

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR CITRUS COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NUMBER: 2022-CF-261-A

IAN JOSEPH KING,

Defendant.

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TRANSCRIPT OF PRETRIAL CONFERENCE BEFORE THE
HONORABLE JOEL D. FRITTON

TAKEN AT: Citrus County Courthouse

DATE & TIME: 5 August 2022
10:02 a.m.

TRANSCRIBED BY: PAUL K. SPANGLER, RMR,
Certificates of Merit and
Proficiency, Notary Public

JOY HAYES COURT REPORTING
407 Courthouse Square
Inverness, Florida 34450
(352) 726-4451

1 APPEARANCES:

2 For the State:

3 KEVIN DAVIS, ESQUIRE
4 TARA HARTMAN, ESQUIRE
Assistant State Attorneys

5 For the Defendant:

6 ALEXEI LIZANICH, ESQUIRE
7 Assistant Public Defender

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1 (8:42 a.m.) P R O C E E D I N G S

2 (09-2022-CF-000261-A KING, IAN JOSEPH (Attorney:
3 LIZANICH, ALEXEI V)

4 (10:02 a.m. Appearances: Kevin Davis/Tara
5 Hartman, ASA; PA/APD; probation; defendant/defendant
6 in custody)

7 **THE DEPUTY CLERK:** Ian King, 22-CF-261.

8 And there was an Amended Information just
9 filed.

10 **THE COURT:** All right. Let me just, uh --
11 Madam Clerk, what's the bond set on Count Two
12 now?

13 **THE DEPUTY CLERK:** Uh --

14 **MR. LIZANICH:** My notes indicate -- he's
15 approaching now. My notes indicate he scores 113
16 months with a max of 20 years.

17 **MS. HARTMAN:** So, Judge, with the amendment to
18 dropping Count Two, uh, and making Count Two a
19 violation of pretrial release, he actually only
20 scores 62 point something.

21 **THE COURT:** Say that again.

22 **MS. HARTMAN:** I'm pulling up his score -- his
23 new score sheet right now.

24 **THE COURT:** So you amended Count Two?

25 **MS. HARTMAN:** Yes, Judge. I dropped Count two,

1 the aggravated stalking with credible threat, and it
2 is now a violation of condition of pretrial release
3 because he's called her about 165 times.

4 MR. LIZANICH: Don't say anything.

5 MS. HARTMAN: So he now scores 64.125 months,
6 which is his offer.

7 THE COURT: 65.124 months?

8 MS. HARTMAN: 64.125.

9 THE COURT: Okay.

10 And what's the new maximum? It would be --

11 MS. HARTMAN: It would be 16 years.

12 (Pause.)

13 THE COURT: Let me read the case.

14 (Pause.)

15 My assumption is there's -- there has to be a
16 good deal of priors --

17 MS. HARTMAN: Yes, Your Honor.

18 THE COURT: -- based on the score.

19 MS. HARTMAN: And just so Mr. Lizanich is
20 aware, I've already talked to him about this this
21 morning. We are still waiting for the certified
22 convictions just for impeachment purposes from
23 Pinellas County because they're all out of Pinellas.
24 Uh, I expect to have those Monday.

25 (Pause.)

1 **THE COURT:** Has he been to prison before?

2 **MS. HARTMAN:** Yes.

3 **THE COURT:** How long the last time, and when
4 was it?

5 **MS. HARTMAN:** Uh, he had gotten out two years
6 before this occurred.

7 **THE DEFENDANT:** No, I got out two years ago.

8 **MR. LIZANICH:** Don't say anything.

9 (Unintelligible conversation between defendant
10 and his attorney.)

11 (Pause.)

12 **MS. HARTMAN:** He got out -- I'm sorry,
13 Your Honor. It was a little bit -- it was longer
14 than that. He went for four years, one month and 17
15 days for a, uh, burglary of an occupied conveyance
16 and an aggravated battery on a pregnant person.

17 **THE COURT:** So a little over four years?

18 **MS. HARTMAN:** Yes, sir.

19 (Pause.)

20 I was thinking two years, but it's two years
21 outside of (unintelligible) possibility, so seven
22 years.

23 (Pause.)

24 **THE COURT:** Have you spoken with the victim,
25 state?

1 **MS. HARTMAN:** Yes.

2 **THE COURT:** Does the victim have a position or
3 want to address the Court? Is she here today?

4 **MS. HARTMAN:** She's not here. Uh, she says
5 that he needs help. She doesn't really want him to
6 go to prison that long. Uh, however he's called her
7 a hundred -- I just found last night more calls.
8 Uh, that he's called her 163 times and says go to
9 the state, talk to them.

10 (Pause.)

11 **THE COURT:** The state's offer is guidelines?

12 **MS. HARTMAN:** Yes, Your Honor, and that's just
13 because of the victim's wishes. She doesn't want
14 him to go to prison for a long time. Uh, however,
15 he still committed this.

16 He has numerous -- I'm shocked he's only went
17 to prison that one time because his priors include
18 battery on a person 65 or older, three prior
19 violations of, uh, injunctions, burg structure with
20 a firearm, burg structure on dwelling, burg occupied
21 structure, aggravated fleeing and eluding,
22 aggravated battery of a pregnant person and
23 cultivating cannabis are his felonies.

24 **MR. LIZANICH:** And, Your Honor, if I may at
25 some point.

1 **THE COURT:** Go ahead. I actually was right
2 about there. Go ahead.

3 **MR. LIZANICH:** Your Honor, I've spent hours
4 talking to the alleged victim. The more accurate
5 representation of her position is she does not want
6 Mr. King to go to prison at all and she does not
7 believe this crime occurred.

8 **MS. HARTMAN:** well, that is not what she told
9 me. She told me it did happen, and she wants him to
10 get treatment and she --

11 **THE COURT:** This is in writing, is it not?

12 **MS. HARTMAN:** Yes.

13 **THE COURT:** I mean, I'm -- I'm looking at a
14 warrant affidavit that's quoted.

15 **MR. LIZANICH:** Is Your Honor saying that you
16 anticipate some of the facts have -- are already
17 proven?

18 **THE COURT:** I'm sorry, Mr. Lizanich?

19 **MR. LIZANICH:** Our position is --

20 **THE COURT:** I'll tell you what. I don't think
21 this is a case where I would approve the guideline's
22 offers -- the guideline offer, rather. I think
23 based on the alleged facts as I'm reading them in
24 the affidavit, it's considerably aggravated beyond
25 the guidelines in this particular case.

1 Uh, he -- your client has a serious history.
2 He's been to prison before for that history. I
3 don't think that what equates to approximately a
4 five-year sentence on these facts is something the
5 Court would approve. So you can plead open or we
6 can remain on the trial docket.

7 **MR. LIZANICH:** Your Honor, we have, uh, not
8 offered to plead no contest. We maintain and have
9 maintained not guilty. We wish to stay on the trial
10 docket.

11 **THE COURT:** No problem then.

12 All right, what day works for the state and
13 what day works for you?

14 **MS. HARTMAN:** I believe -- I talked to
15 Ms. Leathers, and it's probably going to be at least
16 a full day, so we would request to reserve two days
17 on probably Thursday and Friday I think is what
18 Ms. Leathers and I --

19 **THE COURT:** Okay, we can do that.

20 **MS. HARTMAN:** I'm sorry, Ms. Schlichter. Uh,
21 I've not had a chance to talk to Mr. Lizanich. I
22 don't know if he's okay with those two days.

23 **MR. LIZANICH:** Thursday and Friday of next
24 week?

25 **MS. HARTMAN:** Yes.

1 **THE COURT:** Hold on. Let me take a look.

2 (Pause.)

3 **MS. HARTMAN:** I know that you have a ring [sic]
4 or something on Wednesday, I believe. Or it's the
5 kids' first day of school. I think that's the day
6 school starts is why we were avoiding Wednesdays.
7 And then because it's two days, we were --

8 **THE COURT:** All right, so I have nothing
9 Thursday. I've got an RPO hearing in the morning,
10 but that generally doesn't take the full hour, so
11 let's set it for the Thursday and Friday.

12 Has this been filed --

13 **MS. HARTMAN:** Yes, Your Honor.

14 **THE COURT:** -- this Information?

15 (Pause.)

16 **THE DEPUTY CLERK:** This is the one they filed.
17 They amended it this morning.

18 (Pause.)

19 **THE COURT:** 8/8.

20 (Pause.)

21 (Unintelligible).

22 All right, jury selection will be Monday
23 morning 9:00 a.m.

24 How long do you anticipate for jury selection,
25 Mr. Lizanich?

1 **MR. LIZANICH:** Uh, I believe 30 minutes for the
2 defense questions, Your Honor.

3 **THE COURT:** Ms. Hartman.

4 **MS. HARTMAN:** Probably 45 minutes.

5 **THE COURT:** Two hours should be enough then.

6 **MS. HARTMAN:** Yes.

7 **MR. LIZANICH:** Yes, sir.

8 **THE COURT:** All right, we'll remain on Thursday
9 and Friday. You believe this is -- how many
10 witnesses are we anticipating?

11 **MS. HARTMAN:** Four or five from the state.

12 **MR. LIZANICH:** Approximately three from, uh,
13 the defense.

14 **THE COURT:** Potentially your client over that
15 or does that include?

16 **MR. LIZANICH:** Potentially.

17 **THE COURT:** So three potentially including your
18 client or possibly four including your client?

19 **MR. LIZANICH:** Probably three including the
20 client.

21 **THE COURT:** Okay.

22 And this is two days?

23 Okay.

24 **MS. HARTMAN:** Yes, Your Honor. Just going
25 through the amount of Facebook messages will take a

1 while.

2 **THE COURT:** All right.

3 Monday 9:00 a.m. for jury selection. Thursday,
4 we'll start at 8:45 and Friday, we'll start at 8:45.

5 All right, you're all set, sir. Thank you.

6 **MR. LIZANICH:** Thank you.

7 (End of hearing at 10:13 a.m.)
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1 STATE OF FLORIDA)

2 COUNTY OF CITRUS)

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4 I, PAUL K. SPANGLER, hereby certify that I was
5 authorized to and did transcribe the foregoing ELECTRONIC
6 RECORDING, Pages 1 through 12; that the pages contained
7 herein are a true and complete record of the proceedings,
8 transcribed to the best of my ability.

9 I FURTHER CERTIFY that I am not a relative,
10 employee, attorney or counsel of any of the parties, nor
11 am I a relative or employee of any of the parties'
12 attorneys or counsel connected with the action, nor am I
13 financially interested in the action.

14 DATED this 8th day of October, 2022, at
15 inverness, Citrus County, Florida.

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17 S/PAUL K. SPANGLER

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JOY HAYES COURT REPORTING
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