

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR SAINT LUCIE COUNTY, FLORIDA

STATE OF FLORIDA,

FELONY DIVISION  
CASE NO. 561997CF001834A

vs.

MARK HADDEN,

Defendant.

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**ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE  
PURSUANT TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.800**

THIS CASE came before the court in chambers on the Defendant's motion filed on May 11, 2016; the State's response filed on September 20, 2016; the Defendant's reply filed on December 7, 2016; and the State's response to the Defendant's reply filed on March 10, 2017, pursuant to Florida Rule of Criminal Procedure 3.800(a). The court finds and orders as follows.

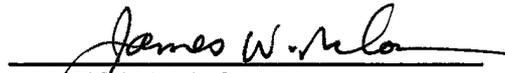
In 1997, the Defendant was charged by information with one count of sexual battery on a person 12 years of age or older; and one count of lewd, lascivious, or indecent act. The Defendant entered a negotiated plea to the lesser included offense of attempted lewd and lascivious act in exchange for the nolle pros of the sexual battery count, a withhold of adjudication, six months in jail, five years probation, and sex offender conditions. The Defendant violated probation and in 2000 an amended order was entered clarifying the terms of supervision.

The Defendant claims that his sexual offender designation is illegal and must be removed to correct a manifest injustice. The court incorporates by reference the State's two responses and adopts the State's reasoning in finding that sex offender conditions were negotiated as part of the initial plea agreement, that the sexual offender designation is legal pursuant to statute, and that the sexual offender designation does not constitute a manifest injustice where the Defendant benefited from the initial bargain. (See State's

responses attached as composite exhibit "A.") Consequently, the Defendant is not entitled to relief.

The motion is denied. The Defendant has thirty days to appeal.

DONE AND ORDERED in chambers in Fort Pierce, Florida, on May 4, 2017.

  
\_\_\_\_\_  
JAMES W. McCANN  
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above order, including any attachments, has been sent to the following addressees by U.S. Mail, postage prepaid or by courthouse box delivery where indicated, to the following persons, on May 5, 2017.

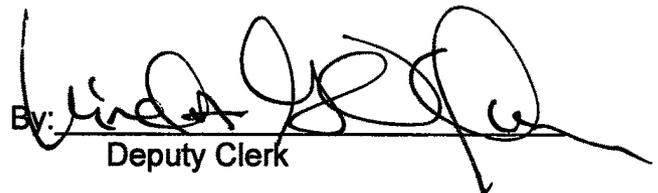
Copies to:

Ana M. Davide, Esquire  
2929 S.W. 3rd Avenue, Suite 420  
Miami, FL 33129

Sara K. Hedges, ASA  
Office of the State Attorney  
By Courthouse Box



Joseph E. Smith  
CLERK OF THE COURT

By:   
Deputy Clerk

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA

STATE OF FLORIDA

Case No. 56-1997-CF-001834-A

-vs-

Mark Hadden

Defendant(s)

STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO CORRECT ILLEGAL SENTENCE

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and hereby responds to the Defendant's Motion to Correct Illegal Sentence filed May 11, 2016. The State would respond as follows:

HISTORY

1. On June 18, 1997, the defendant was arrested for Sexual Battery on a minor on the case at hand. See Arrest Affidavit attached hereto, exhibit A. The State of Florida filed formal charges against the defendant and issued a capias for a second charge of Lewd, Lascivious or Indecent Act. See Information attached hereto, exhibit B. On October 26, 1998, the defendant entered a plea to the lesser offense of Attempted Lewd, Lascivious or Indecent Act with SEX OFFENDER CONDITONS. See Felony Plea form attached hereto, exhibit C. The defendant was sentenced to five (5) years of Probation. The Order of Probation contains the caveat that the defendant must comply with sex offender special conditions and references an attached page which cannot be located in the court file. See Order of Probation attached hereto, exhibit D. The defendant violated the conditions of his probation due to a new arrest for two (2) counts of Lewd and Lascivious on a Child 12 or Under. See Arrest Affidavit attached hereto, exhibit E. A violation hearing was held on December 7, 2000. The defendant was found in

violation. On June 20, 2000, the court issued an Amended Order of Probation by clarifying the defendant's terms of supervision. See Order attached hereto, exhibit F.

## **GROUND FOR REVIEW**

### No Written finding of Sexual Predator Designation and Manifest Injustice

2. The defendant claims that the defendant's Sexual Predator designation should be stricken as the court failed to make a written finding of such designation and based on the fact that the defendant was convicted of an offense that occurred before the effective date of Section 943.0435, Florida Statutes. The defendant also cites in his motion to the Florida Sexual Predator Act in support of their position that a written finding must be made at the time of sentencing which occurred on October 26, 1998, and the effective date of his offense prior to the enactment of the statute.

3. The defendant is misconstruing the Sexual Predator Act with the defendant's status as a "sexual offender." For a current offense committed on or after October 1, 1995, upon conviction, a defendant must be designated as a "Sexual Predator" under section 775.21(5), and subject to registration under section 775.21(6) and community and public notification under section 775.21(7). The Florida Sexual Predators Act provides that an offender shall be designated a sexual predator, upon conviction, if:

1. The felony is:

- a. A capital, life, or first-degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor and the defendant is not the victim's parent; or of chapter 794, s. 800.04, or s. 847.0145, or a violation of similar law of another jurisdiction; or
- b. Any felony violation, or any attempt thereof, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025(2)(b); s. 827.071; or s. 847.0145; or a violation of a similar law of another jurisdiction, and the offender has

previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; or s. 847.0145, or a violation of a similar law of another jurisdiction.

4. Furthermore, Section 775.21, Florida Statutes contains the provision that the Court must make a written finding that the defendant is a "Sexual Predator."

5. The defendant entered into a negotiated plea to the lesser included offense of Attempted Lewd, Lascivious or Indecent Act when he was facing a far greater term if convicted at trial of his charged offenses of Sexual Battery on a Person Twelve Years of Age or Older and Lewd, Lascivious or Indecent Act. In lieu of the negotiated plea, the defendant would receive a sentence of *five (5) years probation with sex offender conditions* in exchange the State would dismiss the sexual battery charge. See exhibit C. The Probation Order contains the defendant's signature and reflects that the conditions of probation have been explained to him including number 20 – *You must comply with sex offender special conditions (see attached)*. See exhibit D.

6. In 1997, prior to the defendant's plea, Florida enacted section 943.0435, its sexual offender registration statute. Ch. 97-299, § 8, Laws of Fla., eff. Oct. 1, 1997. Prior to the enactment of that statute, Florida had no sex offender registration requirement. Section 943.0435(1) defines a "sexual offender" as a person convicted of committing specified sexual offenses in Florida or similar offenses in another jurisdiction. Additionally, those offenders who meet the criteria set forth in subparagraphs 1, 2, or 3 of the statute also fall within its scope. In pertinent part, the applicable version of the statute requires:

a. Has been *convicted* of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes *in this state or similar offenses in another jurisdiction*: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; *and*

b. *Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-subparagraph a.* For purposes of subparagraph a., a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

7. *Harvey v. State*, 17 So.3d 890 (Fla. 4th DCA 2009) distinguishes the distinction to be made between a “sexual predator” and a “sexual offender.” While section 775.21, Florida Statutes, expressly requires the Florida courts to make a written finding that the defendant is a “sexual predator,” section 943.0435 “contains no provision for a court order designating such offenders as sexual offenders,” rather “they attain that status merely by virtue of their convictions.” *Id.* at 891 n. 2.

8. The defendant’s Motion to Correct Illegal Sentence pursuant to Rule 3.800(a) should be denied because the designation is neither a sentence nor punishment but a status resulting from the conviction of certain crimes, such as in the case at hand, for attempted lewd and lascivious or indecent act in violation of section 800.04, Fla. Stat. (1997). The defendant was on notice at the time of his plea that he would be subject to the sexual offender requirements. “As to notice, publication in the Laws of Florida or the Florida Statutes gives all citizens constructive notice of the consequences of their actions.” *State v. Beasley*, 580 So.2d 139, 142 (Fla. 1991). In addition, the courts have affirmed that failure to advise an appellant that

the sexual offender registration requirement is a collateral consequence of the conviction fails to establish a manifest injustice necessary for withdrawal of the plea, because it is simply a status and is not a sentence nor punishment. *State v. Partlow*, 840 So.2d 1040, 1043–44 (Fla. 2003).

9. The definition of a sexual offender under section 943.0435 applies to the defendant and thus he must comply with the registration requirements contained in section 943.0435 Florida Statutes as he “*Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-subparagraph a.*”

10. Section 943.0435 contains no provision for a court order designating such offenders as sexual offenders; they attain that status merely by virtue of their convictions.

11. In a similar case *Carter v. State*, 937 So.2d 1185, 1186 (Fla.5<sup>th</sup> DCA 2006), Carter appeals from an order determining that he qualifies as a “sexual offender” under section 943.0435, Florida Statutes (2005). Carter entered a plea on November 19, 1997, in the State of Texas after Florida enacted section 943.0435. Adjudication was withheld and Carter was placed on probation for ten years. Carter was successful in applying for early termination in 1999. Therefore, he was released from his sanction in Texas after October 1, 1997. By the express terms of section 943.0435, Florida Statutes, Carter therefore qualifies as a sexual offender based upon his 1997 Texas conviction.

12. As in the case at hand, the defendant entered a plea and was sentenced to five (5) years of probation, after Florida enacted the Sexual Offender Registration Act, for which he was released from his sanction after October 1, 1997. Therefore, the defendant is subject to the reporting requirements even though the offense was committed prior to the registration statute. Again, the defendant has not been declared a Sexual Predator subject to the Court issuing a written order finding such designation. The defendant is deemed a sexual offender since he was

under sanctions on or after October 1, 1997, when the law was enacted. Therefore, the Court is without jurisdiction to delete the requirements under F.S. 943.0345 or to delete his designation.

13. The defendant's motion should be denied.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Ana M. Davide, Ana M. Davide P.A., 2929 SW 3rd Av., Ste 420, Miami, FL 33129 by eservice/email at the designated email address of [ana@anadavidelaw.com](mailto:ana@anadavidelaw.com) or by mail on September 20, 2016.

RESPECTFULLY SUBMITTED  
BRUCE H. COLTON, State Attorney

By: /s/ Sara K. Hedges  
Sara K. Hedges  
Assistant State Attorney  
FL Bar#: 98985  
411 S. 2nd Street  
Fort Pierce FL 34950  
(772) 465-3000  
Designated eService address:  
[SA19eService@sao19.org](mailto:SA19eService@sao19.org)

1. \_\_\_\_\_  
2. \_\_\_\_\_

# ARREST AFFIDAVIT

|  |  |   |                                |  |   |   |   |                      |  |                    |
|--|--|---|--------------------------------|--|---|---|---|----------------------|--|--------------------|
| Fingerprinted<br><input type="checkbox"/> Identification Only<br><input type="checkbox"/> Criminal |  | By<br><input type="checkbox"/> AFS        |                                | DEFENDANT NAME (LAST, FIRST, MIDDLE)<br><b>HADDEN, MARK</b>                                  |   |   | ARR AGENCY ORI NO<br>FL 1516 01000                |                      |  |                    |
| BOOKING OFFICER<br><b>614</b>  |  | JAIL NUMBER<br><b>97-5875</b>             |                                | CHECK TRUE NAME<br><input type="checkbox"/> <b>M. H.</b>                                     |   |   | OBTS NO<br><b>010092480106</b>                    |                      |  |                    |
| LOCAL CASE NO<br><b>PA7-06-0672</b>  |  | DATE OF BIRTH<br><b>03/06/68</b>          |                                | PERMANENT ADDRESS (STREET NO STREET NAME CITY) PHONE<br><b>204 ESSEX DR / 2306 N 47TH ST</b> |   |   | STATE<br><b>FL</b>                                |                      | ZIP CODE<br><b>329150</b>                          | CNTY<br><b>214</b> |
| DEFENDANT REQUIRED TO APPEAR IN CIRCUIT COURT<br>ON <b>Command</b>                                 |  | SEX<br><input checked="" type="radio"/> M | HEIGHT<br><b>603</b>           | WEIGHT<br><b>200</b>   | RACE<br><input checked="" type="radio"/> W        | N | EYE COLOR<br><input checked="" type="radio"/> BLK |                      | HAIR COLOR<br><input checked="" type="radio"/> BLK |                    |
| AT _____ AM/PM<br>DEFENDANT REQUIRED TO APPEAR IN COUNTY COURT                                     |  | SOCIAL SECURITY NUMBER<br>[REDACTED]      |                                |  | OCCUPATION OR EMPLOYER<br><b>NONE</b>             |   |   | DISTINGUISHING MARKS |  |                    |
| ON _____<br>AT _____ AM/PM   |  | ARREST DATA<br>DATE<br><b>06/18/97</b>    | MILITARY TIME<br><b>03410</b>  | SECTOR<br><b>5</b>   | STREET ADDRESS<br><b>Bedford Dr + Jamaica Ave</b> |   |   | CITY<br><b>FL</b>    | CNTY<br><b>214</b>                                 |                    |
| ON _____<br>AT _____ AM/PM   |  | OFFENSE DATA<br>DATE<br><b>06/18/97</b>   | MILITARY TIME<br><b>021015</b> | SECTOR<br><b>5</b>   | STREET ADDRESS<br><b>CONFIDENTIAL ADDRESS</b>     |   |   |                      |  |                    |

|  |  |   |  |                              |  |        |       |                        |                           |   |         |
|--|--|---|--|------------------------------|--|--------|-------|------------------------|---------------------------|---|---------|
| Weapons Seized/Type<br>1 Yes <input type="checkbox"/><br>2 No <input type="checkbox"/> |  | Residence Type<br>1 City <input type="checkbox"/><br>2 County <input type="checkbox"/><br>3 Florida <input type="checkbox"/><br>4 Out-of-State <input type="checkbox"/> |  | Agency<br>N N/A<br>P Possess |  | S Sell | B Buy | R Smuggle<br>D Deliver | K Dispense/<br>Distribute | M Manufacture/<br>Produce/<br>Cultivate | Z Other |
|--|--|---|--|------------------------------|--|--------|-------|------------------------|---------------------------|---|---------|

|  |                                     |  |                          |  |                          |                            |                                   |               |           |          |                |             |               |   |                      |
|--|-------------------------------------|--|--------------------------|--|--------------------------|----------------------------|-----------------------------------|---------------|-----------|----------|----------------|-------------|---------------|---|----------------------|
| CHARGE STATUS<br><input type="checkbox"/> PC <input type="checkbox"/> CAPAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> Juv <input type="checkbox"/> PU <input type="checkbox"/> Citation |                                     | Indication of Alcohol Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk |                          | Indication of Drug Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Unk |                          | Citizenship<br><b>U.S.</b> | Type<br>N N/A<br>A Amphetamine    | B Barbiturate | C Cocaine | E Heroin | H Hallucinogen | M Marijuana | O Opium/Deriv | P Psychotropic/<br>Equipment<br>S Synthetic | U Unknown<br>Z Other |
| CHARGE/STATUTE NO  |                                     |  |                          |  |                          |                            |                                   |               |           |          |                |             |               |   |                      |
| SEQ NO   | FELONY                              | FEL TRAP   | MISD                     | MISD TRAP  | ORD                      | OTHER                      | CHARGE DESCRIPTION                |               |           |          |                |             | ACTIVITY      | TYPE  |                      |
| 1.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>   | SEXUAL BATTERY ON A MINOR FLA.011 |               |           |          |                |             | N             | N   |                      |
| 2.   | <input type="checkbox"/>            | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>   |                                   |               |           |          |                |             |               |   |                      |
| 3.   | <input type="checkbox"/>            | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>   |                                   |               |           |          |                |             |               |   |                      |

|                  |  |   |  |  |                                 |  |                        |  |             |  |
|------------------|--|---|--|--|---------------------------------|--|------------------------|--|-------------|--|
| CLERK COURT COPY |  | PRINCIPAL ARRESTING OFFICER / AGENCY (PRINT)<br><b>JA BUCHANAN SCSO</b> |  |  | OFFICER ID NO.<br><b>245111</b> |  | BONDSMAN / SURETY NAME |  | BOND AMOUNT |  |
|------------------|--|---|--|--|---------------------------------|--|------------------------|--|-------------|--|

|   |  |  |  |  |  |               |  |  |  |  |  |
|---|--|--|--|--|--|---------------|--|--|--|--|--|
| CO-DEFENDANT'S (LAST NAME, FIRST, MIDDLE) |  |  |  |  |  | VICTIM'S NAME |  |  |  |  |  |
| / / /                                     |  |  |  |  |  |               |  |  |  |  |  |

SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT:  
 The above named defendant was arrested for the following reasons:  
PROBABLE CAUSE

Page 1 of 3

## Assigned To Judge Schack

97 JUN 19 AM 10:12  
 CLERK CIRCUIT COURT

The preceding is true to the best of my present knowledge or belief.

Signature: [Signature]

Sworn & Subscribed before me this 18 June 97  
 NOTARY / ASA [Signature]  
 My commission expires [Signature]

\*Sequence number taken from fingerprint card containing this OBTS number for this arrest.

Exhibit A

PAGE 202  
ARREST AFFIDAVIT CONTINUATION 97-1834-CF

Agency Case No.  
97-06-0672

Arrest Date  
06/18/97

Defendant Last Name  
HADDEN

I RESPONDED TO [REDACTED]. RESIDENCE REFERENCE TO HER [REDACTED] VICTIM BEING ABDUCTED BY AN UNKNOWN MALE. UPON ARRIVAL, I MET WITH [REDACTED] AND [REDACTED] STATED ON THE ABOVE DATE AND TIME HER AND VICTIM, WERE AT THE FARM STORE AT U.S. 1 AND ST. LUCIE BLVD. [REDACTED] STATED HER AND VICTIM STRUCK A CONVERSATION WITH [REDACTED]. ON HOW HE LOOKED. [REDACTED] STATED [REDACTED] LEFT THE STORE AND RETURNED A FEW MINUTES LATER AND ASKED HER AND VICTIM, IF THEY WANTED TO GO FOR A RIDE.

[REDACTED] STATED AT THIS TIME HER AND VICTIM, GOT INTO THE CAR WITH M.H AND THE DROVE OVER TO [REDACTED] CONFIDENTIAL LOCATION AT THE PARK [REDACTED] AND M.H. TOOK A WALK ACCROSS THE FIELD. [REDACTED] STATED VICTIM AND M.H. CAME BACK TO THE THE CAR. AT THIS TIME [REDACTED] TELLS M.H. AND VICTIM, SHE WANTS TO GO HOME OR BACK UP TO THE STORE.

M.H. TAKES BOTH VICTIM AND [REDACTED] BACK TO THE FARM STORE. AT THE FARM STORE [REDACTED] GET OUT THE VEHICLE. VICTIM GOES TO GET OUT THE VEHICLE WHEN M.H. TAKES OFF IN THE CAR NOT LETTING VICTIM, EXIT THE CAR.

[REDACTED] STATES HER AND SOME FRIENDS START FOLLOWING M.H.'S CAR BUT LOSES THE CAR IN THE AREA OF [REDACTED] CONFIDENTIAL LOCATION [REDACTED]. THEN GOES TO [REDACTED]'S HOSE AND CALLS 911.

I GET THE INFORMATION AND A DESCRIPTION OF THE CAR AND THE AREA IN WHICH IT WAS LAST SEEN IN [REDACTED] CONFIDENTIAL LOCATION I LEAVE THE RESIDENCE AND I GO TO THE AREA OF [REDACTED] CONFIDENTIAL LOCATION

I OBSERVED THE CAR TRAVELING EAST ON JUANITA AVENUE AND BEDFORD DRIVE. I STOPPED THE VEHICLE AT WHICH TIME I COME IN CONTACT WITH M.H. AND VICTIM. I SEPARATE THE TWO OF THEM AND STARTED MY INVESTIGATION.

I SPOKE VICTIM SHE STATED M.H. TOOK OVER TO AN AREA BY [REDACTED] CONFIDENTIAL ADDRESS AND THE [REDACTED] AT THAT LOCATION IN THE CAR, M.H. FORCED HIMSELF ON HER AND SEXUALLY ASSAULTED HER BY VAGINAL PENETRATION. VICTIM STATED SHE ALSO HAD SUCKING MARKS ON HER NECK AND BREAST.

I READ M.H. HIS MIRANDA WARNING AND HE STATED HE WOULD TALK TO M.H. STATED HE RUBBED HER VAGINAL AREA WITH HIS FINGERS VICTIM BUT HE NEVER

JOANNE HOLMAN  
CLERK  
CIRCUIT COURT  
JUN 19 AM 10:12 '97

The preceding is true to the best of my present knowledge or belief.

Signature *[Handwritten Signature]*

Sworn & Subscribed before me this 18 June 97  
NOTARY/ASA *[Handwritten Signature]* 187700  
My Commission expires *[Handwritten Signature]*  
Agency *[Handwritten Signature]*

Page 2 of 3

# ARREST AFFIDAVIT CONTINUTION 97-1834-CF

Agency Case No.  
97-06-0672

Arrest Date  
06/18/97

Defendant Last Name  
HADDEN

HAD SEX WITH HER.

VICTIM WAS TRANSPORTED TO LAWNWOOD E.R. FOR TREATMENT AND DETECTIVE L. HOSTETLER #408 RESPONDED AND CONDUCTED INTERVIEWS. DETECTIVE HOSTETLER TOOK A TAPE STATEMENT FROM M.H.. M.H. STATES ON THE TAPE HE EJACULATED BY MASTERBATING AND SOME OF SEAMAN MAY BE ON VICTIM. M.H. STATED VICTIM WAS ALSO MASTERBATING AND THEY BOTH HAD ORGASMS. M.H. STATED VICTIM WAS ALL OVER HIM AND THAT HOW THE SEAMAN WAS TRANSFERRE FROM HIM TO HER.

M.H. WAS ARRESTED FOR SEXUAL BATTERY ON A MINOR [REDACTED] YEARS OF AGE. HE WAS TRANSPORTED TO THE ST. LUCIE COUNTY JAIL FOR PROCESSING.

97 JUN 19 AM 10:12  
JOANNE HOLMAN  
CLERK CIRCUIT COURT

The preceding is true to the best of my present knowledge or belief.

Signature: *DS [Signature]*  
Notary/ASA

Sworn & Subscribed before me this 18 June 97  
NOTARY/ASA *[Signature]*  
My Commission expires *[Signature]*  
Agency *[Signature]*

**DIRECT FILE COUNT II**

Case Assigned to: ROBERT BELANGER

IN THE CIRCUIT COURT for the Nineteenth Judicial Circuit of the State of Florida, for St. Lucie County in the Spring Term thereof, in the year of our Lord One Thousand Nine Hundred and Ninety Seven

97 JUL -3 11:30  
CLERK OF COURT  
ST. LUCIE COUNTY  
FLORIDA

STATE OF FLORIDA )

Case No. 97-1834-CF

-VS- )

INFORMATION FOR:

MARK HADDEN )

CT. I:: SEXUAL BATTERY-PERSON TWELVE YEARS OF AGE OR OLDER

DOB: 3/6/68 )

CT. II: LEWD, LASCIVIOUS OR INDECENT ACT

RACE/SEX: B/M )

SSN: [REDACTED] )

Defendant(s) )

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

CT. I: BE IT REMEMBERED that BRUCE H. COLTON, State Attorney for the Nineteenth Judicial Circuit of the State of Florida, prosecuting for the State of Florida, in St. Lucie County, under oath, information makes that MARK HADDEN in the county of St. Lucie and State of Florida on or about JUNE 18, 1997, did unlawfully commit a sexual battery upon [REDACTED], a person 12 years of age or older, without the victim's consent, in violation of Florida Statute 794.011(5);

VICTIM

PL

CT. II: BE IT REMEMBERED that BRUCE H. COLTON, State Attorney for the Nineteenth Judicial Circuit of the State of Florida, prosecuting for the State of Florida, in St. Lucie County, under oath, information makes that MARK HADDEN in the county of St. Lucie and State of Florida on or about JUNE 18, 1997, did unlawfully handle, fondle or assault [REDACTED], a child under the age of 16 years, in a lewd, lascivious or indecent manner or did knowingly commit a lewd or lascivious act in the presence of such child, or did commit an act defined as sexual battery upon such child, in violation of Florida Statute 800.04;

VICTIM

PL

contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Florida.

Assistant State Attorney for the Nineteenth Judicial Circuit of Florida, prosecuting for said State

STATE OF FLORIDA  
County of St. Lucie

Personally appeared before me ROBERT E. BELANGER, Assistant State Attorney for the Nineteenth Judicial Circuit of the State of Florida, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as

CAPIAS

CASE NO. 97-001834-F A

IN CIRCUIT COURT

JUDGE LARRY SCHACK

NINETEENTH JUDICIAL COURT

STATE OF FLORIDA

ST. LUCIE COUNTY

VS.

STATE OF FLORIDA

MARK HADDEN

B/M 3/ 6/68

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA - GREETINGS: THESE ARE TO COMMAND YOU AS YOU HAVE HERETOFORE BEEN COMMANDED TO TAKE MARK HADDEN

IF HE BE FOUND IN YOUR COUNTY, AND HIM SAFELY KEEP, SO THAT YOU HAVE HIS BODY BEFORE THE JUDGE OF OUR CIRCUIT COURT, AT THE COURTHOUSE IN FORT PIERCE, FLORIDA, IN ST. LUCIE COUNTY, INSTANTER TERM OF THE CIRCUIT COURT, 1997 TO ANSWER TO INFORMATION FOUND AND NOW PENDING IN SAID CIRCUIT COURT FOR SAID COUNTY FOR .

02 LEWD & DISCIVIOUS OR INDECENT ACT

F.S. 800.04

ST. LUCIE CO  
SHERIFF OFFICE  
WARRANT SECTION  
JUL 3 PM 3 59

97 JUL -7 AM 9:47  
JOANNE HOLMAN  
CLERK CIRCUIT COURT

AND HAVE THEN AND THERE THIS, WITH DUE RETURN OF YOUR ACTION ENDORSED THEREON.



WITNESS: JOANNE HOLMAN, CLERK, AND THE SEAL OF SAID CIRCUIT COURT AT FORT PIERCE, FLORIDA, THIS 3RD DAY JULY 3, 1997.

JOANNE HOLMAN, CLERK OF CIRCUIT COURT

BY Jessica Williams  
DEPUTY CLERK

THIS CAPIAS CAME TO HAND ON THE 3  
OF JULY AD, 19 97

AND SAME WAS EXECUTED IN ST LUCIE COUNTY, FLORIDA

BY ARRESTING THE WITHIN NAMED DEFENDANT.

R. C. KNOWLES  
SHERIFF ST LUCIE COUNTY, FLORIDA

BY Wesley D.S.

**NOTE: READ THIS FORM CAREFULLY. IT IS THE SAME AS A CONTRACT. EVERY PARAGRAPH IS IMPORTANT. YOU ARE WAIVING CERTAIN RIGHTS YOU HAVE BY SIGNING THIS FORM AND ARE MAKING CERTAIN AGREEMENTS. IF YOU HAVE ANY QUESTIONS YOU MUST ASK YOUR ATTORNEY OR THE JUDGE.**

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR St. Lucie  
COUNTY, STATE OF FLORIDA

STATE OF FLORIDA

CASE NO: 97-1834-CF

Plaintiff,

vs.

Mark Hadden

Defendant.

**PETITION TO ENTER PLEA OF GUILTY/NO CONTEST/ADMISSION**

1. Mark Hadden, the Defendant in this case wish to enter a plea of GUILTY/NO CONTEST/ADMISSION. I state that:

1. MY TRUE NAME IS: Mark Hadden
2. I am 30 years old.
3. I have completed the 1st. yr. college. grade in school.

(  ) I can read, write and understand the English language, and have read this plea agreement and fully understand it.

( ) I cannot read, however, the plea agreement has been fully read and explained to me, and I have signed it with full understanding.

( ) I cannot read or understand the English language, however, an interpreter speaking my language has fully read and explained the plea agreement to me, and I signed it after it was read and explained to me, with full understanding.

4. I am represented by an attorney whose name is Roxe C. Baillie.

5. (  ) I have never been found to be insane or incompetent, or committed to a mental institution as mentally ill or incompetent, and have never been a patient in any hospital for mental illness.

( ) I was previously found to be insane or incompetent or was a mental patient. I am now competent and in possession of all my faculties.  
EXPLAIN: \_\_\_\_\_

6. I am not currently under the influence of drugs or alcohol.

Def's initials M.H.

Circuit Ct. Min.

Exhibit C

Case No. 97-1834-CF

**ATTORNEYS: DO NOT USE ABBREVIATIONS**

7. I understand that I am charged with Sexual Battery + Lewd, Lascivious + Indecent Act.

I wish to withdraw my plea of not guilty and plead guilty/no contest (or admit the VOP or VOCC) to the charge(s) of: Attempt Lewd + Lascivious Act (felony)

I understand that the recommendations to the Judge for sentencing are as follows:

5 year probation; withhold adjudication; 6 months jail with 27 days credit for time served, must report to County Jail on work per year starting Aug 1, 1999 thru Aug. 31, 1999 and each Aug. 1st thereafter; Sex offender conditions; no contact with children under 16 years old without supervision; random drug testing; no contact with victim; restitution of \$1204.24; probation to be supervised by St. Lucie County Probation, Deft. may continue school in Arkansas, report monthly mailing primarily to Florida by June 1, 1999.

\* I understand that the above terms are recommendations to the Court for sentencing, but are not binding on the Court. I am entering my plea on that basis and with that understanding. I understand another Judge may impose sentence in this case.

I have 27 days credit for time served in Jail. I AM WAIVING ALL OTHER CREDIT FOR TIME ALREADY SERVED.

I agree to pay costs/fines/restitution as follows:

- \$255.00 court costs (felony cases).
- \$\_\_\_\_\_ court costs (misdemeanor cases).
- \$ 3.00 for County Delinquency Prevention Fund.
- \$\_\_\_\_\_ additional court costs to the St. Lucie County court facility fund. [Up to \$150.00 for felony, misdemeanor and traffic cases. For offenses committed on or after May 30, 1997.]
- \$\_\_\_\_\_ Cost of Extradition or transport payable to \_\_\_\_\_ County Sheriff.
- \$\_\_\_\_\_ Fine plus 5% surcharge.
- \$\_\_\_\_\_ Public Defender Fees to the County.
- \$\_\_\_\_\_ Special Public Defender Fees to the County.
- \$ 40.00 Public Defender Application Fee.
- \$\_\_\_\_\_ Alcohol and Drug Abuse Trust Fund plus a 5% surcharge (F.S. 893.13 offenses only.)

Def's initials TH H.

→ State + Defense agree Deft. may withdraw plea if unacceptable to Court.

Circuit Cl. Min

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- \$ \_\_\_\_\_ Cost of Prosecution.
- \$ 50.00 Cost of Investigation to SLCSO
- \$100.00 FDLE Statewide Criminal Analysis Lab. (F.S. Chapter 893.13 offenses only.)
- A 10% surcharge on the fine. (In cases where the victim is elderly or handicapped.)
- \$20.00 (In cases where the victim is elderly or handicapped.)
- \$15.00 (In misdemeanor cases only where unlawful use of alcohol or drugs is involved.)
- \$ \_\_\_\_\_ Reimbursement to the County for medical care, treatment, hospitalization or transportation while in custody.
- Restitution in the following amounts to the following payees:

\$ 1204.24 to Donna Hamm

I UNDERSTAND THAT EVEN IF I DO NOT AGREE TO FEES, COSTS AND RESTITUTION, THEY STILL MAY BE IMPOSED BY THE JUDGE.

If I have agreed to make restitution I understand that if I am placed on probation or community control, the restitution will be a condition of that probation or community control. I agree that I am financially able to make that restitution.

If I am placed on probation or community control, the repayment of public defender fees, special public defender fees, costs, fines, surcharges and the public defender application fee, will be a condition of my probation or community control whether or not I am adjudicated guilty.

I understand that if I am convicted of sale, possession or trafficking in drugs or a D.U.I. offense, my drivers license will be suspended or revoked by the Court. If I have any questions about this or about the length of the suspension or revocation, I will ask the judge or my lawyer.

The Judge will allow me to withdraw my plea if he/she feels he/she wishes to sentence me outside the guidelines unless the following occurs: if I am released from jail until sentencing, if I fail to appear in Court when required or if I commit a new criminal offense, then I will NOT be able to withdraw my plea, the guidelines will not apply, and the State will be free to ask that I be sentenced to the maximum possible sentence. Further, I could be prosecuted for the new crime and/or failure to appear, and be subject to contempt of court.

I UNDERSTAND THAT NO ONE CAN ASSURE ME OF HOW MUCH GAIN TIME OR ANY OTHER FORM OF EARLY RELEASE CREDIT I WILL RECEIVE ON A PRISON SENTENCE, NOR MY ELIGIBILITY FOR ANY FORM OF EARLY RELEASE. ANY REPRESENTATIONS REGARDING THOSE ISSUES ARE NOT BINDING ON THE COURT. I UNDERSTAND I WILL NOT BE ABLE TO SET ASIDE THIS PLEA, THE JUDGMENT OR SENTENCE AS A RESULT OF INCORRECT REPRESENTATIONS TO ME CONCERNING THESE ISSUES. I UNDERSTAND THAT I SHOULD ASSUME I WILL SERVE EVERY DAY OF ANY JAIL OR PRISON SENTENCE IMPOSED.

9. For crimes committed before January 1, 1994: I understand that the Judge has complete discretion to sentence me to any sentence within the permitted range of the Sentencing Guidelines. Counsel for the State and my attorney will make their recommendations to the Judge as to what sentence they feel is appropriate but the recommendations are not binding on the Judge. The Judge may sentence me either within

Def's initials M.H.

the grid of the Guidelines that I fall in, or one grid higher or lower without needing to justify his/her reasons. Therefore, I may not receive the sentence that is recommended or that I hope for, and that will not be grounds for me to withdraw my plea. I enter my plea on that basis and with that understanding.

For crimes committed from January 1, 1994 through June 30, 1997: I understand that the Judge has complete discretion to sentence me to any sentence up to the "maximum prison months" computed under the Sentencing Guidelines. Counsel for the State and my attorney will make their recommendations to the Judge as to what sentence they feel is appropriate but the recommendations are not binding on the Judge. Therefore, I may not receive the sentence that is recommended or that I hope for, and that will not be grounds for me to withdraw my plea. I enter my plea on that basis and with that understanding.

For crimes committed July 1, 1997 and thereafter: I understand that the Judge has complete discretion to sentence me to any sentence up to the "maximum prison months" computed under the Sentencing Guidelines. (I also understand that if I have at least one prior felony conviction and my guidelines scoresheet only permits a non-state prison sanction, the Judge may still sentence me up to 22 months in prison.) Counsel for the State and my attorney will make their recommendations to the Judge as to what sentence they feel is appropriate but the recommendations are not binding on the Judge. Therefore, I may not receive the sentence that is recommended or that I hope for, and that will not be grounds for me to withdraw my plea. I enter my plea on that basis and with that understanding.

The Sentencing Guidelines have been fully explained to me by my lawyer. I understand I may also ask the Judge about them at the time I enter this plea.

If I should score differently under the guidelines than I expected, that will not be grounds for me to withdraw this plea; it will be up to the Judge as to whether he/she will allow me to withdraw the plea. I enter my plea on that basis and with that understanding.

I understand that if I am placed on probation, or community control, I must comply with all general and special conditions of probation or community control. If I violate probation or community control, even in a technical way, I can be rearrested and charged with the violation. At a hearing on that violation I understand I will be tried by the Judge and not a jury and that the standard of proof is much lower than proof beyond a reasonable doubt. If the Prosecution were to satisfy the Court of a violation, I understand I could be sentenced to prison.

10. I understand:

a) that if I plead guilty or no contest to these charges the mandatory minimum penalty provided by law is none and the maximum possible penalty is 15 years state prison.

(NOTE: I understand that if I am charged with a crime that occurred on January 1, 1994 or thereafter, that under the sentencing guidelines, the statutory maximum penalty may not apply. The maximum possible penalty would depend on how my prior record and present offenses are scored, and may exceed the statutory maximum.)

N/A  
b) that should I be determined by the Judge to be a violent habitual felony offender, and should the Judge sentence me as such, I could receive up to a maximum sentence of \_\_\_\_\_ years imprisonment and I would receive a mandatory minimum of \_\_\_\_\_ years imprisonment. If any habitual offender sentence is imposed, I would not be entitled to receive any basic gain time or take advantage of any other early release provisions, and would serve a greater portion of the total sentence.

N/A

c) that should I be determined by the Judge to be a non-violent habitual offender, and should the Judge sentence me as such, I could receive up to a maximum sentence of \_\_\_\_\_ years imprisonment and a mandatory minimum of \_\_\_\_\_ years of imprisonment. If any habitual offender sentence is imposed, I would not be entitled to receive any basic gain time or take advantage of any other early release provisions and would serve a greater portion of the total sentence.

11. I understand that no statement made in connection with this plea will be admissible in any civil or criminal proceeding against me except as a basis for perjury.

12. I agree that there is a factual basis for the charges against me. I understand that once the plea is accepted by the Court, there will not be a trial or further determination of my guilt or innocence of these charges.

13. I understand that I have the right to be represented by a lawyer at every stage of the proceedings, and that if I cannot afford a lawyer, one would be appointed for me.

14. I understand that by pleading Guilty/No Contest/or Admission, I am giving up the following constitutional rights:

a) I am giving up my right to a trial and to have my case decided by a jury and my right of assistance of counsel at trial. (If this is a violation of probation or community control - I am giving up my right to a hearing before the Judge).

b) I am giving up my right to confront, cross-examine and ask questions of the State's witnesses.

c) I am giving up my right to call witnesses and make them come to court and testify for me.

d) I am giving up my right to testify if I choose, and also my right to remain silent and not to testify or incriminate myself. I realize if I did not testify that fact could not be used against me.

e) I am giving up my right to make the State prove me guilty by presenting evidence beyond a reasonable doubt. (In violation of probation or community control cases, the standard of proof is the greater weight of the evidence.) I realize that at a trial, I would not need to prove my innocence, or testify, or call any witnesses.

f) I am giving up my right to appeal all matters connected with the judgment and sentence, including the issue of guilt or innocence. I understand that I am not waiving my right to appeal a void or voidable judgment and my right to review by appropriate collateral attack.

g) I am not waiving my right to appeal any sentence outside the guidelines unless specifically contained within the plea agreement.

I WISH TO GIVE UP THESE CONSTITUTIONAL RIGHTS AND PLEAD GUILTY/NO CONTEST (OR ADMIT A VIOLATION OF PROBATION OR COMMUNITY CONTROL).

15. No one has tricked me, or coerced me, or has made any threats against me to get me to give up these rights and enter this plea. No one has made any promises or representations to me, other than those in this petition to get me to give up these rights. The only promises or representations made to me are those listed in this petition, and any other promises or representations are not binding on the Court or the Prosecution.

Def's Initials MA-H

Circuit Ct. 1111

16. I specifically  
( ) admit that I am guilty of the charge or charges I am pleading Guilty/No Contest for  
admitting to.  
(X) believe the plea is in my best interest even though I am innocent of the charge,  
charges, or violations, or may have defenses to them.

17. I have discussed this case and everything in this Petition with my attorney, and I am satisfied  
with the representation I have received from my attorney. I have told my attorney all the facts and  
circumstances known to me about the charges. My attorney counseled and advised me on the nature of each  
charge, on any and all lesser included charges, and on all possible defenses that I may have in this case.

18. I offer my plea freely and voluntarily with full understanding of all the matters set forth in the  
Information/Indictment/Violation Affidavit and in this Petition.

19. If I am not an American citizen, I understand that this plea could be used by the Immigration  
and Naturalization Service as a basis to deport me whether or not I am adjudicated guilty or whether  
adjudication of guilt is withheld, and whether the crime is a misdemeanor or felony.

20. If I am on probation or community control in another case, this plea can form the basis of a  
violation of that probation or community control.

21. I understand a conviction of a crime can cause me to lose local, State or Federal licenses, the  
right to vote, and can prevent me from getting certain licenses.

DATED at GREENSBORO FT. PIERCE ST. LUCIE County, Florida, this  
22<sup>nd</sup> day of Oct., 19 98.

Mark Hodder  
DEFENDANT

I certify that as an interpreter in the \_\_\_\_\_ language, that I have read this  
Petition word-for-word to the Defendant who understands the \_\_\_\_\_  
language. The Defendant states he/she fully understands the plea and the he/she signed it freely and  
voluntarily.

\_\_\_\_\_  
INTERPRETER

Bruce C. Bailie, state that I am the attorney for the Defendant. I have  
read and fully explained to the Defendant this Petition and the allegations contained in the information in this  
case. I have explained the maximum penalty for each count pled to by the Defendant and consider him/her  
competent to understand the charges against him/her and the effect of his/her Petition to enter the plea. I have  
explained to him/her the right of appeal and the difference between a direct appeal and a collateral attack.

Bruce C. Bailie  
ATTORNEY

I certify the Defendant personally appeared before the Court this 26 day of October, 19 98, and after being sworn under oath, advised the Court that he/she read the Petition or had someone read it to him/her, and the he/she fully understands all matters contained in it and that the plea was made freely and voluntarily.

Joni Walls  
CLERK

The State of Florida has made known to the victim and the arresting authority the plea negotiated in this case. They:

are in agreement with the terms,  
 have been informed of their right to appear at sentencing to present their input,

and the State of Florida recommends that the plea negotiation be approved by the Court.

STATE OF FLORIDA

By [Signature]

The Court determines that the plea is freely and voluntarily entered, upon a knowing and intelligent waiver of the Defendant's rights, and that there is a factual basis for it. The plea is accepted.

DONE this 26th day of October, 19 98.

[Signature]  
CIRCUIT COURT JUDGE

forms.crim/plea form.mod (10/1/97)

CLERK OF CIRCUIT COURT

12 01 19 02 11 00

PROBATION ORDER

STATE OF FLORIDA

In The Circuit Court of

VS

ST- LUCIE County, Florida

MARK Hadden  
Defendant

Case No. 97- 1834 CF  
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

Attempted Lewd + LASCIVIOUS

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 CL MIA

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.
- (13) ONE month County JAIL per-year STARTING ON August 1<sup>st</sup> Till To August 31<sup>st</sup> 1999 in ST LUCIE CTY JAIL. FOR A TOTAL OF 6 months with credit of 27 DAYS.
- (14) Will be allowed to reside in ARKANSAS and Will NOT be Transferred.
- (15) MUST Report to ST LUCIE CTY IN PERSON ONCE A MONTH

Name: \_\_\_\_\_  
Case No: \_\_\_\_\_

- 16 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%.
- \$ 1,204.<sup>00</sup> to DOUNA 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:**

- 17 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.
- A \$ 3.00 Criminal Justice Trust Fund per F.S. 943.25(3).
- B \$ 2.00 County Criminal Justice Education Fund per F.S. 943.25(13).
- C \$ 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.
- \$ 50.<sup>00</sup> Cost of Investigation Surcharge per F.S. 939.01, payable to ST LUCIE COY  
Sheriff's office.
- \$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).

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 \_\_\_\_\_ days/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.

**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.

Circuit CL 1114

Name: \_\_\_\_\_  
Case No. \_\_\_\_\_

- 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.
- 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.

Circuit CL. Mu.

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.
- 19 You will have no contact with victims \_\_\_\_\_
- 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.

(20.) You must comply with sex offender special conditions (see 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 a. 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, 1998.

None to June 10-26-98

[Signature]  
JUDGE [Signature]

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

Date: 10/26/98 Probationer [Signature] Mark Hadden

Instructed by: [Signature] John Meech

Original: Court  
Copies: Probationer/File

Circuit Ct. MIA DC4-900  
REV. 7/97

MA

1063

COURT BOOKET NO. 99-2739-4

USE SEPARATE FORMS FOR EACH DEFENDANT AND FOR MULTIPLE OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION

# ARREST AFFIDAVIT

|         |          |
|---------|----------|
| FBI NO. | FDLE NO. |
|---------|----------|

|  |                                     |   |  |                                       |
|--|-------------------------------------|---|--|---------------------------------------|
| Fingerprinted<br><input type="checkbox"/> Identification Only<br><input type="checkbox"/> Criminal | By<br><input type="checkbox"/> APIS | <input checked="" type="checkbox"/> CHECK TRUE NAME | DEFENDANT NAME (LAST, FIRST, MIDDLE)<br>Hadden, MARK | ARR. AGENCY ORI. NO.<br>F.O. 15601100 |
| BOOKING OFFICER<br>760   | JAIL NUMBER<br>99-2272              | <input type="checkbox"/>                            | A.K.A.   | OBTS NO.<br>01001048678               |

|                              |                           |   |       |          |      |
|------------------------------|---------------------------|---|-------|----------|------|
| LOCAL CASE NO.<br>98-12-1129 | DATE OF BIRTH<br>03/06/68 | PERMANENT ADDRESS (STREET NO. STREET NAME CITY) PHONE<br>2306 N. 47th St. | STATE | ZIP CODE | CNTY |
|------------------------------|---------------------------|---|-------|----------|------|

|   |  |                |               |  |   |  |                     |  |
|---|--|----------------|---------------|--|---|--|---------------------|--|
| DEFENDANT REQUIRED TO APPEAR IN CIRCUIT COURT | SEX<br><input checked="" type="radio"/> M<br><input type="radio"/> F | HEIGHT<br>6'3" | WEIGHT<br>250 | RACE<br><input checked="" type="radio"/> W<br><input type="radio"/> B<br><input type="radio"/> O | N | EYE COLOR<br>BLK<br>BLU<br>GRN<br>HAZ<br>PNK | GRN<br>MAR<br>(UNK) | HAIR COLOR<br>BLK<br>BRN<br>GRY<br>RED<br>WHI<br>SYN |
|---|--|----------------|---------------|--|---|--|---------------------|--|

|                        |                        |                      |
|------------------------|------------------------|----------------------|
| SOCIAL SECURITY NUMBER | OCCUPATION OR EMPLOYER | DISTINGUISHING MARKS |
|------------------------|------------------------|----------------------|

|  |                               |                        |              |  |                   |             |             |
|--|-------------------------------|------------------------|--------------|--|-------------------|-------------|-------------|
| DEFENDANT REQUIRED TO APPEAR IN COUNTY COURT | ARREST DATA<br>DATE: 03/02/99 | MILITARY TIME<br>01200 | SECTOR<br>07 | STREET ADDRESS<br>920 S. US #1 Ft Pierce | CITY<br>FT PIERCE | STATE<br>FL | CNTY<br>SLC |
|--|-------------------------------|------------------------|--------------|--|-------------------|-------------|-------------|

|                                |                         |                             |  |  |  |  |  |
|--------------------------------|-------------------------|-----------------------------|--|--|--|--|--|
| OFFENSE DATA<br>DATE: 12/26/98 | MILITARY TIME<br>021010 | <b>CONFIDENTIAL ADDRESS</b> |  |  |  |  |  |
|--------------------------------|-------------------------|-----------------------------|--|--|--|--|--|

|  |   |                                    |                              |                                 |                       |                                 |         |
|--|---|------------------------------------|------------------------------|---------------------------------|-----------------------|---------------------------------|---------|
| Weapons Seized/Type<br>1. Yes<br>2. No | Residence Type<br>1. City<br>2. County<br>3. Florida<br>4. Out-of-State | Activity<br>N N/A<br>A Amphetamine | S Sell<br>B Buy<br>T Traffic | H Smuggle<br>D Deliver<br>E Use | K Dispense/Distribute | M Manufacture/Produce/Cultivate | Z Other |
|--|---|------------------------------------|------------------------------|---------------------------------|-----------------------|---------------------------------|---------|

|  |   |                |                   |                                |  |  |  |                      |
|--|---|----------------|-------------------|--------------------------------|--|--|--|----------------------|
| CHARGE STATUS<br><input checked="" type="checkbox"/> PC<br><input type="checkbox"/> CAPAS<br><input type="checkbox"/> BW<br><input type="checkbox"/> FW<br><input type="checkbox"/> PW<br><input type="checkbox"/> Juv<br><input type="checkbox"/> PU<br><input type="checkbox"/> Citation | Indication of:<br>Alcohol Influence<br>Drug Influence | Y N Unk<br>= X | Citizenship<br>US | Type<br>N N/A<br>A Amphetamine | B Barbiturate<br>C Cocaine<br>E Heroin | H Hallucinogen<br>M Marijuana<br>O Opium/Deriv | P Paraphernalia/Equipment<br>S Synthetic | U Unknown<br>Z Other |
|--|---|----------------|-------------------|--------------------------------|--|--|--|----------------------|

| SEC. NO. | FELONY                              | FEL TRAF                 | MISO                     | MISO TRAF                | ORD                      | OTHER                    | CHARGE/STATUTE NO.                     | IF DRUGS |      |
|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|----------|------|
|          |                                     |                          |                          |                          |                          |                          |  | ACTIVITY | TYPE |
| 1.       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Level 4 dangerous on child 12 or under |          |      |
| 2.       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Level 4 dangerous on child 12 or under |          |      |
| 3.       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 800.04                                 |          |      |

|                  |  |                             |                        |             |
|------------------|--|-----------------------------|------------------------|-------------|
| CLERK COURT COPY | PRINCIPAL ARRESTING OFFICER / AGENCY (PRINT)<br>Det. K. England PFPD | OFFICER ID. NO.<br>523/4757 | BONDSMAN / SURETY NAME | BOND AMOUNT |
|------------------|--|-----------------------------|------------------------|-------------|

|   |               |
|---|---------------|
| CO-DEFENDANT'S (LAST NAME, FIRST, MIDDLE) | VICTIM'S NAME |
|   | VICTIMS       |

SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT: The above named defendant was arrested for the following reasons:

**Assigned To Judge Geiger**

= see continuation =

JOANNE HOLLMAN  
CLERK CIRCUIT COURT  
99 MAR - 3 AM 9:50

The preceding is true to the best of my present knowledge or belief.

Signature: K. England 523/4757

Sworn & Subscribed before me this 2 day of Mar 99

Exhibit E

ARREST AFFIDAVIT CONTINUATION 99-739-4F

Agency Case No. 98-12-1129

Arrest Date 03/02/99

Defendant Last Name Hadden

I spoke to victim [VICTIM 1] who is [redacted] yoa, on [redacted] and he stated that he did suspect Mark because he was his [redacted] IDENTIFIER. I said to him that I had seen another report where he had a problem with Mark and he told me that he was tired of Mark touching him. He told me that Mark was rubbing him on his leg and on the night that I wanted to talk to him about that he had been touching him on his butt. The victim [VICTIM 1] said that he went to sleep and did not have anything on him and that when he woke up that he had a cover on his back. He said that he felt someone scratch him on his back, and he woke up and saw him (Mark) looking at him. He said that Mark went into the kitchen and was trying to zip up his pants. I asked him if Mark had ever touched him in a bad way, and asked if he knew the difference between good and bad touch. He said that he did and illustrated that he knew the difference by giving me an example of both good and bad touch. I asked him if Mark had ever touched his private area and he said that he had not, that he had only touched his behind on the outside. He said that Mark touched his behind with his hand. The victim told me that Mark is always coming into his room "messing" with him and that he is tired of him doing this. The victim [VICTIM 1] said that his [redacted] IDENTIFIER also watched this happen.

I then went and spoke to victim [VICTIM 2] who is [redacted] yoa. The victim [VICTIM 2] had originated this report by telling her grandmother that the suspect had come into the room where she and victim [VICTIM 1] were sleeping and once in there that the suspect had picked up [redacted] VICTIM 1 off of the floor and put him on the couch. [redacted] VICTIM 2 said that the victim [VICTIM 1] was still sleeping and that the suspect Mark knelt down next to him on the floor and then got up and got on the couch with the victim [VICTIM 1] putting the sheet over both of them. She said that he told her to go back to sleep.

When I talked to [redacted] VICTIM 2, she told me that she saw Mark come into the living room and told her to get off of the couch, and picked up the victim [VICTIM 1] and put him on the couch. She said that he knelt in front of the victim and then put a sheet over the two of them (Mark, and [redacted] VICTIM 1) when he got on the couch with him. She said that she could see movement under the sheet but could not see what was moving because of the sheet blocking her view. She told me that before he got on the couch that he looked over and told her to go to sleep but that she did not go to sleep. She said that when he got up off of the couch from being on it with the victim [VICTIM 1], that he had his pants undone, and that she saw his privates hanging out of the front of his pants. She said that [redacted] VICTIM 2's pants were also undone, and that she knew this because she saw the suspect Mark.

The preceding is true to the best of my present knowledge or belief.

Signature K. Eysel 523/4757

Sworn & Subscribed before me this 3 day of Mar 99
NOTARY/ASA [Signature]
My Commission expires [redacted]
Agency SLESO

305

# ARREST AFFIDAVIT CONTINUATION 99-739-UF

Agency Case No.  
98-12-1129

Arrest Date  
03 102 1 99

Defendant Last Name  
Hadden

~~Trying to buckle them back up, but he could not get them done. She said that he then went into the kitchen with his pants still undone and his privates still hanging out, and that he must have put them away in the kitchen because when he came out he did not have them hanging out anymore. I also went over whether she knew the difference between a truth and a lie, and she did and gave me an example of the two, and was able to differentiate between male and female genitalia, giving me an example.~~

~~I spoke to the suspect on 03/02/99 at the station where he voluntarily came in to speak to me. I made this clear with him that he was there on his own free will. He stated to me that he did know the kids and that he was dating their mother at the time of the incident. He stated that he stayed with the victim's mother on several occasions, and that he has gone into the living room where the children sleep while his girlfriend was still in her room. He stated that he could have moved the victim VICTIM1 onto the couch and that he did see VICTIM2 but that he did not touch VICTIM 1 in a bad way. He said that it was possible that while wearing his boxers that his genitalia may have come out without his knowledge. He was arrested on the above charges, and for an outstanding warrant for vop by the county.~~

99 MAR - R AM 9:50  
JUDITH E. HOLMAN  
CLERK INFLUENT COURT

The preceding is true to the best of my present knowledge or belief.

Signature Det. K. Engel 523/4757 Sworn & Subscribed before me this 3 day of Mar 99  
NOTARY IASA [Signature]  
My Commission expires [Signature]  
Agency SLESO

MSB

COURT DOCKET NO. 97-1834-4P USE SEPARATE FORMS FOR EACH DEFENDANT AND FOR MULTIPLE OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION

1. 97-1834-4P ARREST AFFIDAVIT

|  |                                     |  |  |   |
|--|-------------------------------------|--|--|---|
| Fingerprinted<br><input type="checkbox"/> Identification Only<br><input type="checkbox"/> Criminal | By<br><input type="checkbox"/> CAPS | <input type="checkbox"/> CHECK TRUE NAME | DEFENDANT NAME (LAST, FIRST, MIDDLE)<br><b>Hadden MARK</b> | ARR AGENCY ORI NO<br>FLO <b>5600000</b> |
| BOOKING OFFICER<br><b>760</b>  | SAIL NUMBER<br><b>99-2272</b>       | A.I.K.A.                                 | DOBTS NO.<br><b>0101141867199</b>                          |   |

|                |                                 |  |                    |                          |      |
|----------------|---------------------------------|--|--------------------|--------------------------|------|
| LOCAL CASE NO. | DATE OF BIRTH<br><b>3/16/58</b> | PERMANENT ADDRESS (STREET NO. STREET NAME CITY) PHONE<br><b>2306 N 47th St Ft Pierce</b> | STATE<br><b>FL</b> | ZIP CODE<br><b>34950</b> | CITY |
|----------------|---------------------------------|--|--------------------|--------------------------|------|

|   |   |                       |                      |  |   |   |
|---|---|-----------------------|----------------------|--|---|---|
| DEFENDANT REQUIRED TO APPEAR IN COURT COULD APPEAR IN COUNTRY COURT | SEX<br><input checked="" type="checkbox"/> M <input type="checkbox"/> F | HEIGHT<br><b>6'3"</b> | WEIGHT<br><b>250</b> | RACE<br><input checked="" type="checkbox"/> W <input type="checkbox"/> O | EYE COLOR<br>BLK <input type="checkbox"/> BRN <input type="checkbox"/> GRN <input type="checkbox"/> MAR (UNK) <input type="checkbox"/> BLU <input type="checkbox"/> GRY <input type="checkbox"/> HAZ <input type="checkbox"/> PNK | HAIR COLOR<br>BLK <input checked="" type="checkbox"/> BRN <input type="checkbox"/> GRY <input type="checkbox"/> RED (UNK) <input type="checkbox"/> BLU <input type="checkbox"/> BRD <input type="checkbox"/> WHI <input type="checkbox"/> SYN |
|---|---|-----------------------|----------------------|--|---|---|

|                        |  |                      |
|------------------------|--|----------------------|
| SOCIAL SECURITY NUMBER | OCCUPATION OR EMPLOYER<br><b>Student</b> | DISTINGUISHING MARKS |
|------------------------|--|----------------------|

|             |                        |                                |        |                                    |      |       |      |
|-------------|------------------------|--------------------------------|--------|------------------------------------|------|-------|------|
| ARREST DATA | DATE<br><b>3/29/99</b> | MILITARY TIME<br><b>111415</b> | SECTOR | STREET ADDRESS<br><b>920 S 451</b> | CITY | STATE | CITY |
|-------------|------------------------|--------------------------------|--------|------------------------------------|------|-------|------|

|              |                        |               |        |                |      |       |      |
|--------------|------------------------|---------------|--------|----------------|------|-------|------|
| OFFENSE DATA | DATE<br><b>3/29/99</b> | MILITARY TIME | SECTOR | STREET ADDRESS | CITY | STATE | CITY |
|--------------|------------------------|---------------|--------|----------------|------|-------|------|

|   |   |                             |                          |                                 |                           |   |         |
|---|---|-----------------------------|--------------------------|---------------------------------|---------------------------|---|---------|
| Weapons Seized/Type<br>1. Yes <input type="checkbox"/><br>2. No <input checked="" type="checkbox"/> | Residence Type<br>1. City <input type="checkbox"/><br>2. County <input type="checkbox"/><br>3. Florida <input type="checkbox"/><br>4. Out-of-State <input type="checkbox"/> | Admwy<br>N N/A<br>P Possess | S Sell<br>B Buy<br>E Use | R Smuggle<br>D Deliver<br>E Use | K Dispense/<br>Distribute | M Manufacture/<br>Produce/<br>Cultivate | Z Other |
|---|---|-----------------------------|--------------------------|---------------------------------|---------------------------|---|---------|

|  |  |  |             |                                |  |   |  |                      |
|--|--|--|-------------|--------------------------------|--|---|--|----------------------|
| CHARGE STATUS<br><input type="checkbox"/> PC <input type="checkbox"/> CAPS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> Juv <input type="checkbox"/> PU <input type="checkbox"/> Chation | Indication of Alcohol Intoxication<br><input type="checkbox"/> Drug Intoxication | Y <input type="checkbox"/> N <input type="checkbox"/> Unk <input type="checkbox"/> | Citizenship | Type<br>N N/A<br>A Amphetamine | B Barbiturate<br>C Cocaine<br>E Heroin | H Hallucinogen<br>M Marijuana<br>O Opium/Derv | P Paraphernalia/<br>Equipment<br>S Synthetic | U Unknown<br>Z Other |
|--|--|--|-------------|--------------------------------|--|---|--|----------------------|

| SEQ NO. | FELONY                              | FEL TRAF                 | MISC                     | MISC TRAF                | CRD                      | OTHER                    | CHARGE/STATUTE NO.               | IF DRUGS | ACTIVITY | TYPE |
|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|----------------------------------|----------|----------|------|
| 1.      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Viol Probation 948.051           |          |          |      |
| 2.      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Court to Admonish or Command     |          |          |      |
| 3.      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Probation or offender in control |          |          |      |

|                  |   |                              |                                       |                            |
|------------------|---|------------------------------|---------------------------------------|----------------------------|
| CLERK COURT COPY | PRINCIPAL ARRESTING OFFICER / AGENCY (PRINT)<br><b>R Wittey</b> | OFFICER ID NO.<br><b>421</b> | BONDSMAN / SURETY NAME<br><b>None</b> | BOND AMOUNT<br><b>None</b> |
|------------------|---|------------------------------|---------------------------------------|----------------------------|

|   |               |
|---|---------------|
| CO-DEFENDANT'S (LAST NAME, FIRST, MIDDLE) | VICTIM'S NAME |
|---|---------------|

SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT: The above named defendant was arrested for the following reasons:

**Assigned To Judge Geiger**

MR Hadden was told to come to the Sheriff's office to register as a sexual offender, on 3-1-99 between 900am + 300pm. MR Hadden showed up at 400pm Det B. Radke told MR Hadden to show up between 8:30 + 930 and MR Hadden didn't show up. I found MR Hadden at the Ft Police Dept. I arrested for Viol Probation.

The preceding is true to the best of my present know

Signature: *[Signature]*

Sworn & subscribed before me this **2nd** day of **MAR 99**

NOTARY / ASK: *[Signature]*

PROBATION ORDER

STATE OF FLORIDA

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

ST. LUCIE County, Florida

VS

MARK HADDEN

Defendant

Case No. 97-1834 CF  
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  
20<sup>th</sup> DAY OF June, 2000  
JOANNE HOLMAN, CLERK  
BY: [Signature]

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

X

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 \_\_\_\_\_
- \$ \_\_\_\_\_ 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.

Circuit Ct. Min.

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.

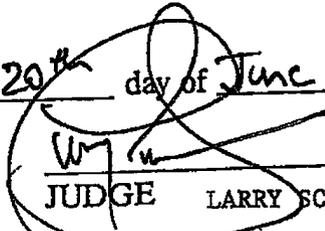
(x) Sex Offender Conditions Attached

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 20<sup>th</sup> day of June, 2000, 1997.  
~~the June for June to 10/26/98~~

  
\_\_\_\_\_  
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 FOLEGAN  
CLERK DISTRICT COURT  
JUN 20 PM 5 10  
DC4-900A  
REV. 7/97  
Circuit Ct. Min.

[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):

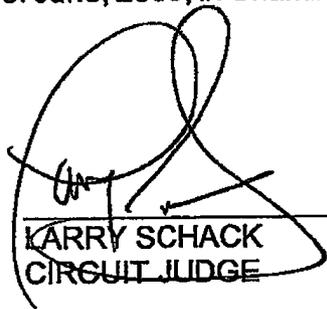
- 14  You must observe a curfew from 7PM to 7AM daily unless given specific permission by your probation officer to leave your approved place of residence for purposes of employment for an approved activity; or for a medical emergency.
- 15  You must not live within 1,000 feet of a school, daycare center, 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.

D. R. C. P.

Circuit Ct. Min.

DONE AND ORDERED this 20<sup>th</sup> day of June, 2000, in Chambers, at Fort Pierce,

Florida.



KARRY 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.

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA

STATE OF FLORIDA

Case No. 56-1997-CF-001834-A

-vs-

Mark Hadden

Defendant(s)

STATE'S RESPONSE TO DEFENDANT'S  
REPLY TO THE STATE'S RESPONSE

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and hereby responds to the Reply to the State's Response filed December 7, 2016.

The State would respond as follows:

**Section 943.0435, Florida Statute – Manifest Injustice**

1. The defendant again claims in his reply motion that he should be relieved of the "sexual offender" designation and reporting requirements under Section 943.0435, Florida Statutes because he has suffered humiliation, embarrassment, loss of employment opportunities and the result is a manifest injustice. The defendant cites to case law in which a defendant could not be designated a sexual predator if the defendant's conviction was prior to the effective date of the Sexual Predator Act.

2. Contrary to the defendant's argument and as argued in the State's original response, the defendant is not designated a "Sexual Predator" but is deemed a "Sexual Offender" due to his conviction and thus subject to the necessary reporting requirements afforded. There is a distinguishable difference between the provisions therein stated in the Sexual Predator Act. Section 775.21(5) (a), Fla. Stat. (2000) provides that "[f]or a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a 'sexual predator'

under subsection (5)" if the felony is one of a number of specified crimes. In *Therrien v. State*, 914 So.2d 942, 948-49 (Fla. 2005), the court held that the trial court was without jurisdiction to impose the sexual predator designation on an offender who, under the law in effect at the time of sentencing, did not qualify as a sexual predator. See also *Lowery v. State*, 98 So.3d 163 (Fla.1<sup>st</sup> DCA 2012), *rehearing* denied October 9, 2012.

3. The designation and reporting requirements are not retroactive to the enactment of the Sexual Predator Act. However, that is not the case with the Florida Sexual Offender Registration Act. In 1997, Florida enacted section 943.0435, its sexual offender registration statute. Ch. 97-299, § 8, Laws of Fla., eff. Oct. 1, 1997. Prior to the enactment of that statute, Florida had no sex offender registration requirement.

4. The defendant meets the criteria under §943.0435(1) (a)1.a.(I) because he has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state; **s. 800.04** and has been **released on or after October 1, 1997, from the sanction imposed** for any conviction of an offense described in the sub-sub-subparagraph (1). The defendant entered his plea on October 26, 1998, one year after the enactment of the statute and was released from his probation sanction thereafter. See State's Original Response and exhibits attached hereto, exhibit 1.

5. § 943.0435, Fla. Stat. was subsequently held to apply retroactively without violating the Ex Post Facto Clause of the United States Constitution. *Givens v. State*, 851 So.2d 813, 814-15 (Fla. 2d DCA 2003), *review denied*, 917 So.2d 193 (Fla.2005). The appellant contended that the sexual offender registration statute violates ex post facto principles because section 943.0435 was enacted after he began serving his sentence. The United States Supreme Court held in *Smith v. Doe*, 538 U.S. 84, 123 S.Ct. 1140, 155 L.Ed.2d 164 (2003), that the

Alaska Sex Offender Registration Act was “nonpunitive and that, therefore, its retroactive application does not violate the Ex Post Facto Clause.” The First and Fourth Districts also held that section 943.0435 was procedural in nature and did not violate the Ex Post Facto Clause. See *Freeland v. State*, 832 So.2d 923 (Fla. 1st DCA 2002); and *Simmons v. State*, 753 So.2d 762 (Fla. 4th DCA 2000). The court affirmed holding that the application of section 943.0435 to Givens did not violate ex post facto principles. See also *Vega v. State*, 208 So.3d 215, 215 (Fla.3d DCA 2016).

6. The sexual offender registration requirement is a collateral consequence merely attained by virtue of the defendant’s conviction. As argued in the State’s previous response, Billy Carter was convicted in Texas of a sexual offense by plea in November 1997. Mr. Carter moved to Florida and was subject to the reporting requirements under § 943.0435, Fla. Stat. (2005) because the elements of his conviction were identical to the one of the enumerated offense and he was released from his probation sanction after October 1, 1997. The court upheld the lower courts holding that Mr. Carter was subject to the reporting requirements as a sexual offender. *Carter v. State*. 937 So.2d 1185, 1185 (Fla. 5<sup>th</sup> DCA 2006).

7. The defendant was on notice at the time of his plea that he would be subject to this requirement. “As to notice, publication in the Laws of Florida or the Florida Statutes gives all citizens constructive notice of the consequences of their actions.” *State v. Beasley*, 580 So.2d 139, 142 (Fla. 1991). Therefore, at the time of the plea, the defendant should have raised the matter or could have raised the issue in a timely motion for postconviction relief. The defendant waits almost eighteen (18) years to challenge the legislative registration requirements enacted from the Sexual Offender Registration Act.

8. To the extent that the defendant claims that the registration requirements as a sexual offender has taken a toll on his life, that he has been embarrassed, suffered humiliation, lost job opportunities and claims the conditions are a manifest injustice, the defendant was an adult<sup>1</sup> when he committed the offense and should be held accountable for the consequences. The victim also lives daily with the crime committed against her. The victim, a 13 year old girl, was taken against her will to a canal and sexually assaulted by vaginal penetration. See State's Original response exhibit A.

9. Not only did the defendant commit the sexual offense against a 13 year old girl in the case at hand in 1997, the defendant violated the conditions of his probation with his arrested in 1999 for committing a Lewd and Lascivious Act on a Child 12 or Under. The substantive charge was later dismissed and resolved with the violation of probation. See State's Original Response exhibit E. In 2004, the defendant was again arrested for committing a sexual offense. The defendant was arrested for the offense of sexual battery by taking the victim under false pretense to his house. After serving the victim some juice that made her feel dizzy and "drunk," the victim woke up on the defendant's bed, naked, and the defendant had attempted to have sexual intercourse with her. He later performed oral sex against her. Although these charges were later dismissed, a pattern is established that there is a need to protect society. See Arrest Affidavit and No Information attached hereto, exhibit 2.

10. The defendant continues to commit criminal offenses. The defendant was convicted in 2002 with Resisting an Officer Without Violence. See Clerk of Court History in case 562002CF000347 attached hereto, exhibit 3. The defendant was arrested for Failure of Sex

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<sup>1</sup> The defendant was born on 3/6/1968. The date of offense was 6/18/1997. Therefore, the defendant was 29 years old.

Offender to Register in case 562004CF001991 and 562004CF2073. These charges were later dismissed. See composite of Warrants, Warrant Affidavits and No Information attached hereto, exhibit 4. In 2007, the defendant was convicted and sentenced to prison for 2 years out of Escambia county in case 0505994. See Florida Department of Corrections Detail Page attached hereto, exhibit 5.

11. The State asserts the registration requirements are exactly what are necessary to protect society against individuals such as the defendant. The defendant claims he does not pose a future threat to public safety, but one can look at his past history of sexual offenses and understand the severity in order to reason why the laws are such that they exist.

12. The exception to the reporting requirement is provided in s. 943.0435(11):

A sexual offender shall maintain registration with the department for the duration of his or her life unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender shall be considered for removal of the requirement to register as a sexual offender only if the person:

(a) 1. Has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction:

- a. For a violation of s. 787.01 or s. 787.02;
- b. For a violation of s. 794.011, excluding s. 794.011(10);
- c. For a violation of s. 800.04(4) (a) 2. where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;
- d. For a violation of s. 800.04(5) (b);<sup>2</sup>

OR:

The exception to the reporting requirement is provided in s. 943.04354 (Romeo & Juliet)

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<sup>2</sup> Defendant was convicted of lewd or lascivious act by committing vaginal penetration equivalent to F.S. 800.04(4)(a)1 and 2.

(1) For purposes of this section, a person shall be considered for removal of the requirement to register as a sexual offender or sexual predator only if the person:

(a) Was convicted, regardless of adjudication, or adjudicated delinquent of a violation of s. 800.04, s. 827.071, or s. 847.0135(5) or of a similar offense in another jurisdiction and if the person does not have any other conviction, regardless of adjudication, or adjudication of delinquency for a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5) or for a similar offense in another jurisdiction;

(b) 1. Was convicted, regardless of adjudication, or adjudicated delinquent of an offense listed in paragraph (a) and is required to register as a sexual offender or sexual predator solely on the basis of this conviction or adjudication; or  
2. Was convicted, regardless of adjudication, or adjudicated delinquent of an offense in another jurisdiction which is similar to an offense listed in paragraph (a) and no longer meets the criteria for registration as a sexual offender or sexual predator under the laws of the jurisdiction in which the similar offense occurred;  
and

(c) Is not more than 4 years older than the victim of this violation who was 13 years of age or older but younger than 18 years of age at the time the person committed this violation.

13. The defendant was an adult when he committed the offense at hand in violation of §800.04. The defendant has been since arrested on multiple felony offenses so he is not entitled under s. 943.0435(11). Although the defendant meets the requirement under s. 943.04354(1)(a) and (b), he does not meet (c) in that he was not more than 4 years older than the victim of this violation. Nor does the defendant meet the considerations in 943.04354(2)(a)(b) that the removal conflicts with federal law that requires that the sexual act be consensual, notwithstanding the age of the victim. The victim did not consent in the case at hand. See exhibit A in Original Response.

14. The registration requirements under Section 943.0435, Florida Statutes are collateral consequences, not punishments and have been held to apply retroactively even if his offense was committed prior to the enactment of the Sexual Offender Registration Act. In

addition, the defendant does not meet the considerations for removal of the requirement to register. Therefore, the court is without the legal authority to remove the designation and registration requirements. The defendant is not entitled to relief by means of a motion to correct illegal sentenced filed in the criminal court.

15. The defendant's motion is meritless and fails to demonstrate any illegality. The court should deny the defendant's motion.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Ana M. Davide, Ana M. Davide P.A., 2929 SW 3rd Av., Ste 420, Miami, FL 33129 by eservice/email at the designated email address of [ana@anadavidelaw.com](mailto:ana@anadavidelaw.com) or by mail on March 10, 2017.

RESPECTFULLY SUBMITTED  
BRUCE H. COLTON, State Attorney

By: /s/ Sara K. Hedges  
Sara K. Hedges  
Assistant State Attorney  
FL Bar#: 98985  
411 S. 2nd Street  
Fort Pierce FL 34950  
(772) 465-3000  
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[SA19eService@sao19.org](mailto:SA19eService@sao19.org)

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA

STATE OF FLORIDA

Case No. 56-1997-CF-001834-A

-vs-

Mark Hadden

Defendant(s)

STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO CORRECT ILLEGAL SENTENCE

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and hereby responds to the Defendant's Motion to Correct Illegal Sentence filed May 11, 2016. The State would respond as follows:

**HISTORY**

1. On June 18, 1997, the defendant was arrested for Sexual Battery on a minor on the case at hand. See Arrest Affidavit attached hereto, exhibit A. The State of Florida filed formal charges against the defendant and issued a capias for a second charge of Lewd, Lascivious or Indecent Act. See Information attached hereto, exhibit B. On October 26, 1998, the defendant entered a plea to the lesser offense of Attempted Lewd, Lascivious or Indecent Act with SEX OFFENDER CONDITONS. See Felony Plea form attached hereto, exhibit C. The defendant was sentenced to five (5) years of Probation. The Order of Probation contains the caveat that the defendant must comply with sex offender special conditions and references an attached page which cannot be located in the court file. See Order of Probation attached hereto, exhibit D. The defendant violated the conditions of his probation due to a new arrest for two (2) counts of Lewd and Lascivious on a Child 12 or Under. See Arrest Affidavit attached hereto, exhibit E. A violation hearing was held on December 7, 2000. The defendant was found in

violation. On June 20, 2000, the court issued an Amended Order of Probation by clarifying the defendant's terms of supervision. See Order attached hereto, exhibit F.

### **GROUND'S FOR REVIEW**

#### No Written finding of Sexual Predator Designation and Manifest Injustice

2. The defendant claims that the defendant's Sexual Predator designation should be stricken as the court failed to make a written finding of such designation and based on the fact that the defendant was convicted of an offense that occurred before the effective date of Section 943.0435, Florida Statutes. The defendant also cites in his motion to the Florida Sexual Predator Act in support of their position that a written finding must be made at the time of sentencing which occurred on October 26, 1998, and the effective date of his offense prior to the enactment of the statute.

3. The defendant is misconstruing the Sexual Predator Act with the defendant's status as a "sexual offender." For a current offense committed on or after October 1, 1995, upon conviction, a defendant must be designated as a "Sexual Predator" under section 775.21(5), and subject to registration under section 775.21(6) and community and public notification under section 775.21(7). The Florida Sexual Predators Act provides that an offender shall be designated a sexual predator, upon conviction, if:

1. The felony is:

- a. A capital, life, or first-degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor and the defendant is not the victim's parent; or of chapter 794, s. 800.04, or s. 847.0145, or a violation of similar law of another jurisdiction; or
- b. Any felony violation, or any attempt thereof, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025(2)(b); s. 827.071; or s. 847.0145; or a violation of a similar law of another jurisdiction, and the offender has

previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; or s. 847.0145, or a violation of a similar law of another jurisdiction.

4. Furthermore, Section 775.21, Florida Statutes contains the provision that the Court must make a written finding that the defendant is a "Sexual Predator."

5. The defendant entered into a negotiated plea to the lesser included offense of Attempted Lewd, Lascivious or Indecent Act when he was facing a far greater term if convicted at trial of his charged offenses of Sexual Battery on a Person Twelve Years of Age or Older and Lewd, Lascivious or Indecent Act. In lieu of the negotiated plea, the defendant would receive a sentence of *five (5) years probation with sex offender conditions* in exchange the State would dismiss the sexual battery charge. See exhibit C. The Probation Order contains the defendant's signature and reflects that the conditions of probation have been explained to him including number 20 – *You must comply with sex offender special conditions (see attached)*. See exhibit D.

6. In 1997, prior to the defendant's plea, Florida enacted section 943.0435, its sexual offender registration statute. Ch. 97-299, § 8, Laws of Fla., eff. Oct. 1, 1997. Prior to the enactment of that statute, Florida had no sex offender registration requirement. Section 943.0435(1) defines a "sexual offender" as a person convicted of committing specified sexual offenses in Florida or similar offenses in another jurisdiction. Additionally, those offenders who meet the criteria set forth in subparagraphs 1, 2, or 3 of the statute also fall within its scope. In pertinent part, the applicable version of the statute requires:

a. Has been *convicted* of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in *this state or similar offenses in another jurisdiction*: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; *and*

b. *Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-subparagraph a.* For purposes of subparagraph a., a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

7. *Harvey v. State*, 17 So.3d 890 (Fla. 4th DCA 2009) distinguishes the distinction to be made between a "sexual predator" and a "sexual offender." While section 775.21, Florida Statutes, expressly requires the Florida courts to make a written finding that the defendant is a "sexual predator," section 943.0435 "contains no provision for a court order designating such offenders as sexual offenders," rather "they attain that status merely by virtue of their convictions." *Id.* at 891 n. 2.

8. The defendant's Motion to Correct Illegal Sentence pursuant to Rule 3.800(a) should be denied because the designation is neither a sentence nor punishment but a status resulting from the conviction of certain crimes, such as in the case at hand, for attempted lewd and lascivious or indecent act in violation of section 800.04, Fla. Stat. (1997). The defendant was on notice at the time of his plea that he would be subject to the sexual offender requirements. "As to notice, publication in the Laws of Florida or the Florida Statutes gives all citizens constructive notice of the consequences of their actions." *State v. Beasley*, 580 So.2d 139, 142 (Fla. 1991). In addition, the courts have affirmed that failure to advise an appellant that

the sexual offender registration requirement is a collateral consequence of the conviction fails to establish a manifest injustice necessary for withdrawal of the plea, because it is simply a status and is not a sentence nor punishment. *State v. Partlow*, 840 So.2d 1040, 1043-44 (Fla. 2003).

9. The definition of a sexual offender under section 943.0435 applies to the defendant and thus he must comply with the registration requirements contained in section 943.0435 Florida Statutes as he "*Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-subparagraph a.*"

10. Section 943.0435 contains no provision for a court order designating such offenders as sexual offenders; they attain that status merely by virtue of their convictions.

11. In a similar case *Carter v. State*, 937 So.2d 1185, 1186 (Fla.5<sup>th</sup> DCA 2006), Carter appeals from an order determining that he qualifies as a "sexual offender" under section 943.0435, Florida Statutes (2005). Carter entered a plea on November 19, 1997, in the State of Texas after Florida enacted section 943.0435. Adjudication was withheld and Carter was placed on probation for ten years. Carter was successful in applying for early termination in 1999. Therefore, he was released from his sanction in Texas after October 1, 1997. By the express terms of section 943.0435, Florida Statutes, Carter therefore qualifies as a sexual offender based upon his 1997 Texas conviction.

12. As in the case at hand, the defendant entered a plea and was sentenced to five (5) years of probation, after Florida enacted the Sexual Offender Registration Act, for which he was released from his sanction after October 1, 1997. Therefore, the defendant is subject to the reporting requirements even though the offense was committed prior to the registration statute. Again, the defendant has not been declared a Sexual Predator subject to the Court issuing a written order finding such designation. The defendant is deemed a sexual offender since he was

under sanctions on or after October 1, 1997, when the law was enacted. Therefore, the Court is without jurisdiction to delete the requirements under F.S. 943.0345 or to delete his designation.

13. The defendant's motion should be denied.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Ana M. Davide, Ana M. Davide P.A., 2929 SW 3rd Av., Ste 420, Miami, FL 33129 by eservice/email at the designated email address of [ana@anadavidelaw.com](mailto:ana@anadavidelaw.com) or by mail on September 20, 2016.

RESPECTFULLY SUBMITTED  
BRUCE H. COLTON, State Attorney

By: /s/ Sara K. Hedges  
Sara K. Hedges  
Assistant State Attorney  
FL Bar#: 98985  
411 S. 2nd Street  
Fort Pierce FL 34950  
(772) 465-3000  
Designated eService address:  
[SA19eService@sao19.org](mailto:SA19eService@sao19.org)

COURT DOCKET NO. 97-1834-CF USE SEPARATE ARMS FOR EACH DEFENDANT AND FOR MULTIPLE OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION.

**ARREST AFFIDAVIT**

|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|
| Fingerprinted<br><input type="checkbox"/> Identification Only<br><input type="checkbox"/> Criminal   |  | By<br><input type="checkbox"/> AARS<br><input checked="" type="checkbox"/> CARS                      |  | DEFENDANT NAME (LAST, FIRST, MIDDLE)<br><b>HADDEN, MARK</b>                                  |  | ARR AGENCY ORI NO<br>FL 15601010                                       |  |
| BOOKING OFFICER<br><b>614</b>  |  | JAIL NUMBER<br><b>975875</b>   |  | CHECK TRUE NAME<br><b>M. H.</b>  |  | OBTS NO<br><b>0100192480106</b>  |  |
| LOCAL CASE NO<br><b>97-06-0672</b>   |  | DATE OF BIRTH<br><b>03/06/68</b>   |  | PERMANENT ADDRESS (STREET NO STREET NAME CITY) PHONE<br><b>204 ESSEX DR / 2306 N 47th ST</b> |  | STATE ZIP CODE CITY<br><b>FL 3291510 24</b>                            |  |
| DEFENDANT REQUIRED TO APPEAR IN CIRCUIT COURT<br><b>ON Clemond</b>   |  | SEX M  |  | HEIGHT <b>603</b>  |  | WEIGHT <b>200</b>  |  |
| AT _____ AM/PM   |  | SOCIAL SECURITY NUMBER   |  | OCCUPATION OR EMPLOYER<br><b>NONE</b>  |  | DISTINGUISHING MARKS   |  |
| DEFENDANT REQUIRED TO APPEAR IN COUNTY COURT   |  | ARREST DATE<br><b>06/18/97</b>   |  | MILITARY TIME<br><b>03410</b>  |  | STREET ADDRESS CITY STATE CITY<br><b>Bedford Dr + Junata Ave FL 24</b> |  |
| ON _____   |  | OFFENSE DATE<br><b>06/18/97</b>  |  | MILITARY TIME<br><b>021015</b>   |  | <b>CONFIDENTIAL ADDRESS</b>  |  |
| AT _____ AM/PM   |  | Residence Type<br>1 City 2 County 3 Florida 4 Out-of-State   |  | Activity<br>S Sell N N/A P Possess   |  | B Buy T Traffic  |  |
| CHARGE STATUS<br><input type="checkbox"/> PC <input type="checkbox"/> CPWIS <input type="checkbox"/> BW <input type="checkbox"/> PW <input type="checkbox"/> FW <input type="checkbox"/> Juv <input type="checkbox"/> PU <input type="checkbox"/> Cision |  | Indication of:<br>Alcohol Influence <input type="checkbox"/> Drug Influence <input type="checkbox"/> |  | Citizenship<br><b>US</b>   |  | Type<br>S Barbiturate C Cocaine E Heroin                               |  |
| IF DRUGS   |  | ACTIVITY   |  | TYPE   |  |  |  |
| 1. <input checked="" type="checkbox"/> SEXUAL BATTERY ON A MINOR 74.011  |  | N  |  | N  |  |  |  |
| 2. <input type="checkbox"/>  |  |  |  |  |  |  |  |
| 3. <input type="checkbox"/>  |  |  |  |  |  |  |  |
| CLERK COURT COPY   |  | PRINCIPAL ARRESTING OFFICER / AGENCY (PRINT)<br><b>JA Buchanan SCSO</b>                              |  | OFFICER ID NO.<br><b>2415111</b>   |  | BONDSMAN / SURETY NAME<br><b>[Signature]</b>                           |  |
| CO-DEFENDANT'S (LAST NAME, FIRST, MIDDLE)  |  |  |  | VICTIM'S NAME  |  |  |  |

**SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT:**  
The above named defendant was arrested for the following reasons:  
**Page 1 of 3**

**PROBABLE CAUSE**

Assigned To  
Judge Schack

97 JUN 19 AM 10:12  
CLERK: S. L. COURT

The preceding is true to the best of my present knowledge or belief.

Signature: [Signature] Sworn & Subscribed before me this 18 June 97

NOTARY / ASA: [Signature]

\*Sequence number taken from fingerprint card containing this OBTS number for this arrest.

Exhibit A

Page 202  
**ARREST AFFIDAVIT CONTINUATION** 99-1834-CF

|                                      |                                |                                      |
|--------------------------------------|--------------------------------|--------------------------------------|
| Agency Case No.<br><b>97-06-0672</b> | Arrest Date<br><b>06/18/97</b> | Defendant Last Name<br><b>HADDEN</b> |
|--------------------------------------|--------------------------------|--------------------------------------|

I RESPONDED TO ~~VICTIM'S MOTHER~~ RESIDENCE REFERENCE TO HER ~~IDENTIFIER~~ VICTIM, BEING ABDUCTED BY AN UNKNOWN MALE. UPON ARRIVAL, I MET WITH ~~INVOLVED OTHER~~ AND ~~INVOLVED OTHER~~ STATED ON THE ABOVE DATE AND TIME HER AND VICTIM, WERE AT THE FARM STORE AT U.S. 1 AND ST. LUCIE BLVD. ~~INVOLVED OTHER~~ STATED HER AND VICTIM STRUCK A CONVERSATION WITH M.H. ON HOW HE LOOKED. ~~INVOLVED OTHER~~ STATED M.H. LEFT THE STORE AND RETURNED A FEW MINUTES LATER AND ASKED HER AND VICTIM, IF THEY WANTED TO GO FOR A RIDE.

~~INVOLVED OTHER~~ STATED AT THIS TIME HER AND VICTIM, GOT INTO THE CAR WITH M.H AND THE DROVE OVER TO THE ~~CONFIDENTIAL LOCATION~~ AT THE PARK ~~VICTIM~~ AND M.H. TOOK A WALK ACCROSS THE FIELD. ~~INVOLVED OTHER~~ STATED VICTIM, AND M.H. CAME BACK TO THE THE CAR. AT THIS TIME ~~INVOLVED OTHER~~, TELLS M.H. AND VICTIM, SHE WANTS TO GO HOME, OR BACK UP TO THE STORE.

M.H. TAKES BOTH VICTIM, AND ~~INVOLVED OTHER~~, BACK TO THE FARM STORE. AT THE FARM STORE. ~~INVOLVED OTHER~~ GET OUT THE VEHICLE. VICTIM GOES TO GET OUT THE VEHICLE WHEN M.H. TAKES OFF IN THE CAR NOT LETTING VICTIM EXIT THE CAR.

~~INVOLVED OTHER~~ STATES HER AND SOME FRIENDS START FOLLOWING M.H.'S CAR BUT LOSES THE CAR IN THE AREA OF SHERATON PLAZA. ~~INVOLVED OTHER~~. THEN GOES TO ~~CONFIDENTIAL LOCATION~~'S HOSE AND CALLS 911.

I GET THE INFORMATION AND A DESCRIPTION OF THE CAR AND THE AREA IN WHICH IT WAS LAST SEEN IN ~~CONFIDENTIAL LOCATION~~ I LEAVE THE RESIDENCE AND I GO TO THE AREA OF ~~CONFIDENTIAL LOCATION~~

I OBSERVED THE CAR TRAVELING EAST ON JUANITA AVENUE AND BEDFORD DRIVE. I STOPPED THE VEHICLE AT WHICH TIME I COME IN CONTACT WITH M.H. AND VICTIM I SEPARATE THE TWO OF THEM AND STARTED MY INVESTIGATION.

I SPOKE VICTIM SHE STATED M.H. TOOK OVER TO AN AREA BY GRADY STREET AND THE CANAL. AT THAT LOCATION IN THE CAR, M.H. FORCED HIMSELF ON HER AND SEXUALLY ASSAULTED HER BY VAGINAL PENETRATION. VICTIM STATED SHE ALSO HAD SUCKING MARKS ON HER NECK AND BREAST.

I READ M.H. HIS MIRANDA WARNING AND HE STATED HE WOULD TALK TO HER. M.H. STATED HE RUBBED HER VAGINAL AREA WITH HIS FINGERS VICTIM BUT HE NEVER

JUNE 19 1997  
 CLERK OF CIRCUIT COURT  
 JANE HOLMAN

The preceding is true to the best of my present knowledge or belief.

Signature *[Handwritten Signature]*

Sworn & Subscribed before me this 18 day of June 1997  
 NOTARY/MSA *[Handwritten Signature]* 287-700  
 My Commission expires *[Handwritten Signature]*  
 Agency 8580

Page 2 of 3

# ARREST AFFIDAVIT CONTINUATION 97-1834-CF

Agency Case No.  
97-06-0672

Arrest Date  
06/18/97

Defendant Last Name  
HADDEN

HAD SEX  
WITH HER.

VICTIM WAS TRANSPORTED TO LAWNWOOD E.R. FOR TREATMENT AND DETECTIVE L. HOSTETLER #409 RESPONDED AND CONDUCTED INTERVIEWS. DETECTIVE HOSTETLER TOOK A TAPE STATEMENT FROM M.H.. M.H. STATES ON THE TAPE HE EJACULATED BY MASTERBATING AND SOME OF SEAMAN MAY BE ON VICTIM. M.H. STATED VICTIM WAS ALSO MASTERBATING AND THEY BOTH HAD ORGASMS. M.H. STATED VICTIM WAS ALL OVER HIM AND THAT HOW THE SEAMAN WAS TRANSFERRED FROM HIM TO HER.

M.H. WAS ARRESTED FOR SEXUAL BATTERY ON A MINOR [REDACTED] YEARS OF AGE. HE WAS TRANSPORTED TO THE ST. LUCIE COUNTY JAIL FOR PROCESSING.

97 JUN 19 AM 10:12  
JOANNE HOLMAN  
CLERK CIRCUIT COURT

The preceding is true to the best of my present knowledge or belief.

Signature: *DIS HR 245*

Sworn & Subscribed before me this 18 June 97  
NOTARY/ASA *Margaret L. [unclear]*  
My Commission expires *[unclear]*  
Agency *2880*

**DIRECT FILE COUNT II**

Case Assigned To: ROBERT BELANGER

IN THE CIRCUIT COURT for the Nineteenth Judicial Circuit of the State of Florida, for St. Lucie County in the Spring Term thereof, in the year of our Lord One Thousand Nine Hundred and Ninety Seven

STATE OF FLORIDA

Case No. 97-1834-CF

-VS-

MARK HADDEN

DOB: 3/6/68

RACE/SEX: B/M

SSN: [REDACTED]

Defendant(s)

INFORMATION FOR:

CT. I.: SEXUAL BATTERY-PERSON TWELVE YEARS OF AGE OR OLDER  
CT. II: LEWD, LASCIVIOUS OR INDECENT ACT

JC  
STEF  
97 JUL -3 11 30

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

CT. I: BE IT REMEMBERED that BRUCE H. COLTON, State Attorney for the Nineteenth Judicial Circuit of the State of Florida, prosecuting for the State of Florida, in St. Lucie County, under oath, information makes that MARK HADDEN in the county of St. Lucie and State of Florida on or about JUNE 18, 1997, did unlawfully commit a sexual battery upon [REDACTED], a person 12 years of age or older, without the victim's consent, in violation of Florida Statute 794.011(5);

VICTIM

CT. II: BE IT REMEMBERED that BRUCE H. COLTON, State Attorney for the Nineteenth Judicial Circuit of the State of Florida, prosecuting for the State of Florida, in St. Lucie County, under oath, information makes that MARK HADDEN in the county of St. Lucie and State of Florida on or about JUNE 18, 1997, did unlawfully handle, fondle or assault [REDACTED], a child under the age of 16 years, in a lewd, lascivious or indecent manner or did knowingly commit a lewd or lascivious act in the presence of such child, or did commit an act defined as sexual battery upon such child, in violation of Florida Statute 800.04;

VICTIM

contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Florida.

Assistant State Attorney for the Nineteenth Judicial Circuit of Florida, prosecuting for said State

STATE OF FLORIDA  
County of St. Lucie

Personally appeared before me ROBERT E. BELANGER, Assistant State Attorney for the Nineteenth Judicial Circuit of the State of Florida, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as

CAPIAS

CASE NO. 97-001834-F A

JUDGE LARRY SCHACK

STATE OF FLORIDA

VS.

MARK HADDEN

IN CIRCUIT COURT

NINETEENTH JUDICIAL COURT

ST. LUCIE COUNTY

STATE OF FLORIDA

B/M 3/ 6/68

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA - GREETINGS: THESE ARE TO COMMAND YOU AS YOU HAVE HERETOFORE BEEN COMMANDED TO TAKE MARK HADDEN IF HE BE FOUND IN YOUR COUNTY, AND HIM SAFELY KEEP, SO THAT YOU HAVE HIS BODY BEFORE THE JUDGE OF OUR CIRCUIT COURT, AT THE COURTHOUSE IN FORT PIERCE, FLORIDA, IN ST. LUCIE COUNTY, INSTANTER TERM OF THE CIRCUIT COURT, 1997 TO ANSWER TO INFORMATION FOUND AND NOW PENDING IN SAID CIRCUIT COURT FOR SAID COUNTY FOR

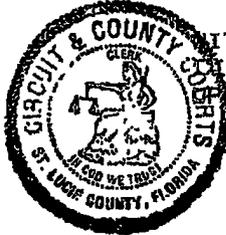
02 LEAD OBSCIVIOUS OR INDECENT ACT

F.S. 800.04

ST. LUCIE CO  
SHERIFF OFFICE  
WARRANT SECTION  
7 JUL 3 PM 3

97 JUL -7 AM 8:47  
JOANNE HOLMAN  
CLERK CIRCUIT COURT

AND HAVE THEN AND THERE THIS, WITH DUE RETURN OF YOUR ACTION ENDORSED THEREON.



WITNESS: JOANNE HOLMAN, CLERK, AND THE SEAL OF SAID CIRCUIT COURT AT FORT PIERCE, FLORIDA, THIS 3RD DAY OF JULY 3, 1997.

JOANNE HOLMAN, CLERK OF CIRCUIT COURT

BY Joanna Williams  
DEPUTY CLERK

THIS CAPIAS CAME TO HAND ON THE 3  
OF JULY AD, 19 97

AND SAME WAS EXECUTED IN ST LUCIE COUNTY, FLORIDA

BY ARRESTING THE WITHIN NAMED DEFENDANT.

R. C. KNOWLES  
SHERIFF ST LUCIE COUNTY, FLORIDA

BY Wesley D.S.

**NOTE: READ THIS FORM CAREFULLY. IT IS THE SAME AS A CONTRACT. EVERY PARAGRAPH IS IMPORTANT. YOU ARE WAIVING CERTAIN RIGHTS YOU HAVE BY SIGNING THIS FORM AND ARE MAKING CERTAIN AGREEMENTS. IF YOU HAVE ANY QUESTIONS YOU MUST ASK YOUR ATTORNEY OR THE JUDGE.**

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR St. Lucie  
COUNTY, STATE OF FLORIDA

CASE NO: 97-1834-CF

STATE OF FLORIDA

Plaintiff,

vs.

Mark Hadden

Defendant.

**PETITION TO ENTER PLEA OF GUILTY/NO CONTEST/ADMISSION**

Mark Hadden, the Defendant in this case wish to enter a plea of  
GUILTY/NO CONTEST/ADMISSION. I state that:

1. MY TRUE NAME IS: Mark Hadden
2. I am 30 years old.
3. I have completed the 1st yr. college grade in school.

I can read, write and understand the English language, and have read this plea agreement and fully understand it.

I cannot read, however, the plea agreement has been fully read and explained to me, and I have signed it with full understanding.

I cannot read or understand the English language, however, an interpreter speaking my language has fully read and explained the plea agreement to me, and I signed it after it was read and explained to me, with full understanding.

4. I am represented by an attorney whose name is Roxe C. Baillie.

5.  I have never been found to be insane or incompetent, or committed to a mental institution as mentally ill or incompetent, and have never been a patient in any hospital for mental illness.

I was previously found to be insane or incompetent or was a mental patient. I am now competent and in possession of all my faculties.

6. I am not currently under the influence of drugs or alcohol.

Def's initials

M.H.

Circuit Ct. Min.

Exhibit C

Case No. 97-1034-CF

**ATTORNEYS: DO NOT USE ABBREVIATIONS**

7. I understand that I am charged with Sexual Battery + Lewd, Lascivious + Indecent Act.

I wish to withdraw my plea of not guilty and plead guilty/no contest (or admit the VOP or VOCC) to the charge(s) of: Attempt Lewd + Lascivious Act (felony)

I understand that the recommendations to the Judge for sentencing are as follows:

5 year probation; withhold adjudication; 6 months jail with 27 days credit for time served, must report to family jail or work per year starting Aug 1, 1999 thru Aug. 31, 1999 and then Aug. 1st thereafter; sex offender conditions; no contact with children under 18's old without supervision; random drug testing; no contact with victim; restitution of \$1,104.24; probation to be supervised by St. Lucie County Probation, Deft. may continue school in Arkansas report monthly moving primarily to Florida by June 1, 1999.

\* I understand that the above terms are recommendations to the Court for sentencing, but are not binding on the Court. I am entering my plea on that basis and with that understanding. I understand another Judge may impose sentence in this case.

I have 27 days credit for time served in Jail. I AM WAIVING ALL OTHER CREDIT FOR TIME ALREADY SERVED.

I agree to pay costs/fines/restitution as follows:

- \$255.00 court costs (felony cases).
- \$ \_\_\_\_\_ court costs (misdemeanor cases).
- \$ 3.00 for County Delinquency Prevention Fund.
- \$ \_\_\_\_\_ additional court costs to the St. Lucie County court facility fund. [Up to \$150.00 for felony, misdemeanor and traffic cases. For offenses committed on or after May 30, 1997.]
- \$ \_\_\_\_\_ Cost of Extradition or transport payable to \_\_\_\_\_ County Sheriff.
- \$ \_\_\_\_\_ Fine plus 5% surcharge.
- \$ \_\_\_\_\_ Public Defender Fees to the County.
- \$ \_\_\_\_\_ Special Public Defender Fees to the County.
- \$ 40.00 Public Defender Application Fee.
- \$ \_\_\_\_\_ Alcohol and Drug Abuse Trust Fund plus a 5% surcharge (F.S. 893.13 offenses only.)

Def's initials TH 11.

→ State + Defense agree Deft. may withdraw plea if unacceptable to Court.

Circuit Cl. Min

Case No 97-1834-CF

- \$ \_\_\_\_\_ Cost of Prosecution.
- \$ 50.00 Cost of Investigation to \$1250
- \$100.00 FDLE Statewide Criminal Analysis Lab. (F.S. Chapter 893.13 offenses only.)
- A 10% surcharge on the fine. (In cases where the victim is elderly or handicapped.)
- \$20.00 (In cases where the victim is elderly or handicapped.)
- \$15.00 (In misdemeanor cases only where unlawful use of alcohol or drugs is involved.)
- \$ \_\_\_\_\_ Reimbursement to the County for medical care, treatment, hospitalization or transportation while in custody.
- Restitution in the following amounts to the following payees:

\$ 1204.24 to Donna Hume

I UNDERSTAND THAT EVEN IF I DO NOT AGREE TO FEES, COSTS AND RESTITUTION, THEY STILL MAY BE IMPOSED BY THE JUDGE.

If I have agreed to make restitution I understand that if I am placed on probation or community control, the restitution will be a condition of that probation or community control. I agree that I am financially able to make that restitution.

If I am placed on probation or community control, the repayment of public defender fees, special public defender fees, costs, fines, surcharges and the public defender application fee, will be a condition of my probation or community control whether or not I am adjudicated guilty.

I understand that if I am convicted of sale, possession or trafficking in drugs or a D.U.I. offense, my drivers license will be suspended or revoked by the Court. If I have any questions about this or about the length of the suspension or revocation, I will ask the judge or my lawyer.

The Judge will allow me to withdraw my plea if he/she feels he/she wishes to sentence me outside the guidelines unless the following occurs: if I am released from jail until sentencing, if I fail to appear in Court when required or if I commit a new criminal offense, then I will NOT be able to withdraw my plea, the guidelines will not apply, and the State will be free to ask that I be sentenced to the maximum possible sentence. Further, I could be prosecuted for the new crime and/or failure to appear, and be subject to contempt of court.

I UNDERSTAND THAT NO ONE CAN ASSURE ME OF HOW MUCH GAIN TIME OR ANY OTHER FORM OF EARLY RELEASE CREDIT I WILL RECEIVE ON A PRISON SENTENCE, NOR MY ELIGIBILITY FOR ANY FORM OF EARLY RELEASE. ANY REPRESENTATIONS REGARDING THOSE ISSUES ARE NOT BINDING ON THE COURT. I UNDERSTAND I WILL NOT BE ABLE TO SET ASIDE THIS PLEA, THE JUDGMENT OR SENTENCE AS A RESULT OF INCORRECT REPRESENTATIONS TO ME CONCERNING THESE ISSUES. I UNDERSTAND THAT I SHOULD ASSUME I WILL SERVE EVERY DAY OF ANY JAIL OR PRISON SENTENCE IMPOSED.

9. For crimes committed before January 1, 1994: I understand that the Judge has complete discretion to sentence me to any sentence within the permitted range of the Sentencing Guidelines. Counsel for the State and my attorney will make their recommendations to the Judge as to what sentence they feel is appropriate but the recommendations are not binding on the Judge. The Judge may sentence me either within

Def's initials M. H.

Circuit Ct. Inq.

the grid of the Guidelines that I fall in, or one grid higher or lower without needing to justify his/her reasons. Therefore, I may not receive the sentence that is recommended or that I hope for, and that will not be grounds for me to withdraw my plea. I enter my plea on that basis and with that understanding.

For crimes committed from January 1, 1994 through June 30, 1997: I understand that the Judge has complete discretion to sentence me to any sentence up to the "maximum prison months" computed under the Sentencing Guidelines. Counsel for the State and my attorney will make their recommendations to the Judge as to what sentence they feel is appropriate but the recommendations are not binding on the Judge. Therefore, I may not receive the sentence that is recommended or that I hope for, and that will not be grounds for me to withdraw my plea. I enter my plea on that basis and with that understanding.

For crimes committed July 1, 1997 and thereafter: I understand that the Judge has complete discretion to sentence me to any sentence up to the "maximum prison months" computed under the Sentencing Guidelines. (I also understand that I have at least one prior felony conviction and my guidelines scoresheet only permits a non-state prison sanction, the Judge may still sentence me up to 22 months in prison.) Counsel for the State and my attorney will make their recommendations to the Judge as to what sentence they feel is appropriate but the recommendations are not binding on the Judge. Therefore, I may not receive the sentence that is recommended or that I hope for, and that will not be grounds for me to withdraw my plea. I enter my plea on that basis and with that understanding.

The Sentencing Guidelines have been fully explained to me by my lawyer. I understand I may also ask the Judge about them at the time I enter this plea.

If I should score differently under the guidelines than I expected, that will not be grounds for me to withdraw this plea; it will be up to the Judge as to whether he/she will allow me to withdraw the plea. I enter my plea on that basis and with that understanding.

I understand that if I am placed on probation, or community control, I must comply with all general and special conditions or probation or community control. If I violate probation or community control, even in a technical way, I can be rearrested and charged with the violation. At a hearing on that violation I understand I will be tried by the Judge and not a jury and that the standard of proof is much lower than proof beyond a reasonable doubt. If the Prosecution were to satisfy the Court of a violation, I understand I could be sentenced to prison.

10. I understand:

a) that if I plead guilty or no contest to these charges the mandatory minimum penalty provided by law is none and the maximum possible penalty is 15 years state prison

(NOTE: I understand that if I am charged with a crime that occurred on January 1, 1994 or thereafter, that under the sentencing guidelines, the statutory maximum penalty may not apply. The maximum possible penalty would depend on how my prior record and present offenses are scored, and may exceed the statutory maximum.)

b) that should I be determined by the Judge to be a violent habitual felony offender, and should the Judge sentence me as such, I could receive up to a maximum sentence of \_\_\_\_\_ years imprisonment and I would receive a mandatory minimum of \_\_\_\_\_ years imprisonment. If any habitual offender sentence is imposed, I would not be entitled to receive any basic gain time or take advantage of any other early release provisions, and would serve a greater portion of the total sentence.

N/A

Def's Initials

M.H.

N/A

c) that should I be determined by the Judge to be a non-violent habitual offender, and should the Judge sentence me as such, I could receive up to a maximum sentence of \_\_\_\_\_ years imprisonment and a mandatory minimum of \_\_\_\_\_ years of imprisonment. If any habitual offender sentence is imposed, I would not be entitled to receive any basic gain time or take advantage of any other early release provisions and would serve a greater portion of the total sentence.

11. I understand that no statement made in connection with this plea will be admissible in any civil or criminal proceeding against me except as a basis for perjury.

12. I agree that there is a factual basis for the charges against me. I understand that once the plea is accepted by the Court, there will not be a trial or further determination of my guilt or innocence of these charges.

13. I understand that I have the right to be represented by a lawyer at every stage of the proceedings, and that if I cannot afford a lawyer, one would be appointed for me.

14. I understand that by pleading Guilty/No Contest/ Admission, I am giving up the following constitutional rights:

a) I am giving up my right to a trial and to have my case decided by a jury and my right of assistance of counsel at trial. (If this is a violation of probation or community control - I am giving up my right to a hearing before the Judge).

b) I am giving up my right to confront, cross-examine and ask questions of the State's witnesses.

c) I am giving up my right to call witnesses and make them come to court and testify for me.

d) I am giving up my right to testify if I choose, and also my right to remain silent and not to testify or incriminate myself. I realize if I did not testify that fact could not be used against me.

e) I am giving up my right to make the State prove me guilty by presenting evidence beyond a reasonable doubt. (In violation of probation or community control cases, the standard of proof is the greater weight of the evidence.) I realize that at a trial, I would not need to prove my innocence, or testify, or call any witnesses.

f) I am giving up my right to appeal all matters connected with the judgment and sentence, including the issue of guilt or innocence. I understand that I am not waiving my right to appeal a void or voidable judgment and my right to review by appropriate collateral attack.

g) I am not waiving my right to appeal any sentence outside the guidelines unless specifically contained within the plea agreement.

**I WISH TO GIVE UP THESE CONSTITUTIONAL RIGHTS AND PLEAD GUILTY/NO CONTEST (OR ADMIT A VIOLATION OF PROBATION OR COMMUNITY CONTROL).**

15. No one has tricked me, or coerced me, or has made any threats against me to get me to give up these rights and enter this plea. No one has made any promises or representations to me, other than those in this petition to get me to give up these rights. The only promises or representations made to me are those listed in this petition, and any other promises or representations are not binding on the Court or the Prosecution.

Def's Initials SM-H

Circuit Ct. 1114

16. I specifically  
admitting to. ( ) admit that I am guilty of the charge or charges I am pleading Guilty/No Contest for  
charges, or violations, or may have defenses to them. (X) believe the plea is in my best interest even though I am innocent of the charge,

17. I have discussed this case and everything in this Petition with my attorney, and I am satisfied with the representation I have received from my attorney. I have told my attorney all the facts and circumstances known to me about the charges. My attorney counseled and advised me on the nature of each charge, on any and all lesser included charges, and on all possible defenses that I may have in this case.

18. I offer my plea freely and voluntarily with full understanding of all the matters set forth in the Information/Indictment/Violation Affidavit and in this Petition.

19. If I am not an American citizen, I understand that this plea could be used by the Immigration and Naturalization Service as a basis to deport me whether or not I am adjudicated guilty or whether adjudication of guilt is withheld, and whether the crime is a misdemeanor or felony.

20. If I am on probation or community control in another case, this plea can form the basis of a violation of that probation or community control.

21. I understand a conviction of a crime can cause me to lose local, State or Federal licenses, the right to vote, and can prevent me from getting certain licenses.

DATED at FT. PIERCE ST. LUCIE County, Florida, this  
27th day of Oct., 19 98.

Mark Hadden  
DEFENDANT

I certify that as an interpreter in the \_\_\_\_\_ language, that I have read this Petition word for word to the Defendant who understands the \_\_\_\_\_ language. The Defendant states he/she fully understands the plea and the he/she signed it freely and voluntarily.

\_\_\_\_\_  
INTERPRETER

Bruce C. Bailie state that I am the attorney for the Defendant. I have read and fully explained to the Defendant this Petition and the allegations contained in the information in this case. I have explained the maximum penalty for each count pled to by the Defendant and consider him/her competent to understand the charges against him/her and the effect of his/her Petition to enter the plea. I have explained to him/her the right of appeal and the difference between a direct appeal and a collateral attack.

Bruce C. Bailie  
ATTORNEY

I certify the Defendant personally appeared before the Court this 26 day of October, 1995, and after being sworn under oath, advised the Court that he/she read the Petition or had someone read it to him/her, and the he/she fully understands all matters contained in it and that the plea was made freely and voluntarily.

Joni Wells  
CLERK

The State of Florida has made known to the victim and the arresting authority the plea negotiated in this case. They:

are in agreement with the terms.

have been informed of their right to appear at sentencing to present their input.

and the State of Florida recommends that the plea negotiation be approved by the Court.

STATE OF FLORIDA

[Signature]  
By

The Court determines that the plea is freely and voluntarily entered, upon a knowing and intelligent waiver of the Defendant's rights, and that there is a factual basis for it. The plea is accepted.

DONE this 26th day of October, 1995.

[Signature]  
CIRCUIT COURT JUDGE

form.crim.plea form.mod (10/1/97)

CLERK OF CIRCUIT COURT

13 OCT 1995 02:17:00

PROBATION ORDER

STATE OF FLORIDA

In The Circuit Court of

VS

ST-LUCIE County, Florida

MARK HADDEW  
Defendant

Case No. 97-1834 CF  
DOC # K53006

This cause coming on this day to be heard before me, and the defendant MARK HADDEW  
**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

Attempted Lewd + LASCIVIOUS

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 CL MID

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 its 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.
- (13) ONE MONTH COUNTY JAIL PER-YEAR STARTING ON AUGUST 1<sup>ST</sup> TILL TO AUGUST 31<sup>ST</sup> 1997 IN ST LUCIE CTY JAIL. FOR A TOTAL OF 6 MONTHS WITH CREDIT OF 27 DAYS.
- (14) WILL BE ALLOWED TO RESIDE IN ARKANSAS AND WILL NOT BE TRANSFERRED.
- (15) MUST REPORT TO ST LUCIE CTY IN PERSON ONCE A MONTH

Name: \_\_\_\_\_

Case No: \_\_\_\_\_

6 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%.

- A \$ 1,204.<sup>00</sup> to DOANNA 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:**

7 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.

- A \$ 3.00 Criminal Justice Trust Fund per F.S. 943.25(3).
- B \$ 2.00 County Criminal Justice Education Fund per F.S. 943.25(13).
- C \$ 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.
- D \$ 50.<sup>00</sup> Cost of Investigation Surcharge per F.S. 939.01, payable to St Lucie Cty Sheriff's office.
- \$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.

March 10, 2017

To Whom it May Concern:

Please be advised that on Thursday, March 9, 2017, from 10:15am to 11:30pm Eastern Time, we experienced a system issue that impacted two of our fax numbers and, as a result, although we can see that a fax was sent from your number we did not receive the actual fax. This issue only affected the two fax numbers below.

Subpoena -- 888 667 0028

Court Order & Warrants -- 888 667 0026

We are requesting that you refax your request to the appropriate number as soon as possible. We apologize for any inconvenience. If you have any questions or need assistance, please call 800 451 5242 and select the appropriate prompt for assistance.

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 \_\_\_\_\_ days/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.

**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.

Circuit CL 1014

Name: \_\_\_\_\_

Case No. \_\_\_\_\_

- 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.
- 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.

Circuit Ct. Mu.

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.
- 19 You will have no contact with victims \_\_\_\_\_
- 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.

(20.) You must comply with sex offender special conditions (see 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 a. 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 30th day of Oct, 1998

None to June 10-26-98

[Signature]  
JUDGE [Signature]

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

Date: 10/26/98

Probationer @ Mark Hadden

Instructed by: John Meek

Original: Court

Copies: Probationer/File

Circuit Ct. MIN DC4-900-1  
REV. 7/98



ARREST AFFIDAVIT CONTINUATION 99-739-4F

Agency Case No. 98-12-1129

Arrest Date 03/02/99

Defendant Last Name Hadden

I spoke to victim VICTIM 1, who is yoa, on 12/31/98 and he stated that he did suspect Mark because he was his mother's boyfriend. I said to him that I had seen another report where he had a problem with Mark and he told me that he was tired of Mark touching him. He told me that Mark was rubbing him on his leg and on the night that I wanted to talk to him about that he had been touching him on his butt. The victim VICTIM 1 said that he went to sleep and did not have anything on him and that when he woke up that he had a cover on his back. He said that he felt someone scratch him on his back, and he woke up and saw him (Mark) looking at him. He said that Mark went into the kitchen and was trying to zip up his pants. I asked him if Mark had ever touched him in a bad way, and asked if he knew the difference between good and bad touch. He said that he did and illustrated that he knew the difference by giving me an example of both good and bad touch. I asked him if Mark had ever touched his private area and he said that he had not, that he had only touched his behind on the outside. He said that Mark touched his behind with his hand. The victim told me that Mark is always coming into his room "messing" with him and that he is tired of him doing this. The victim VICTIM 1 said that his sister also watched this happen.

I then went and spoke to victim VICTIM 2, who is yoa. The victim VICTIM 2 had originated this report by telling her grandmother that the suspect had come into the room where she and victim VICTIM 1 were sleeping and once in there that the suspect had picked up VICTIM 1, off of the floor and put him on the couch. VICTIM 2 said that the victim VICTIM 1 was still sleeping and that the suspect Mark knelt down next to him on the floor and then got up and got on the couch with the victim VICTIM 1, putting the sheet over both of them. She said that he told her to go back to sleep.

When I talked to VICTIM 2, she told me that she saw Mark come into the living room and told her to get off of the couch, and picked up the victim VICTIM 1 and put him on the couch. She said that he knelt in front of the victim and then put a sheet over the two of them (Mark, and VICTIM 1) when he got on the couch with him. She said that she could see movement under the sheet but could not see what was moving because of the sheet blocking her view. She told me that before he got on the couch that he looked over and told her to go to sleep but that she did not go to sleep. She said that when he got up off of the couch from being on it with the victim VICTIM 1, that he had his pants undone, and that she saw his privates hanging out of the front of his pants. She said that his pants were also undone, and that she knew this because she saw the suspect Mark.

The preceding is true to the best of my present knowledge or belief.

Signature K. Eysel 523/4757

Sworn & Subscribed before me, this 2 day of Mar 99
NOTARY/ASA [Signature]
My Commission expires [Signature]
Agency SLCSO

308 →

# ARREST AFFIDAVIT CONTINUATION 99-739-UF

Agency Case No.  
98-12-1129

Arrest Date  
03 102 1 99

Defendant Last Name  
Hadden

~~trying to buckle them back up, but he could not get them done. She said that he then went into the kitchen with his pants still undone and his privates still hanging out, and that he must have put them away in the kitchen because when he came out he did not have them hanging out anymore. I also went over whether she knew the difference between a truth and a lie, and she did and gave me an example of the two, and was able to differentiate between male and female genitalia, giving me an example.~~

~~I spoke to the suspect on 03/02/99 at the station where he voluntarily came in to speak to me. I made this clear with him that he was there on his own free will. He stated to me that he did know the kids and that he was dating their mother at the time of the incident. He stated that he stayed with the victim's mother on several occasions, and that he has gone into the living room where the children sleep while his girlfriend was still in her room. He stated that he could have moved the victim VICTIM 1 onto the couch and that he did see VICTIM 2 but that he did not touch VICTIM 1 in a bad way. He said that it was possible that while wearing his boxers that his genitalia may have come out without his knowledge. He was arrested on the above charges, and for an outstanding warrant for vop by the county.~~

09 MAR - P M 9:50  
 JUDGE JOLMAN  
 CLERK INQUIRY COURT

The preceding is true to the best of my present knowledge or belief.

Signature Det. K. Engel 523/4757

Sworn & Subscribed before me this 3 day of Mar 99  
 NOTARY/ASA [Signature]  
 My Commission expires [Signature]  
 Agency SLCSO

COURT DOCKET NO. 97-1834-CP USE SEPARATE FORMS FOR EACH DEFENDANT AND FOR MULTIPLE OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION

### ARREST AFFIDAVIT

|  |  |   |  |  |
|--|--|---|--|--|
| Fingerprinted<br><input type="checkbox"/> Identification Only<br><input type="checkbox"/> Criminal | By<br><input type="checkbox"/> AFS       | CHECK TRUE NAME<br><input type="checkbox"/> | DEFENDANT NAME (LAST, FIRST, MIDDLE)<br><b>Hadden MARK</b>                               | ARR AGENCY ORI NO<br><b>1560000</b>      |
| BOOKING OFFICER<br><b>760</b>  | JAIL NUMBER<br><b>99-2272</b>            | ALIA  | PERMANENT ADDRESS (STREET NO. STREET NAME CITY) PHONE<br><b>2306 N 47th St Ft Pierce</b> | ARR AGENCY ORI NO<br><b>010114867199</b> |
| LOCAL CASE NO.   | DATE OF BIRTH<br><b>3/6/58</b>           | HEIGHT<br><b>6.3</b>                        | WEIGHT<br><b>250</b>   | RACE<br><b>B</b>                         |
| DEFENDANT REQUIRED TO APPEAR IN COURT DATE   | SEX<br><b>M</b>                          | EYE COLOR<br><b>BLU</b>                     | HAIR COLOR<br><b>BLK</b>   | STATE<br><b>FL</b>                       |
| SOCIAL SECURITY NUMBER   | OCCUPATION OR EMPLOYER<br><b>Student</b> | DISTINGUISHING MARKS                        |  |  |

|              |                        |                               |        |                                    |      |       |      |
|--------------|------------------------|-------------------------------|--------|------------------------------------|------|-------|------|
| ARREST DATA  | DATE<br><b>3/29/99</b> | MILITARY TIME<br><b>11145</b> | SECTOR | STREET ADDRESS<br><b>920 S 451</b> | CITY | STATE | CITY |
| OFFENSE DATA | DATE<br><b>3/29/99</b> | MILITARY TIME                 | SECTOR | STREET ADDRESS                     | CITY | STATE | CITY |

|   |   |                        |                                |  |  |  |                      |
|---|---|------------------------|--------------------------------|--|--|--|----------------------|
| Weapons Seized/Type<br>1. Yes<br>2. No <input type="checkbox"/>   | Residence Type<br>1. City<br>2. County<br>3. Florida<br>4. Out-of-State | Citizenship<br>Y N Unk | Type<br>N N/A<br>A Amphetamine | B Barbiturate<br>C Cocaine<br>E Heroin | H Hallucinogen<br>M Marijuana<br>O Opium/Operv | P Paraphernalia/Equipment<br>S Synthetic | U Unknown<br>Z Other |
| CHARGE STATUS<br><input type="checkbox"/> PC <input type="checkbox"/> CAPAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> Juv <input type="checkbox"/> PU <input type="checkbox"/> Other | Indication of Alcohol Intoxication Drug Influence                       | CHARGE/STATUTE NO.     | IF DRUGS                       |  |  |  |                      |

|                  |   |                               |  |                            |
|------------------|---|-------------------------------|--|----------------------------|
| CLERK COURT COPY | PRINCIPAL ARRESTING OFFICER / AGENCY (PRINT)<br><b>R Withey</b> | OFFICER ID NO.<br><b>4121</b> | BONDSMAN / SURETY NAME<br><b>WILLIAM</b> | BOND AMOUNT<br><b>None</b> |
|------------------|---|-------------------------------|--|----------------------------|

SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT: The above named defendant was arrested for the following reasons;

**Assigned To Judge Geiger**

MR Hadden was told to come to the Sheriff's office to register as a sexual offender on 3-1-99 between 900am + 300pm. MR Hadden showed up at 400pm Det B. Rodke told MR Hadden to show up between 8:30 + 9:30 and MR Hadden did not show up. I found MR Hadden at the Ft Police Dept. I arrested for Viol Probation.

1st Violation Arrest Affid

The preceding is true to the best of my present know

Sworn & subscribed before me this 2nd day of Mar 99

Signature: *[Signature]* NOTARY / ASK: *[Signature]*

PROBATION ORDER

STATE OF FLORIDA

*This order clarifies the terms of supervision imposed by the original sentencing judge*  
In The Circuit Court of

ST. LUCIE County, Florida

VS

MARK HADDEN

Defendant

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  
20<sup>th</sup> DAY OF June, 2000  
JOANNE HOLMAN, CLERK  
BY: [Signature]

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.

Circuit Ct. Min.

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 20<sup>th</sup> day of June, 2000

the sureties to 10/26/98

Wyn  
\_\_\_\_\_  
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 HOLMAN  
CLERK CIRCUIT COURT  
JUN 20 PM 5 10  
DC4-900A  
REV. 7/97

Circuit Ct. Min.

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

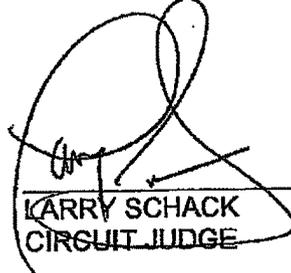
SEX OFFENDER CONDITIONS: (The following conditions must be imposed for Defendants on supervision for crimes committed on or after October 1, 1995 for a violation of Chapter 794, §800.04, §827.071 or §847.0145):

- 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.

P. P. F. P.

Circuit Ct. Min.

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

  
LARRY SCHACK  
CIRCUIT JUDGE

*gld*

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

JOANNE HOLMAN  
CLERK CIRCUIT COURT  
\*00 JUN 21 PM 12 07



Circuit Ct. Min.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA

STATE OF FLORIDA

-VS-

Mark Hadden

Defendant

Case No. 04-1942-CFA

JOANNE WELLMAN  
CLERK OF CIRCUIT COURT  
ST. LUCIE COUNTY, FL

2004 MAY 28 PM 2:35

NO INFORMATION

COMES NOW the State of Florida, by and through its undersigned State Attorney, and files this NO INFORMATION in the above-styled cause wherein the Defendant is charged with :

SEXUAL BATTERY-ADMINISTER INTOXICANT

Dated this 28<sup>th</sup> day of May, 2004.

RESPECTFULLY SUBMITTED,  
BRUCE H. COLTON, State Attorney

BY: Kathryn M. Nelson  
Kathryn M. Nelson  
Assistant State Attorney  
Florida Bar Number 402478  
411 S. 2nd. St.  
Ft. Pierce, FL 34950  
(772) 465-3000

Exhibit 2

COURT DOCKET NO.

USE SEPARATE FORMS FOR EACH DEFENDANT AND FOR MULTIPLE OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION

1. 04-1942CF

# ARREST AFFIDAVIT

FBI NO. FILE NO. 3862578

|  |                                     |   |   |   |
|--|-------------------------------------|---|---|---|
| Fingerprinted<br><input type="checkbox"/> Identification Only<br><input type="checkbox"/> Criminal | By<br><input type="checkbox"/> AFIS | <input checked="" type="checkbox"/> CHECK TRUE NAME | DEFENDANT NAME (LAST, FIRST, MIDDLE)<br><u>HADDEN, MARK</u> | ARR. AGENCY DIV. NO.<br><u>1516101010</u> |
| BOOKING OFFICER<br><u>NIXON</u>  | JAIL NUMBER<br><u>04-5853</u>       | A.K.A.  |   | OBTS NO.<br><u>51011010618954</u>         |

|                                     |                               |  |                    |                          |                    |
|-------------------------------------|-------------------------------|--|--------------------|--------------------------|--------------------|
| LOCAL CASE NO.<br><u>1-04-00568</u> | DATE OF BIRTH<br><u>16 68</u> | PERMANENT ADDRESS (STREET NO. STREET NAME CITY) PHONE<br><u>2306 N. 43rd Street F.P.</u> | STATE<br><u>FL</u> | ZIP CODE<br><u>31419</u> | CITY<br><u>SLC</u> |
|-------------------------------------|-------------------------------|--|--------------------|--------------------------|--------------------|

|                 |                      |                      |                  |   |  |
|-----------------|----------------------|----------------------|------------------|---|--|
| SEX<br><u>F</u> | HEIGHT<br><u>6'3</u> | WEIGHT<br><u>220</u> | RACE<br><u>W</u> | EYE COLOR<br>BLK GRN MAR (UNK)<br>BLU GRY HAZ PNK | HAIR COLOR<br>BAL BLN GRY RED (UNK)<br>BRD WHI SYN |
|-----------------|----------------------|----------------------|------------------|---|--|

OCCUPATION OR EMPLOYER  
PERSONAL TRAINER

|             |                        |                              |                    |   |                   |                    |                    |
|-------------|------------------------|------------------------------|--------------------|---|-------------------|--------------------|--------------------|
| ARREST DATA | DATE<br><u>5/16/17</u> | MILITARY TIME<br><u>1100</u> | SECTOR<br><u>5</u> | STREET ADDRESS<br><u>2600 Block JUANITA AVE. F.P.</u> | CITY<br><u>FL</u> | STATE<br><u>FL</u> | CITY<br><u>SLC</u> |
|-------------|------------------------|------------------------------|--------------------|---|-------------------|--------------------|--------------------|

|              |                        |                            |        |                |      |       |      |
|--------------|------------------------|----------------------------|--------|----------------|------|-------|------|
| OFFENSE DATA | DATE<br><u>5/16/17</u> | MILITARY TIME<br><u>TT</u> | SECTOR | STREET ADDRESS | CITY | STATE | CITY |
|--------------|------------------------|----------------------------|--------|----------------|------|-------|------|

|   |  |                                |                              |                                 |                           |   |         |
|---|--|--------------------------------|------------------------------|---------------------------------|---------------------------|---|---------|
| Weapons Seized/Type<br>1. Yes<br>2. No <u>2</u> | Residence Type<br>1. City<br>2. County<br>3. Florida<br>4. Out-of-State <u>2</u> | Activity<br>N N/A<br>P Possess | B Sell<br>B Buy<br>T Traffic | R Seizure<br>D Deliver<br>E Use | K Dispense/<br>Distribute | M Manufacture/<br>Produce/<br>Cultivate | Z Other |
|---|--|--------------------------------|------------------------------|---------------------------------|---------------------------|---|---------|

|               |   |  |                          |                                |  |                               |  |                      |
|---------------|---|--|--------------------------|--------------------------------|--|-------------------------------|--|----------------------|
| CHARGE STATUS | Indication of Alcohol Influence<br><input type="checkbox"/> <input checked="" type="checkbox"/> | Indication of Drug Influence<br><input type="checkbox"/> <input checked="" type="checkbox"/> | Citizenship<br><u>US</u> | Type<br>N N/A<br>A Amphetamine | B Barbiturate<br>C Cocaine<br>E Heroin | M Marijuana<br>O Opioid/Other | P Pharmaceutical/<br>Equipment<br>-S Synthetic | U Unknown<br>Z Other |
|---------------|---|--|--------------------------|--------------------------------|--|-------------------------------|--|----------------------|

IF DRUGS  
ACTIVITY TYPE

| SEC. NO. | FEL. TRAF.                          | MISD. TRAF.              | CRD.                     | OTHER                    | CHARGE/STATUTE NO.    | ACTIVITY       | TYPE      |
|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|-----------------------|----------------|-----------|
| 1.       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>SEXUAL BATTERY</u> | <u>794.011</u> | <u>NA</u> |
| 2.       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                       |                |           |
| 3.       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                       |                |           |

|                  |  |                                  |  |
|------------------|--|----------------------------------|--|
| CLERK COURT COPY | PRINCIPAL ARRESTING OFFICER / AGENCY (PRINT)<br><u>Det. Mark Blangelo SCSB</u> | OFFICER ID NO.<br><u>4110111</u> | BONDSMAN / SURETY NAME AND AMOUNT<br><u>BUND</u> |
|------------------|--|----------------------------------|--|

|   |                                    |
|---|------------------------------------|
| CO-DEFENDANT'S (LAST NAME, FIRST, MIDDLE)<br><u>NIXON</u> | VICTIM'S NAME<br><u>[REDACTED]</u> |
|---|------------------------------------|

SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT:  
The above named defendant was arrested for the following reasons:

See Arrest CONTINUATION

**Assigned To Judge Cianca**

The preceding is true to the best of my present knowledge or belief.  
Signature Det. M. Blangelo #410

Sworn & Subscribed before me this 16th day of MAY  
NOTARY / ASA Det. W. [Signature]

\*Sequence number taken from fingerprint card containing this OBTS number for this arrest.

My commission expires \_\_\_\_\_  
Agency SCSB

04-1942CF

**NARRATIVE FOR ARREST AFFIDAVIT**

**SHERIFF'S OFFICE CASE NUMBER 1-04-005690**

**DEFENDANT: Hadden, Mark**

1. On 05/05/04, Deputy Cogswell was dispatched to Indian River Memorial Hospital in reference to a sexual battery complaint. The victim **VICTIM** reported that she was sexually battered by a black male whom she identified as Mark Hadden. The victim is a twenty year old female.

2. Your affiant responded to the hospital to interview the victim in reference to this investigation. The victim explained that a black male whom identified himself as Mark Hadden has established a residency in her neighborhood in Indian River County. Hadden identified himself both verbally and provided the victim with a business card that identified him as a professional certified trainer. Hadden asked the victim several times if she would like to receive free personal training sessions with him at Nature's Way Health Club. On 05/04/04 at approximately 1000 hours, Hadden picked the victim up at her residence in reference to these offers. The victim stated that Hadden told her that they were on the way to Nature's Way Health Club, where he works as a personal trainer. Rather than taking the victim to the health club as he promised, Hadden brought the victim to a location in Palm Beach County, where he claimed he had to "drop off papers". The victim willingly went with Hadden while he completed this errand. While they were enroute back to Fort Pierce, Hadden engaged the victim in conversation about her being involved in modeling. Hadden explained to the victim that he was in a position to assist her with securing a modeling contract and explained that he needed to take a picture of her so he could secure this contract. Hadden brought the victim to a residence in Fort Pierce, which he identified as his father's residence. The victim described this residence as being "mustard yellow" in color and she explained that the residence is in the vicinity of **CONFIDENTIAL LOCATION** in Fort Pierce. The victim stated she would be able to locate the residence, but she said she did not have an address for the residence. The victim completed a sketch of the residence at that time.

3. Once inside the residence, Hadden brought her into the living room and offered her a cup of orange juice. The victim stated that Hadden served her this juice in a red plastic cup. Shortly after drinking the orange juice, the victim stated she felt dizzy. The victim stated she felt as though she was "drunk", though she did not consume any alcoholic beverages that day.

04-19420F

4. Shortly later, the victim woke up in a bedroom inside the above described residence. The sketch that the victim provided indicated that this bedroom is located at the south end of the residence. The victim stated that she was completely undressed and laying face down on the bed. The victim described the sheets on the bed as being off white in color and she stated that the sheets had several red stains, which appeared to be blood, on them. The victim stated that she was partially covered with a green blanket and Hadden was on the bed with her. Hadden, who was also undressed, had his hand in the vicinity of her vagina. The victim stated she wanted to stop Hadden from this activity, but she felt comatose and unable to do so. Hadden placed his fingers inside her vagina several times during this encounter. The victim stated that Hadden attempted to have sexual intercourse with her, but as she felt his erect penis in the area of her vagina, she verbally protested to this. Hadden stopped and grabbed the victim by her hips and forced himself under her, placing his head in the area of her vagina. Hadden then performed oral sex on the victim while he was in this position. The victim stated she lost consciousness several times while she was in the bedroom with Hadden.

5. The victim ultimately completely returned to a fully conscious state and again found herself on the aforementioned bed, completely nude. Hadden stated, "It is about time you woke up". This time Hadden was dressed. Hadden handed her clothes to her and allowed her to dress herself. Hadden ultimately brought the victim back to her residence.

6. I conducted a background check on Mark Hadden and I learned that he is a registered sexual offender in St. Lucie County. I also learned that Hadden resides at 2306 North 43<sup>rd</sup> Street. I made contact with Detective Susan Woodward and confirmed that Hadden works as a personal trainer at Nature's Way Health Club. Detective Woodward informed me that Hadden's last victim of this nature was a [REDACTED] year old female.

7. I transported the victim to the area of [REDACTED] CONFIDENTIAL LOCATION [REDACTED] and asked her if she could find the residence that this incident took place inside. The victim directed me to the above described residence. The exterior of the residence was consistent with the victim initially described. Detective Woodward, who is assigned to track sexual offenders (including Hadden), explained to me that this is the same residence that Hadden listed as his primary residence when he registered as a sexual offender. Hadden resided at this address with his father, but Detective Woodward recently received information that Hadden was residing at another location and his father was the sole occupant when law enforcement checked on him there.

8. The victim made a controlled telephone call to Hadden. During the telephone call, Hadden confirmed that he brought the victim to the aforementioned residence. Hadden

04-1942CF

denied the sexual encounter with the victim.

9. I obtained a search warrant for the residence located at 2306 North 43<sup>rd</sup> Street based on the above described circumstances. When I went to the residence to serve the warrant, I observed Mark Hadden's vehicle parked in front of the residence. I conducted surveillance on the residence until Hadden left the residence. Once he drove away from the residence, a traffic stop was conducted on Juanita Avenue in the vicinity of Essex Drive. Hadden was arrested at that time in reference to the above charge.

10. Once Hadden was in custody, I served the aforementioned search warrant. While serving the search warrant, the above mentioned green blanket and bed linen was located in the bedroom (as the victim described). A red plastic cup containing a fluid which appeared to be orange juice was located in the kitchen area of the residence. The interior of the residence was consistent with what the victim described to me during my initial interview with her.

**IT SHOULD BE NOTED THAT THE DEFENDANT HAS AN EXTENSIVE CRIMINAL HISTORY, INCLUDING SEVERAL ARRESTS FOR SEX OFFENSES, ESCAPE AND FAILURE TO APPEAR. BASED ON THE ABOVE DESCRIBED CIRCUMSTANCES, YOUR AFFIANT BELIEVES THAT THE DEFENDANT IS BOTH A DANGER TO THE COMMUNITY AND A FLIGHT RISK.**

**I SWEAR THE ABOVE STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF:**

*Det. Mark Colangelo #410*

**DETECTIVE MARK COLANGELO  
ST. LUCIE COUNTY SHERIFF'S OFFICE**

**SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY OF *May* 2004:**

*Det. W. Port #427*

**DEPUTY SHERIFF  
ST. LUCIE COUNTY SHERIFF'S OFFICE**

Back | Print

2002CF000347 A - STATE OF FLORIDA vs. HADDEN, MARK

| SUMMARY                                 |   |                   |  |
|---|---|-------------------|--|
| Judge: BELANGER, ROBERT E               | Case Type: CRIMINAL FELONY                | Status: CLOSED    |  |
| Case Number: 2002CF000347 A             | Uniform Case Number: 562002CF000347A00000 |                   |  |
| Clerk File Date: 2/1/2002               | Status Date: 4/24/2002                    |                   |  |
| SAO Case Number:                        | Total Fees Due: 0.00                      |                   |  |
| Agency: ST LUCIE COUNTY SHERIFFS OFFICE | Agency Report #:                          | Custody Location: |  |

| PARTIES   |                  |  |                                   |
|-----------|------------------|--|-----------------------------------|
| TYPE      | PARTY NAME       | ADDRESS                                | ATTORNEY                          |
| DEPENDANT | HADDEN, MARK     | 2306 N. 43RD ST<br>FT PIERCE, FL 34950 |                                   |
| PLAINTIFF | STATE OF FLORIDA |  | A. KRALUZA, DARYL (Main Attorney) |

| CHARGES |  |       |        |      |                    |                  |
|---------|--|-------|--------|------|--------------------|------------------|
| COUNT   | DESCRIPTION                                    | LEVEL | DEGREE | PLEA | DISPOSITION        | DISPOSITION DATE |
| 1       | RESISTING AN OFFICER WITH VIOLENCE (843.01)    | F     | T      |      |                    |                  |
| 2       | RESISTING AN OFFICER WITHOUT VIOLENCE (843.02) | M     | F      |      | ADJUDICATED GUILTY | 04/24/2002       |

| EVENTS            |                        |                  |                  |           |
|-------------------|------------------------|------------------|------------------|-----------|
| DATE              | EVENT                  | JUDGE            | LOCATION         | RESULT    |
| 4/24/2002 9:30 AM | CHANGE OF PLEA HEARING | GEIGER, DWIGHT L | Courtroom F - HC | SENTENCED |
| 3/20/2002 1:30 PM | ARRAIGNMENT HEARING    | GEIGER, DWIGHT L | Courtroom F - HC |           |
| 2/11/2002 9:00 AM | BOND HEARING           | LEVY, STEVEN J   | Courtroom G - HC |           |

| CASE HISTORY        |                    |             |             |                    |            |        |
|---------------------|--------------------|-------------|-------------|--------------------|------------|--------|
| CASE NUMBER         | CHARGE DESCRIPTION | CASE STATUS | DISPOSITION | OUTSTANDING AMOUNT | NEXT EVENT | ALERTS |
| No Additional Cases |                    |             |             |                    |            |        |

| FEES            |      |             |            |      |        |         |                         |          |
|-----------------|------|-------------|------------|------|--------|---------|-------------------------|----------|
| COUNT           | CODE | DESCRIPTION | ASSESSMENT | PAID | WAIVED | BALANCE | PAYMENT PLAN / JUDGMENT | DUE DATE |
| No Fees on Case |      |             |            |      |        |         |                         |          |

| RECEIPTS            |           |                |
|---------------------|-----------|----------------|
| DATE                | RECEIPT # | APPLIED AMOUNT |
| No Receipts on Case |           |                |

| CASE DOCKETS |     |           |  |
|--------------|-----|-----------|--|
| SEQ#         | DIN | DATE      | ENTRY  |
| 27           | 27  | 5/10/2002 | JUDGMENT & SENTENCE FILED - CHARGES/COSTS/FEES OR BOOK 1526 PG 1256  |
| 26           | 26  | 4/24/2002 | TAPE LOG - COP/SENT DISK 02-191 LOG 302 PG 318, 319, 320   |
| 25           | 25  | 4/24/2002 | PLEA AGREEMENT - FILED   |
| 24           | 24  | 4/24/2002 | 9:30 AM COP / SENTENCING HEARING - DEFENDANT APPEARED IN OPEN COURT WITH ATTY MULLINS FOR ATTY KESSLER. ASA KRALUZA WAS PRESENT. DEFENDANT WAS SWORN AND ENTERED A PLEA OF NO CONTEST TO CT.2-RESISTING OFFICER WITHOUT VIOLENCE F.S.843.02M1. FACTUAL BASIS FOUND AND PLEA ACCEPTED. STATE MOTION TO AMEND OFFENSE DATE TO 1/31/02. MOTION GRANTED. DEFENDANT WAS ADJUDGED GUILTY AND SENTENCED TO TIME SERVED WITH 1 DAY C.T.S. COURT COST \$151, COST OF INVESTIGATION TO THE SLCSO \$50. COST OF PROSECUTION \$24. ASA KRALUZA ANNOUNCED A ROLLED PROSSED ON CT.1. NA/DC |
| 23           | 23  | 4/24/2002 | DOCUMENT RECEIVED - SUBP-MICHAEL GAINER FILED  |
| 22           | 22  | 4/11/2002 | DOCUMENT RECEIVED - NOTICE OF TAKING DEPO  |
| 21           | 21  | 4/3/2002  | PRARCEPE - D/S FUNK D/S RUGGERI  |
| 20           | 20  | 4/2/2002  | DOCUMENT RECEIVED - SUBP. RET. SERVED FILED ( D/S FUNK ) SUBP. RET. SERVED FILED ( D/S RUGGERI )   |
| 19           | 19  | 3/27/2002 | DOCUMENT RECEIVED - DEMAND FOR NOTICE OF ALBI DEMAND FOR RECIPROCAL DISCOVERY STATES DISCOVERY EXHIBIT FILED   |
| 18           | 18  | 3/22/2002 | NOTICE OF COURT - NOTICE OF COURT DATE FOR DOCKET SOUNDING ON APRIL 24, 2002 AT 9:30 A.M. FILED  |
| 17           | 17  | 3/20/2002 | 1:30 PM ARRAIGNMENT HEARING - A WRITTEN PLEA HAVING BEEN FILED, CASE SET FOR DOCKET SOUNDING ON 4-24-2002 AT 9:30 AM. (TM/MA/DC)   |
| 16           | 16  | 3/20/2002 | TAPE LOG - ARR/WP DISC 02-130 LOG 300 PG 448   |
| 15           | 15  | 2/25/2002 | WRITTEN PLEA OF NOT GUILTY - NOTICE OF APPEARANCE, REQUEST FOR A COPY OF CHARGE, WAIVER OF ARRAIGNMENT. AND DEMAND FOR JURY TRIAL FILED BY ATTY MICHAEL KESSLER, 302 S 2ND STREET, FT PIERCE, FL 34950 FILED   |
| 14           | 14  | 2/25/2002 | DOCUMENT RECEIVED - NOTICE OF DEFT'S ELECTION TO PARTICIPATE IN DISCOVERY FILED  |
| 13           | 13  | 2/22/2002 | INFORMATION FILED  |

Exhibit 3

| Seq# | DIN | DATE      | ENTRY   |
|------|-----|-----------|---|
| 12   | 12  | 2/22/2002 | DOCUMENT RECEIVED - NOTICE TO DEPT, ATTORNEY, BONDSMAN FOR ARRAIGNMENT 3/20/02 1:30 PM  |
| 11   | 11  | 2/22/2002 | DOCUMENT RECEIVED - CLERK TRANSMITTAL FORM FILED  |
| 10   | 10  | 2/11/2002 | TAPE LOG - EMERGENCY BOND HEARING DISK 02-70 LOG 298 PG 387   |
| 9    | 9   | 2/11/2002 | 9:00 AM HEARING- BOND - DEFENDANT APPEARED BEFORE JUDGE LEVIN, WITH ATTY BESSLER. ASA AMOS WAS PRESENT FOR THE STATE. DEFENSE AND STATE STIPULATED TO DISMISSING THE VOP WARRANT. MOTION WAS GRANTED. (SQ/DC) |
| 8    | 8   | 2/8/2002  | DOCUMENT RECEIVED - NOTICE HEARING 9 AM/ FEB 11 2002 AM/ RESCIND AND/OR SET ASIDE WARRANT   |
| 7    | 7   | 2/8/2002  | DOCUMENT RECEIVED - NOTICE OF HEARING FILED   |
| 6    | 6   | 2/4/2002  | BOND - BLARLEYS BONDS \$2000 RESIST W/VIOL, \$500 RESIST W/O VIOL-RET ON DEM FILED-NOTICE ON DEM FILED  |
| 5    | 5   | 2/1/2002  | FIRST APPEARANCE FORM   |
| 4    | 4   | 2/1/2002  | NONADVERSARY PROBABLE CAUSE   |
| 3    | 3   | 2/1/2002  | ARREST AFFIDAVIT FILED  |
| 2    | 2   | 1/31/2002 | INITIAL ARREST  |
| 1    | 1   | 1/31/2002 | OFFENSE COMMITTED   |

7c  
5/17

**Warrant**

**IN THE COUNTY COURT**

04-2073 CF

ST. LUCIE COUNTY, FLORIDA

The State of Florida  
vs.

CHARGE: FAILURE OF SEX OFFENDER  
TO REGISTER

ACN: S01-04-006037

Mark Madden Defendant  
175 41st Avenue, Vero Beach, FL 32906

St., Fort Pierce, FL  
DOB:

DOB: 03/06/1968  
RACE/GENDER: Black/Male  
HEIGHT/WEIGHT: 6-3/220  
HAIR/EYES: Black/Gold  
SS# [REDACTED]

**Assigned To  
Judge Cianca**

In the name of the State of Florida -

To all and Singular Sheriffs of the State of Florida and to Any State Attorney  
Investigator - Greetings:

Whereas Det. S. Woodward, St. Lucie Co. Sheriff's Office this day made oath  
before me that in the County aforesaid, one Mark Madden, on May 10, 2004  
while enrolled at an institution of higher education did fail to  
provide with in 48 hours any change in enrollment status to the  
department, in violation of Florida Statute 943.0435(2)(b)(2).

These are therefore to Command you to forthwith arrest and bring the above  
named defendant before me to be dealt with according to Law.

Given under my hand and seal this 17<sup>th</sup> day of May, 2004.  
A.D.

Bail Bond is Fixed at \$ 50,000.

Condition of Bond Release/Release on Recognizance:  
No Contact With Victim: Until further order of the Court or the charge is dismissed by  
the State, the Defendant shall not directly or indirectly contact the Victim  
in person, by mail, e-mail, fax, telephone, through another person,  
or in any other manner. This restriction shall include the following condition(s), if  
marked:  Defendant may not knowingly come closer than 50 feet to the Victim at any  
public place, except for court proceedings, or within 500 feet of the Victim's residence  
or place of employment, or 100 feet of any vehicle regularly driven by the Victim;   
Defendant may go to Victim's residence one time with a law enforcement officer to get  
Defendant's clothing and personal effects;  Defendant may speak to Victim on the  
telephone only to discuss sharing parental responsibility for their minor child(ren).  
 If marked, Defendant shall be held without bond until the first Appearance Hearing.

JUDGE  
[Signature]  
CLERK  
47  
(SEAL)

Exhibit 4

388147  
 04-2073CFS/17  
 Approved

S.L.S.O. CASE #: 01-04-006037

THIS FORM TO BE SWORN TO AND FILLED OUT COMPLETELY

NAME: Hadden, Mark DOB: 3/6/1968 AGE: 39 SSN: [REDACTED]  
 SEX: B RACE: M HT: 6'3" WT: 220 HAIR: blk EYES: gold SC/MKS/TT:  
 STREET ADDRESS ; 2175 87<sup>th</sup> Ave, Vero Beach Fl. PHONE: 772-299-4976  
 OTHER ADDRESS: 2306 N. 43<sup>rd</sup> St. Fort Pierce, FL

Assigned To  
 Judge Cianca

| OFFENSE(S)   | F.S.              | DATE/TIME/CRIME   | LOCATION                                   |
|--|-------------------|---|--|
| Failure of sex offender to notify change in enrollment status w/ 48 hrs of making change | 943.0435(2)(b)(2) | Aug 2002- December 2002<br>June 2003 - Aug. 2003<br>May 10, 2004 - May 13, 2004 | 3209 Virginia Ave., Fort Pierce, Fl. 34981 |

| VICTIM(S)        | ADDRESS | EMPLOYMENT | HOME/WORK PHONE |
|------------------|---------|------------|-----------------|
| State of Florida |         |            |                 |

| WITNESS(S)       | ADDRESS                 | EMPLOYMENT | HOME/WORK PHONE |
|------------------|-------------------------|------------|-----------------|
| Det. S. Woodward | 4700 W. Midway Road, FP | SLC SO     | 772-462-3620    |
| Sheila Letchford | 3209 Virginia Ave., FP  | IRCC       | 772-462-4208    |
| Jan Pagano       | 3209 Virginia Ave, FP   | IRCC       | 772-462-4804    |
| Dr. Johnny Moore | 3209 Virginia Ave., FP  | IRCC       | 772-462-4804    |
| Allen Montgomery | 3209 Virginia Ave. FP   | IRCC       | 772-462-4804    |
| Cindy Hodge      | 3552 Okeechobee Rd, FP  | DOC        | 772-468-3933    |
| Sgt. Joe Guertin | 4700 W. Midway Rd. FP   | SLC SO     | 772-462-3322    |

DESCRIPTION OF PROPERTY TAKEN OR DAMAGED AND VALUE:

DETAILS OF OFFENSE AS STATED BY VICTIM:

On 5/11/04 I met with Indian River Community College Assistant Dean of Human Resources, Sheila Letchford to drop off information and retrieve information on sexual offenders that are enrolled at IRCC. After giving her information on another sex offender I inquired about Mark Hadden B/M, 3/6/1968. I was advised that Hadden had registered for a Summer II class and that the class started on Monday 5/10/04. Ms. Letchford advised that she would have a copy of the registration faxed to me. Upon receiving the registration it did in fact list Mark Hadden Student ID [REDACTED] (Mark Hadden's social security number) was registered for a weekend electronic access class. The class was to last eight weeks and was to be held on Saturdays from 9:00 am to 4:00 pm. Hadden had registered for this class on May 10, 2004 yet had failed to notify the sheriff's office within 48 hours of his enrollment status change.

On 8/8/03 I met with Hadden at his residence. At this time I advised him that he needed to come into the Sheriff's Office to register as a sex offender as per his registration requirements. On 8/12/03 Mark Hadden responded to the St. Lucie County Sheriff's Office to re-register as a sex offender. He was required to come in to the Sheriff's Office after he cleared his sanctions. At this time he was again advised of his registration requirements. I had him read his

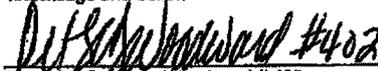
requirements then read each one to him asking if there were any questions. Hadden initialed the registration form acknowledging that he understood his requirements. Hadden also advised at the time of registration that he was registered for the Summer term at IRCC at the Main Campus on Virginia Ave. He was advised at this time to notify this agency should his enrollment status change. While checking Hadden's current enrollment status it was found that Hadden had never paid for the class therefore was not considered enrolled in the class. Again Hadden failed to notify the St. Lucie County Sheriff's Office or FDLE of the change in enrollment status. Jan Pagano, Executive Assistant to the President at IRCC advised that on July 2003 she was contacted by Hadden in reference to being harassed by others while using the weight room at IRCC's main campus. At this time Dr. J. Moore, Dr. Massey and Jan Pagano met with Hadden to see if they could rectify his problem. It was at this time that the school was first informed that Hadden was a registered sexual offender. Hadden was told that he would not be harassed on campus due to his sexual offender status but that he was not to pass himself off as a personal trainer hired by the college. He was also given the campus rules and regulations required by him. When the administration reviewed Hadden's enrollment record it appeared to them that he was registering for classes, never paying for them therefore was dropped from the class for non payment. However, Hadden would update his IRCC identification card with every class he registered for. This allowed him access to the campus facilities yet he never attended class there.

Hadden had also registered as a sexual offender after his release from prison and during his time on probation. On 8/23/99 Hadden registered with Det. Joe Guertin at the St. Lucie County Sheriff's Office. During his probation, Probation Officer Cindy Hodge advised Hadden that he needed to contact her and the Sheriff's Office should he enroll in any institute of higher education. Prior to Hadden's release from probation, Cindy Hodge again reviewed all his registration requirements with him.

The fact that Hadden, a registered sexual offender, was well aware of his registration requirements coupled with his failure to make proper notification about his enrollment status at Indian River Community College on three separate occasions constitutes probable cause for Failure of a Sex Offender to notify FDLE or the Sheriff's Office of enrollment at an institute of higher education within 48 hours of any change in status, F.S.S. 943.04350(2)(b)(2), a third degree felony.

**CO-DEFENDANTS:** None

I swear the statement is correct and true to the best of my knowledge and belief.



Detective Suzanne Woodward # 402  
St. Lucie County Sheriff's Office (C.I.D.)

Sworn to and subscribed before me the undersigned authority, this 17 day of March, 2004.

  
(LEO/Notary)

Victim/Complainant Signature

|   |   |   |                         |   |  |  |                              |
|---|---|---|-------------------------|---|--|--|------------------------------|
| COURT DOCKET NO.<br><b>04-2073CF</b>  |   | Use separate forms for each defendant and for multiple offenses occurring at different time, date or location |                         |   |  | FBI NO.  | FDLE NO.<br><b>0386 7578</b> |
| <input checked="" type="checkbox"/> Fingerprinted<br><input type="checkbox"/> Identification Only |   | <input checked="" type="checkbox"/> YES<br><input type="checkbox"/> NO  |                         | DEFENDANT NAME (LAST, FIRST, MIDDLE)<br><b>HADDEN, MARK</b> |  | ARR. AGENCY ORL NO.<br><b>0560000</b>                                      |                              |
| BOOKING OFFICER<br><b>614</b>   |   | JAIL NUMBER<br><b>04 6129</b>   |                         | TRUE NAME<br><input type="checkbox"/> YES                   |  | OBTS NO.<br><b>5601069388</b>  |                              |
| LOCAL CASE NO.  |   | DATE OF BIRTH<br><b>3/6/1968</b>  |                         | PERMANENT ADDRESS (STREET NO. STREET NAME CITY) PHONE       |  | STATE<br><b>FL</b>   | ZIP CODE<br><b>SL</b>        |
| DEFENDANT REQUIRED TO APPEAR IN CIRCUIT COURT   |   | SEX<br><b>M</b>   | HEIGHT<br><b>604</b>    | WEIGHT<br><b>230 lbs</b>                                    | RACE<br><b>BLACK</b>                             | D.I. #/STATE<br><b>FL</b>  | EYE COLOR<br><b>BRN</b>      |
| ON <b>DEMAND</b>  |   | SOCIAL SECURITY NUMBER  |                         | OCCUPATION OR EMPLOYER                                      |  | HAIR COLOR<br><b>BLACK</b>   |                              |
| DEFENDANT REQUIRED TO APPEAR IN COUNTY COURT  |   | ARREST DATA   | DATE<br><b>05/17/04</b> | MIL. TIME<br><b>1730</b>                                    | STREET ADDRESS<br><b>900 N ROCK RD FT PIERCE</b> | CITY   | STATE<br><b>FL</b>           |
| ON  |   | OFFENSE DATA  | DATE                    | MIL. TIME   | STREET ADDRESS                                   | CITY   | STATE<br><b>FL</b>           |
| AT  |   | RESIDENCE TYPE  |                         | ACTIVITY  |  | M MANUFACTURE/PRODUCE/CULTIVATE  |                              |
| WEAPONS SEIZED /  |   | TYPE  |                         | CITY  |  | K DISPENSE/DISTRIBUTE/Z OTHER  |                              |
| NO  |   | N/A   |                         | CITY  |  | M MANUFACTURE/PRODUCE/CULTIVATE  |                              |
| CHARGE STATUS:  |   | INDICATION OF: ALCOHOL INFLUENCE / DRUG INFLUENCE   |                         | CITIZENSHIP<br><b>US</b>                                    | TYPE<br><b>N N/A</b>                             | B BARBITURATE H HALLUCINOGEN P PARAPHERNALIA / EQUIPMENT U UNKNOWN Z OTHER |                              |
| Bench Warrant   |   | Domestic Related<br><b>NO</b>   |                         | CHARGE / STATUTE NO.  |  |  |                              |
| SEQ#  | ACTIVITY  |   |                         |   |  |  | TYPE                         |
| 1.  | WRT 04 2073CF FAILURE OF SEX OFFENDER TO REGISTER |   |                         |   |  |  | N                            |
| 2.  |   |   |                         |   |  |  | N                            |
| 3.  |   |   |                         |   |  |  | N                            |
| 4.  |   |   |                         |   |  |  | N                            |
| 5.  |   |   |                         |   |  |  | N                            |
| COPY TO: CLERK OF COURTS / STATE ATTORNEY / JAIL / ARRESTING AGENCY / DEFENDANT'S                 |   | PRINCIPAL ARRESTING OFFICER / AGENCY<br><b>D/S D WESLEY SLSO</b>  |                         | OFFICER ID NO.<br><b>0614</b>                               | BONDSMAN / SURETY NAME                           |  | BOND AMOUNT<br><b>50000</b>  |
| CO-DEFENDANT'S (LAST NAME, FIRST, MIDDLE)   |   |   |                         |   |  | VICTIM'S NAME  |                              |
| N/A   |   |   |                         |   |  | STATE OF FL<br><b>FL</b>   |                              |

SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT:  
THE ABOVE NAMED DEFENDANT WAS ARRESTED FOR THE FOLLOWING REASONS:  
THE ABOVE SUBJ WAS ARRESTED ON THE ABOVE LISTED WRT WHILE IN CUSTODY OF THE ST. LUCIE CO JAIL.

ST. LUCIE COUNTY COURT  
MAY 18 AM 9:57

**Assigned To Judge Cianca**

|  |  |   |  |
|--|--|---|--|
| THE PRECEDING IS TRUE TO THE BEST OF MY PRESENT KNOWLEDGE OR BELIEF.                       |  | SWORN & SUBSCRIBED BEFORE ME THIS 17 DAY OF May, 2004 |  |
| SIGNATURE <i>D/S D Wesley 014</i>  |  | NOTARY / AEA <i>D/S Dore 744</i>                      |  |
| *SEQUENCE NUMBER TAKEN FROM FINGER PRINT CARD CONTAINING THIS OBTS NUMBER FOR THIS ARREST. |  | MY COMMISSION EXPIRES <i>SEP</i>                      |  |
|  |  | AGENCY <i>SCSO</i>                                    |  |

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA

STATE OF FLORIDA

-VS-

Mark Hadden

Defendant

Case No. 04-2073-CFA

NO INFORMATION

COMES NOW the State of Florida, by and through its undersigned State Attorney, and files this NO INFORMATION in the above-styled cause wherein the Defendant is charged with :

FAILURE OF SEX OFFENDER TO REGISTER

Dated 9<sup>th</sup> day of June, 2004.

RESPECTFULLY SUBMITTED,  
BRUCE H. COLTON, State Attorney

BY: \_\_\_\_\_

Erin D. Kirkwood  
Assistant State Attorney  
Florida Bar Number 0061700  
411 S. 2nd. St.  
Ft. Pierce, FL 34950  
(772) 465-3000

2004 JUN -9 AM 10:49  
JANICE M. HARRIS  
CLERK OF COURT  
ST. LUCIE COUNTY  
FLORIDA

**Warrant**

04-1991-LF

**IN THE COUNTY COURT**

ST. LUCIE

COUNTY, FLORIDA

The State of Florida  
vs.

Mark Hadden  
2306 North 43rd Street, or 2175 87th Avenue  
Vero Beach, FL *Defendant*

CHARGE: FAILURE OF SEX OFFENDER  
TO REPORT TO DEPARTMENT OF  
MOTOR VEHICLES

ACN: S1-04-005690 *M.P.*  
5961

**Assigned To  
Judge Cianca**

DL#: \_\_\_\_\_  
DOB: 03/06/1968  
RACE/GENDER: Black/Male  
HEIGHT/WEIGHT: 6-3/250  
HAIR/EYES: Black/  
SS#: \_\_\_\_\_

In the name of the State of Florida -

To all and Singular Sheriffs of the State of Florida and to Any State Attorney Investigator - Greetings:

Whereas Det. M. Colangelo, St. Lucie Co. Sheriff's Office this day made oath before me that in the County aforesaid, one Mark Hadden, on or between December 01, 2003 and May 10, 2004, did fail to report in person at a driver's license office of the Department of Highway Safety and Motor Vehicles within 48 hours after a change in permanent or temporary residence and secure an identification or driver's license while being a sex offender as defined in Florida Statute 943.0435, in violation of Florida Statute 943.0435(4);

These Are Therefore to Command you to forthwith arrest and bring the above named defendant before me to be dealt with according to law.

Given under my hand and seal this 10 day of MAY, 04  
A.D.

Bail Bond is Fixed at \$ 100,000.00 *SEE MOUNT AFFIDAVIT PRIOR AA re SEX BATTERY and NCIC*

Condition of Bond Release/Release on Recognizance:  
No Contact With Victim: Until further order of the Court or the charge is dismissed by the State, the Defendant shall not directly or indirectly contact the Victim [REDACTED] in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. This restriction shall include the following conditions, if marked:  Defendant may not knowingly come closer than 50 feet to the victim at any public place, except for court proceedings, or within 500 feet of the victim's residence or place of employment, or 100 feet of any vehicle regularly driven by the victim;  Defendant may go to victim's residence one time with a law enforcement officer to get Defendant's clothing and personal effects;  Defendant may speak to [REDACTED] the telephone only to discuss sharing parental responsibility for their minor children.

If marked, Defendant shall be held without bond until the First Appearance Hearing.

*[Signature]*  
JUDGE  
*SEAL*  
ST. LUCIE COUNTY, FLORIDA

KN  
5-10-04

04-1991-14

2004 MAY 11 PM 1 58  
SHERIFF'S OFFICE  
CLERK

**NARRATIVE FOR ARREST AFFIDAVIT**

**SHERIFF'S OFFICE CASE NUMBER 1-04-005690-<sup>MC</sup>**  
**DEFENDANT: Hadden, Mark** <sup>5961</sup>

On 05/00/04, I conducted an investigation into a sexual battery complaint. The above defendant was arrested for sexually battering a [REDACTED] victim as a result of that investigation. I requested that the defendant be held, without bond, until first appearance in reference to this charge.

On 05/06/04, the defendant appeared before the Honorable Judge Conner for first appearance. The bond was set at \$50,000 and the defendant bonded out that day. Judge Connor ordered that the defendant refrain from contacting the victim and that he must stay at least 500 feet from the victim's residence.

On 05/07/04 at approximately 2200 hours, one of the victim's neighbors observed the defendant drive around the victim's block, then stop his vehicle on the roadway on the side of the victim's residence. Detective Buchanan and I interviewed the witness and it was confirmed that he was both familiar with the defendant's vehicle and he could positively identify the defendant's vehicle. The witness indicated he both positively identified the defendant and his vehicle that evening.

On 05/10/04, I conducted an investigation into this matter and interviewed several persons who reside in the same neighborhood as the victim. It was also confirmed at that time that the defendant has resided [REDACTED] CONFIDENTIAL LOCATION [REDACTED] since December 2003. I responded to that address and interviewed the resident [REDACTED] VICTIM'S MOTHER [REDACTED]. Stanley stated that Hadden has resided at that residence since late 2003 with her and her [REDACTED] IDENTIFIER [REDACTED]. She explained that Hadden is her [REDACTED] IDENTIFIER [REDACTED]'s live-in boyfriend. [REDACTED] VICTIM'S MOTHER [REDACTED] showed us the room Hadden had been living in and allowed us to verify that Hadden's property was in that room. Located in the room were Hadden's personal papers and a vehicle insurance form which listed that address on the insurance papers for the vehicle Hadden was driving. It should be noted that the registered owner of that vehicle is Hadden's father, but this investigation revealed that Hadden is the primary driver of that vehicle.

I also interviewed several neighbors who indicated that Hadden has resided at [REDACTED] CONFIDENTIAL ADDRESS [REDACTED].

I checked with Detective Susan Woodward, who is assigned to track sexual offenders. She confirmed that Hadden is a sex offender and he has only listed the residence at 2306 North 43<sup>rd</sup> Street Fort Pierce, FL as his residence. Detective Woodward informed me that she recently suspected that Hadden moved without notifying law enforcement, but she has

not yet confirmed this. When I spoke with Detective Woodward about this, she also advised me that she checked with the Florida Department of Highway Safety and Motor Vehicles and she was able to confirm that Hadden had not changed his driver's license address to the aforementioned address in Vero Beach. Detective Woodward advised that the address he used on his driver's license is 2306 North 43<sup>rd</sup> Street in Fort Pierce.

I SWEAR THE ABOVE STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF:

*Mark Colangelo* Det. Mark Colangelo #410  
DETECTIVE MARK COLANGELO  
ST. LUCIE COUNTY SHERIFF'S OFFICE

SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY OF 2004:

*Thomas Walsh*  
DEPUTY SHERIFF  
ST. LUCIE COUNTY SHERIFF'S OFFICE

*Thomas Walsh*  
County Judge





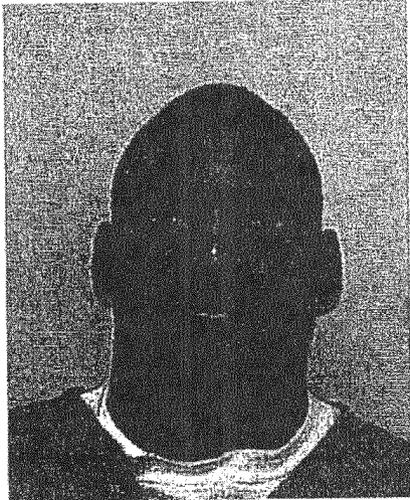
**Florida Department of Corrections**  
Julie L. Jones, Secretary

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Rick Scott, Governor

**Corrections Offender Network**  
*Inmate Release Information Detail*

(This information was current as of 4/7/2009)



DC Number: K53006  
Name: HADDEN, MARK  
Race: BLACK  
Sex: MALE  
Hair Color: BLACK  
Eye Color: BROWN  
Height: 6'03"  
Weight: 238 lbs.  
Birth Date: 03/06/1968  
Custody: CLOSE  
Release Date: 04/07/2009

**PICTURE QUALITY  
BAD**

Note: This offender meets the criteria for designation as a sexual offender under s. 944.606 F.S., or s. 944.607 F.S., or both, and may be on the [Florida Department of Law Enforcement's Sexual Offender/Predator web site](#)

**Stated Residence Upon Release:**  
1316 23RD PL SW  
VERO BEACH, FL 3296232962

**Aliases:**  
MARK HADDEN

| Current Prison Sentence History: |                            |               |          |          |                        |
|----------------------------------|----------------------------|---------------|----------|----------|------------------------|
| Offense Date                     | Offense                    | Sentence Date | County   | Case No. | Prison Sentence Length |
| 09/01/2005                       | SX OFFNDR FAIL COMPLY PSIA | 07/03/2007    | ESCAMBIA | 0505994  | 2Y 4M 15D              |

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

| Incarceration History: |                  |
|------------------------|------------------|
| Date In-Custody        | Date Out-Custody |
| 07/18/2007             | 04/07/2009       |

Record: 1 of 1

The Florida Department of Corrections updates this information regularly, to ensure that it is complete and accurate, however this information can change quickly. Therefore, the information on this site may not reflect the true current location, status, release date, or other information regarding an inmate. This database contains public record information on felony offenders sentenced to the Department of Corrections. This information only includes offenders sentenced to state prison or state supervision. Information contained herein includes current and prior offenses. Offense types include related crimes such as attempts, conspiracies and solicitations to commit crimes. Information on offenders sentenced to county jail, county probation, or any other form of supervision is not contained. The information is derived from court records provided to the Department of Corrections and is made available as a public service to interested citizens. The Department of Corrections makes no guarantee as to the accuracy or completeness of the information contained herein. Any person who believes information provided is not accurate may contact the Department of Corrections. For questions and comments, you may contact the Department of Corrections Admission and Release, at (850) 488-9167 or go to [Frequently Asked Questions About Inmates](#) for more information. This information is made public and law enforcement in the interest of public safety.

Exhibit 5

FILE DATE 05/05/2017

Inmate Release Information Detail

Search Criteria: Last Name: hadden First Name: Mack Search Aliases: YES Offense Category: ALL Release Facility: ALL Stated County of Residence Upon Release: ALL County of Commitment: ALL

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[Return to Corrections Offender Information Network](#)

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