

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

STATE OF FLORIDA,)	
Plaintiff,)	
)	Case No. 88-019279CF10A
v.)	
)	
SIDNEY LAMAR HOLMES,)	
Defendant-Movant.)	HON. MERRIGAN (FE)

AGREED ORDER VACATING DEFENDANT'S JUDGMENT AND SENTENCE

THIS CAUSE, having come to be heard upon agreement of the State and the Defense, the Court finds sufficient cause to vacate Defendant's judgment and sentence. The Court finds as follows:

1. The Defendant, SIDNEY LAMAR HOLMES, was convicted of robbery with a firearm and sentenced on May 17, 1989 to 400 years imprisonment.
2. The Conviction Review Unit ("CRU") of the Seventeenth Judicial Circuit State Attorney's Office was created to investigate and review claims of factual innocence and make recommendations on appropriate relief.
3. In November 2020, Mr. Holmes applied to the CRU, requesting it review his case. Shortly after receiving his application, the CRU began reviewing his case and claim of factual innocence. The Broward State Attorney's Office Conviction Review Unit and the Innocence Project of Florida ("IPF") then conducted a collaborative, post-conviction investigation between 2021-2022, in furtherance of a joint U.S. Department of Justice grant between the CRU and IPF to screen and investigate potential cases of wrongful conviction.

4. Following this collaborative investigation, which included re-interviewing witnesses and investigators and consulting two eyewitness identification experts, the Broward State Attorney's Office Conviction Review Unit concluded that there was reasonable doubt as to Mr. Holmes' guilt in this case, and that it is highly likely that he was misidentified and is factually innocent of the armed robbery.
5. The CRU presented the case to an Independent Review Panel ("IRP") to gain an additional, independent perspective and recommendation. The CRU provided each member with all relevant documents, including police reports, trial transcripts, deposition transcripts, sworn statements, post-conviction motions, pictures of all the evidence, memorandums, legal research, and the joint investigation. Prior to the meeting, several panel members had questions and the CRU did additional legal research and investigation and provided it to them. The IRP met on February 16, 2023. The IRP agreed with the CRU that the case against Mr. Holmes gives rise to a reasonable doubt as to his culpability.
6. Further, Broward State Attorney Harold F. Pryor, the Conviction Review Unit Attorneys, and the Independent Review Panel each independently concluded that the Broward State Attorney's Office would not charge him today based on these facts.
7. On February 20, 2023, the CRU issued a "Conviction Review Unit Final Memorandum," detailing its factual findings and conclusions in this case. Additionally, State Attorney Harold F. Pryor and the Conviction Review Unit Attorneys agree that Mr. Holmes' judgment and sentence should be vacated, and the State Attorney's Office should enter a Nolle Prosequi.

8. The State has consented to this Court vacating Mr. Holmes' judgment and sentence, and stipulated that, upon issuance of this Order, it will file a Notice of Nolle Prosequi, dropping pending charges in this matter and effectuating the Defendant's immediate release from custody.
9. The State's disclosure of the CRU Memorandum and the conclusions therein constitute newly discovered evidence that would probably produce an acquittal on retrial. *See Jones v. State*, 591 So. 2d 911, 915-16.

Accordingly, it is hereby

ORDERED that the Judgment and Sentence entered against the Defendant on May 17, 1989 in the above-referenced case number are hereby VACATED.

DONE AND ORDERED, in Fort Lauderdale, Broward County, Florida, this 13 day of March, 2023.


Hon. Edward H. Merrigan, Jr.
Circuit Court Judge

Copies to: Department of Corrections

Harold F. Pryor, Esq., State Attorney
HPryor@sao17.state.fl.us
Arielle Demby Berger, Esq.
Sarah Gresham, Esq.
Assistant State Attorneys
Conviction Review Unit
ADembyBerger@sao17.state.fl.us
SGresham@sao17.state.fl.us

Brandon Scheck and Seth Miller, Innocence Project of Florida
bscheck@floridainnocence.org
smiller@floridainnocence.org
Counsel for Sidney Lamar Holmes

Clerk's Office