanted to be sure that the State was not
3 acquiescing to a bond when we put forth \$750,000. That was
4 our suggestion if the Court was granting one.

5 THE COURT: Well, you know, my question was, I think I
6 asked what the state would feel would be appropriate and
7 your answer was 750,000. Now you're saying you're not
8 acquiescing now you're saying you're opposed to any bond?

9 MS. WHITE: I believe that Your Honor understood that
10 I was opposed to a bond when we were here at that last
11 motion. The State's position of we are opposed to any bond
12 but when you asked what I thought if there was going to be
13 a bond I was putting that forward as an appropriate number.

14 THE COURT: Now you just said when I asked what you

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15 thought, period. I think I'm reading a period between your
16 sentences. That's the way I understood it. I believe I
17 asked and we can have it read back what number you thought
18 was appropriate and I believe you said \$750,000. Now, I
19 did not read anything else into that. I took that as a
20 number that you felt was appropriate. They said they could
21 come up with \$450,000. I asked the State if that was
22 satisfactory and you said no, and I believe I asked what
23 you felt was an appropriate number and you said 750,000 and
24 I listened to the rest of it and I came up with \$610,000
25 being a total.

□

1 MS. WHITE: Okay. I just wanted to make it clear that¹⁸
2 I was not saying that I thought a bond in itself was
3 appropriate.

4 THE COURT: Well, I've ruled and I'm letting you know
5 what my basis for ruling was.

6 MR. ROSSI: Thank you for your time, Judge.

7 THE COURT: Thank you. Don't forget, GPS monitor. I
8 want everyone to be perfectly clear that if anything
9 happens, if he's missing in action as they say, the family,
10 their property and everything they use will be used as a
11 basis -- they'll lose everything, everything.

12 MR. ROSSI: Understood.

13 THE COURT: Thank you.

14 MR. ROSSI: Thank you.

15 (Whereupon, the proceedings were concluded.)

16 STATE OF FLORIDA

17 COUNTY OF BROWARD