

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN AND
FOR FLAGLER COUNTY, FLORIDA

CASE NO. 2018-CF-000137XXXXXX

STATE OF FLORIDA,

Plaintiff,

vs.

LARRY ANTHONY CAVALLARO,

Defendant.

MOTION TO SET BOND/REASONABLE CONDITIONS OF RELEASE

The Defendant, LARRY ANTHONY CAVALLARO (hereinafter "Mr. Cavallaro"), by and through his undersigned attorney and pursuant to Fla. Stat. §§ 903.035(2) and 903.046, and Fla.R.Crim.P. 3.131, hereby respectfully requests this Honorable Court to enter an Order setting bond or reasonable conditions of release in the above-referenced case, and as grounds therefor would state:

1. The Defendant (hereafter referred to as "Mr. Cavallaro") was arrested on Friday, June 7, 2019, in Orange County, Florida, on a warrant alleging the charge of Sexual Battery, that is alleged to have occurred on December 17, 2017. This offense is a first degree felony.

2. In Flagler County, the Bond Schedule for a First Degree Felony is \$15,000.00.

3. Mr. Cavallaro was born on January 31, 1947. He is 72 years old and has been held without bond since his arrest.

4. Mr. Cavallaro has never been previously arrested in his entire life. He has never fled a jurisdiction, never attempted to avoid prosecution, and has never failed to appear at any court proceedings. Mr. Cavallaro is not a danger to the community, and has no history of violence.

5. Mr. Cavallaro is a United States Citizen.

6. Mr. Cavallaro has strong ties to Central Florida having lived here for more than 40 years since 1975.

7. Mr. Cavallaro owned a residence at 856 Park Lake Court, Orlando, Orange County, Florida, from November of 1981 to October of 2002, after which he continued to reside in Orange County, Florida. He currently lives at 2500 Lee Road, Unit 226, Winter Park, Orange County, Florida 32789, a condominium in which he has resided since approximately 2016. Prior to that, he rented residences at Whispering Waters Condominiums in Saint Petersburg, Florida, and then a home at 1215 Via Del Mar, Winter Park, Orange County, Florida.

8. Since 1992, Mr. Cavallaro has been self-employed as President with The Cavallaro Group, Inc., a real estate development/management/ownership group. He owns real property both in Central Florida and in North Carolina. In Central Florida, he owns a home located at 2653 North Ocean Shore Boulevard, Beverly Beach, Flagler County, Florida; eight acres of improved, fully developed land in the City of Deltona, Volusia County Florida^{1/}; and four mobile home parks, located in the cities of Mebane, Siler City, Sanford, Stanfield, North Carolina.

^{1/} Approximately 20 years ago, Mr. Cavallaro purchased and developed land in Volusia County, 20 acres of which was for the City of Deltona.

9. Mr. Cavallaro also has significant family ties to the local community. His 48-year old son, Christian Cavallaro, resides at a home he purchased 18 months ago on Pasadena Beach, St. Petersburg, Florida.

10. Mr. Cavallaro's 54-year old sister, Cecilia Wheeler, resides at a home she and her husband purchased in St. Augustine, Florida, in February of 2011.

11. Mr. Cavallaro's 92-year old Aunt, Elizabeth Cavallaro, resides at a home she purchased in Apopka, Florida, in July of 1993. It is important to note that Mr. Cavallaro holds a power of attorney for his Aunt Elizabeth and is her caretaker.

12. Mr. Cavallaro's 50-year old nephew, Christopher Cavallaro, resides at an apartment he has rented in Davenport, Florida, for the past year.

13. The Florida Constitution states at Art. I, Section 14, "unless charged with a capital offense or an offense punishable by **life imprisonment** and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of a municipal or county ordinance shall be entitled to pre-trial release on reasonable conditions." (Emphasis added.)

14. Further, Florida law holds that "the purpose of a bail determination in criminal proceedings is to ensure the appearance of the criminal defendant at subsequent proceedings and to protect the community against unreasonable danger from the criminal Defendant." Fla. Stat. § 903.046(1) (2013).

15. Section 903.046(2), Fla. Stat. (2019), sets out the following conditions to be considered by the Court "when determining whether to release the Defendant on bail or other conditions, and what that bail or those conditions may be. . ."

(a) The nature and circumstances of the offense charged.

- (b) The weight of the evidence against the Defendant.
- (c) The Defendant's family ties, his length of residence in the community, his employment history, his financial resources, and his mental condition.
- (d) The Defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at Court proceedings ...
- (e) The nature and probability of danger which the Defendant's release poses to the community.
- (f) The source of funds used to post bail.
- (g) Whether the Defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence.
- (h) The nature and probability of intimidation and danger to victims.
- (i) Any other facts that the Court considers relevant."

Section 903.046(2), Fla. Stat. (2019).

16. There is a presumption in favor of release on non-monetary conditions for any person who is granted pre-trial release. The judicial officer shall impose the first of the following conditions of release which will reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process; or, if no single condition gives that assurance, any combination of the following conditions :

- (a) Personal recognizance of the Defendant ;
- (b) Execution of an unsecured appearance bond in an amount specified by the Judge;
- (c) Placing restrictions on the travel, association, or place of abode of Defendant during the period of release;
- (d) Placing the Defendant in custody of a designated person or organization agreeing to supervise him;

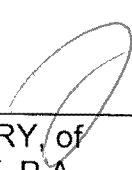
- (e) Requiring the execution of bail bond with sufficient and solvent sureties, or the deposit of cash in lieu thereof; provided, however, that any criminal Defendant who is required to meet monetary bail or bail with any monetary component may satisfy said bail by providing an appearance bond.
- (f) Imposing any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring the person to return to custody after specified hours.

17. Paragraphs 3-12 above confirm that Mr. Cavallaro's release on conditions will assure his presence at all of his court appearances, will assure the integrity of the judicial process, and will reasonably protect the community from risk of physical harm.

18. The ends of justice would be served by Mr. Cavallaro being released on bond and reasonable conditions of release in this matter.

WHEREFORE, Mr. Cavallaro respectfully requests this Honorable Court to enter an Order setting a bond or reasonable conditions of release.

I HEREBY CERTIFY that on this 14th day of June, 2019, a true copy of the foregoing was filed utilizing the Florida Courts E-Filing Portal and was served via electronic mail to: eserviceflagler@sao7.org, Office of the State Attorney, Felony Division, 1769 E. Moody Blvd., Bldg. 1, 3rd Floor, Bunnell, FL 32110.

s/ Matthew P. Ferry 
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