

IN AND FOR FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 2018 CF 000169
JUDGE: TERENCE PERKINS

vs.

DEVIAUN ANTRIEL TOLER,
Defendant.

NOTICE OF FILING CHARACTER LETTERS

PLEASE TAKE NOTICE that undersigned counsel has filed with the Court the following Character Letters from:

Marcus B. Watkins

Jason Barnes

Shannon Thompson

Darold Adams

Amanda Zimmerle-Harding, M. Ed.

Mario Purifoy

Emmitt J. Smith, III

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this was electronically filed to Assistant State Attorney, Melissa Clark, Esq.; to Clerk of Courts and to the Honorable Terence Perkins on this 4th day of January 2022.

HAGER & SCHWARTZ, P.A.

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John S. Hager

John S. Hager, Esq.
Florida Bar No.: 173967

Marcus B. Watkins
3378 Wasatch Range Loop
Pensacola, Florida 32526

Dear Judge Perkins,


My name is Marcus Watkins, a law enforcement officer for twenty years in the state of Florida. I am sending this letter requesting leniency on behalf of Deviaun Toler, who is facing sentencing in January 2022. I have known Deviaun for over twenty years and have had the opportunity to work with him on many occasions and projects. For this reason, I submit this letter on behalf of Deviaun Toler. I understand the seriousness of this matter and hope that some leniency will be shown based on his character, commitment, and service to others.

As a deputy and member of the Pensacola Chapter 100 Black Men, Deviaun participated in many community service projects and events. He talked with youth on crime prevention, assisted in the cleanup of Pensacola's First All Black Cemetery, and helped with sales in fundraising for a local youth football program. Deviaun always showed up eager and ready to help. His constant volunteering showed his selflessness.

It is unfortunate that Deviaun has made some bad decisions, thus resulting in this case. I was surprised to hear about the matter, but I am totally sure that he is ready to accept all responsibilities. I spoke to him prior to his trial and have no doubt about the sincerity of his intentions, now that he's been found guilty. He will be better and do better. When this matter is behind him and he has served his time, I will welcome Deviaun and put him back to work. Our community needs him.

I hope that you will take my letter into account and attach it to this case. I appreciate your time. If you need further information, I can be reached at 850-345-6455.

Sincerely,


Marcus B. Watkins

11/20/2021

To Whom It May Concern,

My name is Jason Barnes, and I am the owner of Southeast Plumbing and Leak Detection. My company has been in business since 2008, serving Baldwin County, Alabama. DeVlaun Toler was hired to work for me 11/16/2020.

During his time with Southeast Plumbing, DeVlaun was a model employee. He always arrived to work early with a smile on his face. Although he didn't have much plumbing experience when he arrived, he was eager to learn and always wanted to do a great job. DeVlaun was a quick learner, and quickly became an asset to the company. He will be greatly missed on our crew.

When I learned about DeVlaun's legal troubles I was completely shocked. I never witnessed anything negative out of him during his tenure with me. He showed nothing but the utmost character during his employment for me. DeVlaun always conveyed a strong work ethic and was a teamplayer from day one. I have a position available for him as soon as he is able to come back to work for me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Barnes', written in a cursive style.

Jason Barnes

Southeast Plumbing and Leak Detection

Owner

(251) 621-8781

Thursday: 11/4/21

To Whom it may Concern:

My name is Shannon Thompson and I'm writing on behalf of DeViaun Tolier, the man with whom I've worked with for the last year. Although, we didn't have a lot of daily interaction, he always had a big smile and wave for me.

DeViaun had mentioned to me a few times how much he loved his job and the crews of guys he got to work with every day. I had never once heard a negative thought spoken about DeViaun's attitude or work performance, and also had never once heard anything but positive thoughts from DeViaun himself.

DeViaun's mother called me yesterday, to say that DeViaun had told her that there were some tools in his work truck and how important it was to have them returned to our office. She too expressed how much he loved this job and learning the trade from others.

I'm only able to speak of the DeViaun Tolier I knew and worked with since November of 2020, and can honestly say, he always had a positive word and kind smile for everyone.

Thank you for your time and consideration,

Shannon Thompson

A handwritten signature in black ink, appearing to read 'Shannon Thompson', written in a cursive style.

Darold Adams
P.O. Box 11723
Pensacola, FL 32524
(850)529-3741
daroldadams@ymail.com

December 13, 2021

The Honorable Terence R. Perkins
Judge of the Seventh Judicial Circuit Court of Flagler County
1769 East Moody Boulevard Building #1
Bunnell, FL 32110

Re: Sentencing of Deviaun Toler

Dear Judge Perkins,


I am Deviaun's uncle and served as a father figure in the absence of his father. I am honorably retired from the military, and I've been with my present employer for over twenty years. Over the years, I've gotten to know Deviaun quite well. He has been an honorable individual, a valuable member of the community, and a good person. Although he has made some bad decisions, he is ready to accept responsibility for his actions. He has taken a parenting class; thus, he is remorseful and will emerge as a better person.

I respect that Deviaun has been found guilty, and I know that consequences are a result. However, my goal is to offer an overall clearer picture of him as a person. He was a leader and always set great examples as a track and field athlete. He demonstrated positive and versatile attributes as a manager and/or supervisor where he was often rewarded for his achievements; management opportunities are why he relocated to the area. Deviaun has shown immense energies as an employee and coach. Considering this legal matter dating back to the Year 2018, he continued to thrive and made a career change as a plumbing apprentice. Deviaun also served as a volunteer for various celebrities as well as teachers and coaches.

As you decide his fate, I humbly ask for leniency. Deviaun has been a model citizen. He doesn't have any prior felonies, and his record only shows minor infractions.

I sincerely hope the court takes this letter into consideration at the time of sentencing. I also want to thank you for taking time out of your busy schedule to learn more about Deviaun.

Sincerely,


Darold Adams

Amanda Zimmerle-Harding
18 Pinell Ln.
Palm Coast, Florida 32164

November 30, 2021

Re: Sentencing of Deviaun Toler

Dear Judge Terence Perkins,

My name is Amanda Zimmerle-Harding. I am an educator here in Flagler County with over ten years of service to Title I schools. In 2018, I met Deviaun Toler through his mother Sherita Adams. She and I were colleagues for two years at Rymfire Elementary School. You may have heard the saying that "A teacher's work is never done.", and at times teachers find it difficult to get everything done that is needed to be completed. Ms. Adams would often take tasks home for me that I couldn't get completed during my school day and Deviaun was willing to volunteer to help out. He understands with his mom, who is also a teacher, that our tasks seem insurmountable and displays great respect for teachers through his acts of benevolence.

At one time, Deviaun took several hundreds of back to school information papers and sorted them into easily accessible packets for our families that allowed all the information to be in just one place.

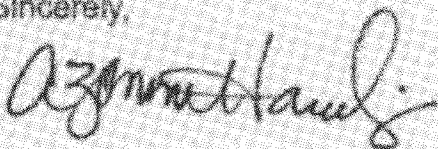
Another time, he helped by volunteering in our school-wide Haunted House Fall Festival that supported our fundraising efforts that would allow the opportunity for our 5th grade students to participate in a field trip to Kennedy Space Center. This fundraising effort would benefit approximately 160 students.

He was willing to support teachers in helping out with tedious tasks at home, through sorting papers, cutting lamination, creating anchor charts that support our high needs students and arranging a fundraiser that gave our students recognizable grade level t-shirts that served as a high visibility safety feature when they were on the field trip and away from our school campus. This would allow their teachers and chaperones to easily identify that they belonged to our cohort of students.

I was distraught to learn of the troubles that Deviaun is currently facing as he always exhibited himself as a solid young man who was eager to volunteer his services and was respectful of the teaching position. For this reason, I am happy to submit this letter to reference his character and service to not only myself, but the students who benefitted from his random acts of kindness. I understand the seriousness of this matter and hope the court will show some leniency.

While it is unfortunate that he has made some bad decisions resulting in this case, Deviaun will pay his debt to society and emerge as a better person. His mother has expressed to me his deep sense of remorse and realizes the mistakes he made. As a teacher, I am a firm believer of rehabilitation. Now, all who support him remain hopeful that you will consider this letter and all others at time of sentencing.

Sincerely,



Amanda Zimmerle-Harding, M. Ed.

Mario Purifoy
1962 Wyatt Avenue
Pensacola, Florida, 32514

November 10, 2021

Re: Deviaun Antriel Toler


To: The Honorable Judge Terence Perkins

I am Mario Purifoy, a graduate and former student athlete of Delta State University and founder of Pur- Five Track Club in Pensacola, Florida. As a resident of Pensacola, I serve the community as a sports coach, mentor, and a personal trainer to many aspiring young athletes. I met Deviaun during his early track years in elementary school and consider him to be a man of service and a gentleman. I am saddened to hear about his legal troubles and hope that this letter serves as a reference of his character.

For the past two years, Deviaun has spent over 75 hours of his time assisting me with training and conditioning young sprinters. During track season, Deviaun set goals, workouts, and speed drills that are now a model for Pur- Five Track Club. He modeled and demonstrated techniques and forms of a runner when setting his expectations. It did not take long for our child participants to buy into his vision. So much so, that excellence is being birthed every track meet with stellar performances from our athletes (two of which can be viewed on Twitter (@mario_purifoy23). Zaiden and Zamir are two athletes that have benefited from Deviaun's time and effort. Deviaun was more than a volunteer coach to our program. He exuded patience and persistence. Coach Dee will truly be missed during his time of incarceration.

As time draws near for sentencing Deviaun, I hope that you consider the great works of this young man and the difference he made in our program. I trust the process and hope for leniency. Deviaun has accepted responsibility for his actions. He has expressed to me remorse and regret. He will take this time now to grow and one day return to our community as a transformed man.

I can be reached at 850-501-4505 to further validate my sincere support of Deviaun Toler.

Sincerely,

Mario Purifoy

Emmitt J. Smith, III.

14902 Preston Road, Suite 404-1042, Dallas, Texas 75254 972-674-3124

December 5, 2021

The Honorable Judge Terence Perkins

Flagler County Seventh Judicial Circuit Court

1769 East Moody Boulevard Bldg. #1

Bunnell, Florida 32110

Re: Sentencing of Deviaun Toler

Dear The Honorable Judge Terence Perkins:

I am Emmitt J. Smith III, a former football player for the National Football League (NFL) for fifteen seasons. In my lifetime of charitable giving and philanthropy, I take mentoring and inspiring younger generations as one of the most rewarding opportunities. It was an honor to support Deviaun during his preteen years to young adulthood. During these years, Deviaun shared in many family gatherings, birthday parties, and private events. Being one of the eldest amongst my children and many others, I attest that he was a kind and patient young man. He always demonstrated a respectful and manorable demeanor to my family and guest. Because of his character, it was easy to award him with a scholarship through my foundation Emmitt and Pat Smith Charities.

I am aware of the charges and guilty verdicts. It is with respect that I ask you for leniency for Deviaun Toler. If given minimal years, I am confident that Deviaun will return to society as a resolute citizen, ready to contribute his time, talents, and testimony to his community. Moreover, with no prior felonies, Deviaun is at a low risk of recidivism. He is loved by his family and will be given the support needed to re-enter into society.

Thank you for your time and consideration. I am available to confirm the facts within this letter as necessary.

Sincerely,

EJS