

Filing # 101189138 E-Filed 01/06/2020 04:06:04 PM

STATE OF FLORIDA

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

-VS-

CASE NUMBER 19-00193 CFFA

MICHAEL GERARD STAVRIS II

DC NUMBER V50447

Defendant

AMENDED (Removed Spec Cond 3)

ORDER OF PROBATION

This cause coming before the Court to be heard, and you, the defendant, being now present before the court, and you having

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

Count 1	<u>FRAUDULENT USE OF PERSONAL IDENTIFICATION INFORMATION OF PERSON YOUNGER THAN 18 OR 60 OR OLDER, (F2)</u>
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SECTION 1: JUDGMENT OF GUILT

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

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on Probation for a period of SEE SECTION 3 under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: ORDER WITHHOLDING ADJUDICATION

- Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE

It is hereby ordered and adjudged that you be:

- committed to the Department of Corrections for a term of Ten (10) Years prison with credit for Fifty-Seven (57) Days jail time, followed by Probation for a period of Five (5) Years under the supervision of the Department of Corrections, subject to Florida law. This case is to run consecutive to prison sentence in Case# 14-00270.

IT IS FURTHER ORDERED that you shall comply with the following standard conditions of supervision as provided by Florida law:

- (1) You will report to the probation office as directed.
- (2) You will pay the State of Florida the amount of \$10.00 per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
- (3) You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (4) You will not possess, carry or own any firearm. You will not possess, carry, or own any weapon without first procuring the consent of your officer.
- (5) You will live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of your probation, community control, or any other form of court ordered supervision.
- (6) You will not associate with any person engaged in any criminal activity.
- (7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.

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- (8) You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
- (9) You will promptly and truthfully answer all inquiries directed to you by the court or the 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.
- (10) You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
- (11) You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
- (12) You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
- (13) You will submit to the taking of a digitized photograph by the department. This photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
- (14) You will report in person within 72 hours of your release from incarceration to the probation office in Flagler County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 2405 East Moody Blvd., Suite 301, Bunnell, FL 32110.

Tolling for violations of community supervision will not be imposed unless otherwise pronounced by the court.

SPECIAL CONDITIONS

- 1. You must undergo a Mental Health evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless waived by the court.
- 13. You will have no contact (direct or indirect) with victim, H.G.B., during the period of supervision.
- 23. You will be assessed an amount of \$1.00 per month during the term of supervision to supplement rehabilitative efforts through First Step Funds, pursuant to s. 948.039(2), F.S.
- 27. Other: You must undergo a Psycho-sexual evaluation within 60 days of release and, if treatment is deemed necessary, you must successfully complete the treatment, to include annual Polygraph Examinations, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment.
- 28. Other: You are prohibited from working for pay or as a volunteer at any place where children regularly congregate.
- 29. Other: You will not create or maintain any online social media accounts.
- 30. Other: You will have no unsupervised contact with minor children.
- 31. Other: No Internet.
- 32. Other: You are prohibited from obtaining or using any P.O. Boxes.

Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.

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Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; the following conditions are imposed in addition to all other conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

Effective for offenders whose crime was committed on or after October 1, 2014, and who is placed on probation or community control for a violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition to all other conditions imposed, is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

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. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

IT IS FURTHER ORDERED that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

IT IS FURTHER ORDERED that you pay:

Court Costs, Fees, and Fines, as imposed at sentencing, in the total amount of: \$768.00

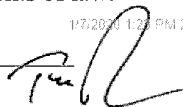
Payments processed through the Department of Corrections will be assessed a 4% surcharge pursuant to s. 945.31, F.S. Pursuant to s. 948.09, F.S., you will be assessed an amount of \$2.00 per month for each month of supervision for the Training Trust Fund Surcharge.

ALL PAYMENTS ARE TO BE MADE THROUGH AND PAYABLE TO: JPay.

IF COURT COSTS/FINES ARE ORDERED TO A JUDGMENT/LIEN, THEY WILL BE TRANSFERRED TO A PAYMENT PLAN: You must contact the Flagler Clerk of Court Central Cashiering Department on the 1st floor of the Kim C. Hammond Courthouse to make a payment arrangement immediately. If incarcerated, you have 5 days from release to report to the Clerk's Office to fill out the payment plan application. DEPARTMENT OF CORRECTIONS COSTS ARE STILL TO BE MADE THROUGH AND PAYABLE TO JPay.

IT IS FURTHER ORDERED that the clerk of this court file this order in the clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED, on _____
Nunc Pro Tunc 5/2/19

1/7/2020 1:23 PM 2019 CF 000193




e-Signed 1/7/2020 1:23 PM 2019 CF 000193
TERENCE R. PERKINS, Circuit Judge

I acknowledge receipt of a copy of this order and that the conditions have been explained to me and I agree to abide by them.

Date: _____

Defendant

Instructed by: _____
Supervising Officer

DG/sl