

S. A. CASE NO.: 13CF039428AD

CLERK NO.: 162013CF005781AXXXMA
DIVISION: CRD

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR DUVAL COUNTY,
SPRING TERM, IN THE YEAR TWO THOUSAND THIRTEEN

STATE OF FLORIDA

INDICTMENT FOR:

vs.

DONALD JAMES SMITH

MURDER IN THE FIRST DEGREE;
KIDNAPPING A CHILD UNDER THE AGE OF 13 YEARS;
SEXUAL BATTERY ON A CHILD LESS THAN 12 YEARS
OLD

IN THE NAME OF AND BY AUTHORITY OF THE STATE OF FLORIDA

The Grand Jurors of the State of Florida and County of Duval, empaneled and sworn to inquire and true presentment make in and for the body of the County of Duval, upon their oaths, do present and charge that DONALD JAMES SMITH, on or between the 21st day of June, 2013 and the 22nd day of June, 2013, in the County of Duval and the State of Florida, did unlawfully and from a premeditated design to effect the death of Cherish Perrywinkle, did then and there kill the said Cherish Perrywinkle, a human being, by strangling the said victim, contrary to the provisions of Section 782.04(1)(a), Florida Statutes.

COUNT 2

The Grand Jurors of the State of Florida and County of Duval, empaneled and sworn to inquire and true presentment make in and for the body of the County of Duval, upon their oaths, do present and charge that DONALD JAMES SMITH, on or between the 21st day of June, 2013, and the 22nd day of June, 2013, in the County of Duval and the State of Florida, did confine, abduct or imprison Cherish Perrywinkle, a child under the age of 13, forcibly, secretly, or by threat against her will and without lawful authority, with intent to commit or facilitate the commission of a felony, to-wit: Sexual Battery, and did commit a Sexual Battery upon Cherish Perrywinkle, contrary to the provisions of Section 787.01(3)(a), Florida Statutes.

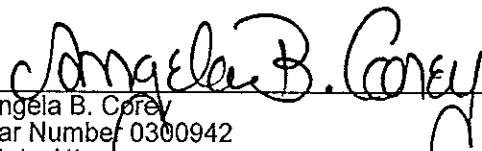
COUNT 3

The Grand Jurors of the State of Florida and County of Duval, empaneled and sworn to inquire and true presentment make in and for the body of the County of Duval, upon their oaths, do present and charge that DONALD JAMES SMITH, on or between the 21st day of June, 2013 and the 22nd day of June, 2013, in the County of Duval and the State of Florida, being a person 18 years of age or older, did commit a Sexual Battery upon Cherish Perrywinkle, or in an attempt to commit Sexual Battery, injured the sexual organs of Cherish Perrywinkle, a person less than 12 years of age, contrary to the provisions of Section 794.011(2)(a), Florida Statutes.



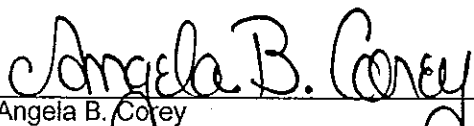
Foreperson of the Duval County Grand Jury

ANGELA B. COREY, STATE ATTORNEY
FOURTH JUDICIAL CIRCUIT



Angela B. Corey
Bar Number 0300942
State Attorney
Fourth Judicial Circuit in and for Duval County, Florida,
Prosecuting for said State

I, Angela B. Corey, State Attorney for the Fourth Judicial Circuit of the State of Florida, in and for Duval County, hereby certify that I, as such Prosecuting Officer and as authorized and required by law, have advised the Grand Jury which returned this Indictment this 2nd day of July, 2013.



Angela B. Corey
Bar Number 0300942
State Attorney

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), the filer of this court record (Information) indicates that confidential information is included within the document being filed; to wit: Social Security Number, § 119.0714.

Race: White

Sex: Male

DOB: 09/04/1956

SSN:

Custody: Yes No

Bond \$ _____

None

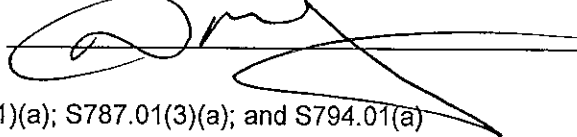
Capias: _____ (If not in custody)

Arrestment Date: July 16, 2013

Juvenile: Yes No

Sealed Yes No

Receiving Judge:



MCL NO.(S): S782.04(1)(a); S787.01(3)(a); and S794.01(a)

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IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL
CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR
DUVAL COUNTY, SPRING TERM, 2013

THE STATE OF FLORIDA

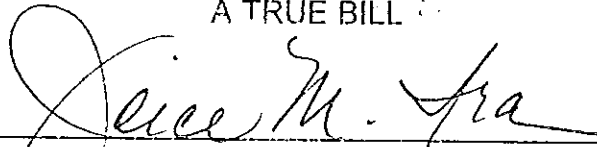
vs.

DONALD JAMES SMITH, SR.

INDICTMENT FOR

MURDER IN THE FIRST DEGREE;
KIDNAPPING A CHILD UNDER THE AGE OF 13 YEARS;
SEXUAL BATTERY ON A CHILD LESS THAN 12 YEARS OLD

A TRUE BILL



Foreperson of the Grand Jury

WITNESS FOR THE STATE

D. V. Alexander, #5284, Jacksonville Sheriff's Office

Presented in open Court by the Grand Jury and filed

this 2nd day of July, 2013.

RONNIE FUSSELL

Clerk Circuit Court

By:



Deputy Clerk

ANGELA B. COREY
STATE ATTORNEY
