

PROBATION ORDER

STATE OF FLORIDA

[This order clarifies the terms of supervision imposed by the original sentencing judge in The Circuit Court of]

VS

MARK HADDEN

Defendant

ST. LUCIE County, Florida

Case No. 97-1834CF
DOC # K53006

This cause coming on this day to be heard before me, and the defendant MARK HADDEN AND IN THE PRESENCE OF HIS/HER ATTORNEY being now present before me, and having:

- entered a plea of guilty to
- entered a plea of nolo contendere to
- been found guilty by jury verdict of
- been found guilty by the court trying the case without a jury of the offense(s) of

(2) ATTEMPTED LEWD + LASCIVIOUS
or Indecent Act Upon A child under
16 years

SECTION 1: Judgement of Guilt

The Court hereby adjudges you to be guilty of the above offense(s).

It is ordered and adjudged that the imposition of sentence is withheld, and that you are placed on probation for a period of _____ under the supervision of the Department of Corrections and its officers, such supervision to be subject to Florida Law.

SECTION 2: Order Withholding Adjudication

It is ordered and adjudged that the adjudication of guilt is withheld and that you are placed on probation for a period of 5 years under the supervision of the Department of Corrections and its officers, such supervision to be subject to Florida Law.

SECTION 3: Probation During Portion of Sentence

It is hereby ordered and adjudged that you are
 Committed to the Department of Corrections

Confined in the County Jail

for a term of _____ with credit for _____ jail time. After you have served _____ of the term you will be on probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

Circuit Ct. Min.

FILED IN OPEN COURT THIS THE

20th DAY OF June, 2000

JOANNE HOLMAN, CLERK

BY: [Signature]

D.C.

Name: _____

Case No: _____

It is further ordered that you must comply with the following conditions of probation during the term of probation:

- ✓ (1) Not later than the seventh day of each month, you must report in person to the Probation Office and make a full and truthful report to your officer on the form provided for that purpose. You must report even if you can not afford to pay your monetary obligations. You must continue to report even if you are told that a violation will be filed or has been filed.
- (2) You will pay to the State of Florida the amount of **Forty Dollars (\$40.00) plus a 4% surcharge of One Dollar and Sixty Cents (\$1.60)** per month toward the cost of your supervision unless otherwise waived in compliance with Florida Statutes.
- ✓ (3) You will not change your residence or employment or leave the county of your residence without first getting the consent of your officer.
- ✓ (4) You will neither possess, carry or own any firearms, ~~and you will not possess, carry or own any weapons~~ without first getting the consent of your officer.
- (5) You will live and remain at liberty without violating any law. A conviction in a court of law will not be necessary in order to constitute violation of your probation.
- ✓ (6) You will not use intoxicants to excess; nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
- ✓ (7) You will make your best efforts to become or remain gainfully employed. You will work diligently, inform your employer of your probationary status and support any dependents to the best of your ability as directed by your officer.
- (8) You will promptly and truthfully answer all inquiries directed to you by the Court or your officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
- (9) You will pay \$50.00 Crimes Compensation Fund per F.S. 960.20 within _____ days.
- ~~(10) If you transfer your supervision to another state, and the receiving state imposes less burdensome terms of supervision on it's probationers than the terms of this order, then the terms of this order apply.~~
- ~~(11) If you are in custody, you must report in person within 72 hours of your release from confinement to the Probation and Parole office located at _____ County, Florida.~~
- ~~(12) Restitution Order:
[] Restitution is not ordered as it is not applicable.
[] Restitution is not ordered due to the financial resources of the defendant.
[] Restitution is not ordered due to _____
[] Due to the financial resources of the defendant, restitution is ordered as prescribed below.~~

Circuit Ct. Min.

Name: _____

Case No: _____

12

You are ordered to pay restitution in the following amounts at a minimum rate of NO LESS THAN EQUAL MONTHLY INSTALLMENTS, through the Department of Corrections. Monetary payments will be applied to restitution first pursuant to the 19th Circuit Judicial Order. You will also pay the Department of Corrections a processing charge of 4%.

- \$ 1204.24 to Danna Hamm
- \$ _____ to _____
- \$ _____ to _____
- \$ _____ to _____
- \$ _____ to _____

\$ _____ to the Florida Crimes Compensation Commission.
 Jurisdiction is reserved for _____ days to determine the amount of restitution.

SPECIAL CONDITIONS (Numbered and Checked Conditions Only)

Financial Conditions:

- You will pay the following amounts to the Clerk of the Circuit Court at a minimum rate of \$ NO LESS THAN EQUAL MONTHLY INSTALLMENTS, through the Department of Corrections.
- \$ 3.00 Criminal Justice Trust Fund per F.S. 943.25(3).
- \$ 2.00 County Criminal Justice Education Fund per F.S. 943.25(13).
- \$ 200.00 Court Costs per F.S. 27.3455. (Felony cases.)
- \$ 50.00 Court Costs per F.S. 27.3455. (Misdemeanor cases.)
- \$ 3.00 County Delinquency Prevention per F.S. 775.0833.
- \$ _____ additional court costs to the St. Lucie County court facility fund. F.S. 939.18(1)(a). [Up to \$150.00 for felony, misdemeanor and traffic cases. For offenses committed on or after May 30, 1997.]
- \$ _____ Cost of Extradition, payable to _____ County Sheriff.
- \$ _____ Fine plus a 5% surcharge of _____.
- \$ _____ Public Defender Fees to the County. F.S. 27.56.
- \$ 40.00 Public Defender Application Fee to the Clerk of the Court per F.S. 27.52(1)(c).
- \$ _____ Special Public Defender Fees to the County. F.S. 27.56.
- \$ _____ Alcohol and Drug Abuse Trust Fund per F.S. 893.13(8)(a), plus a 5% surcharge of _____. (F.S. 893.13 offenses only.)
- \$ _____ Cost of Prosecution per F.S. 939.01.
- \$ _____ Cost of Investigation Surcharge per F.S. 939.01, payable to _____
- \$100.00 FDLE Statewide Criminal Analysis Lab F.S. 893.13(8)(b). (F.S. Chapter 893.13 offenses only.)
- A 10% surcharge on the fine is imposed per F.S. 775.0836. (In cases where the victim is elderly or handicapped.)
- \$20.00 per F.S. 939.015 (In cases where the victim is elderly or handicapped.)
- \$15.00 per F.S. 939.017 (In misdemeanor cases only where unlawful use of alcohol or drugs is involved.)
- \$ _____ to _____ County for medical care, treatment, hospitalization or transportation received by you while in the County Jail. F.S. 948.03(1)(f).

Circuit Ct. Min.

Name: _____

Case No.: _____

- \$ _____ to _____ County for liquidated damages for incarceration or correctional costs. F.S. 960.293(2). (\$50.00 per day in custody.)
- \$ _____ to the State of Florida for liquidated damages for incarceration and correctional costs. F.S. 960.293(2). (\$50.00 per day in custody.)
- _____

- The cash bond posted by the Defendant is hereby directed to apply to the fees and costs in this section. The balance, if any, to be returned to the Defendant.
- You will pay to the Department of Corrections a \$2.00 per month surcharge for each month you are under supervision pursuant to F.S. 948.09(1)(2).
- You will pay the Department of Corrections \$1.00 per month for a non-profit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections. F.S. 948.03(1)(o).
- You will pay \$ _____ for the costs taxed to the county payable to the Board of County Commissioners of _____ County at a minimum rate of \$ _____ per month through the Department of Corrections.
- Upon space being available at the Florida Department of Corrections, Probation and Restitution Center # _____, _____, Florida and upon being instructed by your probation officer you will report within one (1) working day, and there you will participate in the Probation and Restitution Center for a minimum of _____, unless released prior thereto by further Order of this Court. While participating in the program you will comply with all rules and regulations in effect at the Center.

Custody Conditions:

- You will serve _____ days/months in the County Jail, beginning _____ with _____ days credit for time served.
- You will serve _____ weekends in the County Jail with credit for _____ days time served. You must surrender to the County Jail at 6:00 p.m. Friday and will be released at 6:00 p.m. Sunday for each weekend. You must serve them consecutively beginning _____. If you are refused admittance for medical reasons, that does not satisfy your obligation to serve. Further, you may not consume alcoholic beverages within 24 hours of reporting to the jail.
- You will serve _____ in the County Jail, beginning _____ to be served on the Weekend Work Program.

Circuit Ct. Min.

Name: _____

Case No.: _____

Substance Abuse/Mental Health Conditions:

[] Within the next _____ days, you must undergo a substance abuse evaluation at a time, date and location as specified by your probation officer, at your own expense. You must also successfully complete any treatment and education determined to be necessary as a result of the evaluation, which may include residential treatment, at your own expense.

[] Within the next _____ days, you must undergo a mental health evaluation at a time, date and location as specified by your probation officer, at your own expense. You must also successfully complete any treatment and education determined to be necessary as a result of the evaluation, which may include residential treatment, at your own expense.

[] You will enter and successfully complete an approved in-patient drug/alcohol rehabilitation program, at your own expense.

13 You must submit to random urinalysis, breath, and blood testing, at any time and location, and at your own expense, if requested by your probation officer, or the professional staff at any treatment center where you are receiving treatment, to determine the possible use of alcohol or controlled substances.

[] You will remain drug/alcohol free during the term of your probation.

[] You may not consume alcoholic beverages, or enter any establishment where the primary business is the sale or service of alcoholic beverages.

[] You will attend a minimum of _____ Narcotics Anonymous/Alcoholic Anonymous meetings per week.

[] You will enroll and successfully complete at your own expense, the drug awareness and education course offered by the Indian River Community College. You must begin within _____ days.

[] The first _____ of supervision will be served on Drug Offender Probation with the following special conditions:

[] Within the next _____ days, you must undergo a substance abuse evaluation at a time, date and location as specified by your probation officer, at your own expense. You must also successfully complete any treatment and education determined to be necessary as a result of the evaluation, which may include residential treatment, at your own expense.

[] You must submit to random urinalysis, breath and blood testing, at any time and location, and at your own expense, if requested by your probation officer or the professional staff at any treatment center where you are receiving treatment, to determine the possible use of alcohol or controlled substances, at your own expense.

[] You must observe a curfew from 10:00 PM to 6:00 AM daily, unless given specific permission by your probation officer to leave your approved place of residence, except for specific emergency reasons.

[] You must report to your probation officer daily if not employed full-time or a full-time student.

Name: _____

Case No.: _____

Miscellaneous Conditions:

- You will perform _____ hours of community service work at a rate of no less than _____ hours per month, in no less than _____ hour blocks.
- You will have no contact with _____.
- You will work diligently toward the completion of your General Equivalency Diploma (GED), and begin within _____ days, at your own expense.
- You will enroll in and attend the Indian River Community College Adult Education/Vocational Program. You will attend eight (8) hours weekly if employed and 25 hours weekly if unemployed. Attendance shall continue until you obtain a GED Diploma, your supervision terminates or you are discharged from the program.
- You will forfeit the weapon confiscated in this case.
- You must observe a curfew from 10:00 PM to 6:00 AM daily, unless given specific permission by your probation officer to leave your approved place of residence, except for specific emergency reasons.
- You may not have any contact with a child under the age of _____ years unless another adult is present who is greater than 21 years of age and who is aware of this probation condition.
- Within _____ days you must provide a sample of your blood, in a manner as directed by your probation officer, for HIV testing, at your own expense.
- Within the next ninety (90) days, you will attend an HIV/AIDS Awareness Program, at a location specified by your probation officer, consisting of no less than two (2) hours or more than four (4) hours in length, the cost of which must be paid for by you per F.S. 948.03(1)(n).
- Within _____ days you must provide two (2) samples of your blood, in a manner as directed by your probation officer, for DNA analysis, at your own expense, F.S. 943.325. (For violations of, and attempted violations of F.S. Chapter 800; 782.04; 784.045; 812.133; 812.135.)

DUI Cases:

- You must attend a victim impact panel within _____ days.
- Your driver's license is suspended for _____.
- You must attend driving school and begin within _____ days.
- You must pay \$100.00 for the Emergency Medical Trust Fund within _____ days.

Name: _____

Case No.: _____

- Upon completion of one half of the period of probation and payment of a \$50.00 processing fee to the Department of Corrections, if the defendant is not in violation of any conditions of the probation, the Department of Corrections may place the probationer in Administrative Probation status in which only condition (5) of the Order of Probation remains in effect. The Court reserves the right to restore the probationer to regular probation status in which all conditions of probation would again be in effect.
- You must report to your probation officer daily if not employed full-time or a full-time student.
- Your driver's license is suspended for the maximum time allowed by Statute.
- Your probation will terminate upon full payment of monetary obligations and all conditions are met without the necessity of a further Court order.

(x) Sex Offender Conditions Attached

You are hereby placed on notice that the Court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision; and that if you violate any of the conditions of your probation, you may be arrested and the Court may revoke your probation and impose any sentence that might have been imposed before placing you on probation.

It is further ordered that when you have reported to your officer and have been instructed as to the conditions of probation, if you are at liberty on bond, the sureties thereon shall stand discharged from liability.

It is further ordered that the Clerk of this Court file this order in their office and provide a certified copy of this order to the probation officer within three (3) working days for use in compliance with the requirements of law.

DONE AND ORDERED IN OPEN COURT this 20th day of June, ~~1997~~ 2000.

~~the~~ None for time to 10/26/98

[Signature]
 JUDGE LARRY SCHACK

I acknowledge receipt of a certified copy of this order and that the conditions have been explained to me.

Date: _____ Probationer _____

Instructed by: _____

Original: Court
Copies: Probationer/File

JOANNE HOLLMAN
 CLERK CIRCUIT COURT
 JUN 20 PM 5 10

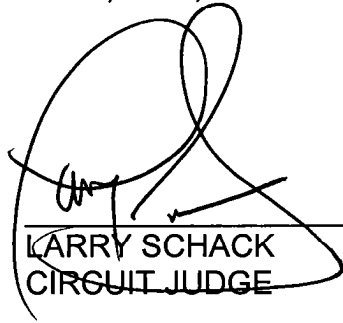
DC4-900A
REV. 7/97

[Note: For the community control order, the word probation should be changed to community control where applicable.]

SEX OFFENDER CONDITIONS: (The following conditions must be imposed for Defendants on supervision for crimes committed on or after October 1, 1995 for a violation of Chapter 794, §800.04, §827.071 or §847.0145):

- 14 You must observe a curfew from 7PM to 7AM daily unless given specific permission by your probation officer to leave your approved place of residence for purposes of employment for an approved activity; or for a medical emergency.
- 15 You must not live within 1,000 feet of a school, daycare center, park, playground or other place where children regularly congregate. [Where the victim was under 18 years of age.]
- 16 Within 30 days you must enroll in, participate in and successfully complete a sex offender treatment program, at your own expense, as directed by your probation officer, unless one is not available within a 50-mile radius of your residence.
- 17 You may not have any contact with the victim in this case, directly or indirectly, nor through a third person, unless approved by the Court.
- 18 Until successful completion of a sex offender treatment program, you may not have any unsupervised contact with any child under the age of 18, without another adult present over the age of 21 who is responsible for the child's welfare, who has been advised of the crime for which you are under supervision, and who is approved by your supervising officer, unless authorized by the Court. [Where the victim was under 18 years of age.]
- 19 You may not work for pay or as a volunteer at any school, daycare center, park, playground, or other place where children regularly congregate. [Where the victim was under 18 years of age.]
- 20 Unless provided for in the treatment plan in the sexual offender treatment program you are attending, you are prohibited from viewing, owning or possessing any obscene, pornographic or sexually explicit material.
- 21 Within 30 days you must provide two (2) samples of your blood in a manner as directed by your supervising officer, for DNA analysis, at your own expense.

DONE AND ORDERED this 20th day of June, 2000, in Chambers, at Fort Pierce,
Florida.


LARRY SCHACK
CIRCUIT JUDGE

gpd

Copies furnished to:

Daryl Krauza, Esq.
Assistant State Attorney
Office of the State Attorney
(via Interoffice Delivery)

Doris Landis Raskin, Esq.
Post Office Box 1667
Stuart, FL 34995-1667
(via U.S. Mail)

Cynthia Hodge, CPSO
Department of Corrections
(via Interoffice Delivery)

2000 Orders-Criminal\97-1834cf clarify probation ord

•00 JUN 21 PM 12 07
JOANNE HOLMAN
CLERK CIRCUIT COURT



Circuit Ct. Min.