

IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA.

CASE NO.: 16-1994-CF-3965-AXXX
DIVISION: CR-F

STATE OF FLORIDA

vs.

CHAD HEINS

ORDER GRANTING MOTION FOR POST CONVICTION RELIEF

This cause came before the Court on the defendant's Motion for Post Conviction Relief pursuant to Florida Rules of Criminal Procedure 3.853 and 3.850. The Court has considered the motion, the State's response, and the transcript of the trial. (The undersigned did not preside over the trial.)

The record herein and the current status of the law, including prior rulings which have become the law of the case and Rule 3.853 itself, which requires that the DNA evidence which is the subject of this motion be treated as newly discovered evidence, dictate that the defendant is entitled to a new trial.


Wherefore, it is, upon consideration, hereby **ORDERED AND ADJUDGED** that the Motion for Post Conviction Relief filed herein on June 23, 2006, should be and the same is hereby **granted**. The conviction and sentence of January 2, 1997, are hereby set aside, and this cause is herewith set for pretrial conference on **Tuesday, December 19, 2006, at 11:00 a.m., in Courtroom 4 of the Duval County Courthouse, Jacksonville, Florida**. Counsel will be appointed at that time, if

necessary.

The status hearing previously set for Thursday, December 14, 2006, at 3:00 p.m. is hereby **cancelled.**

This order renders the *Brady* issue raised in these pleadings moot. The undersigned will return the files of Honorable Brent Shore, defense counsel at trial, to Judge Shore.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 13 day of December, 2006.


CIRCUIT JUDGE

Copies to:

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