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.	
	_1

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 _

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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 , 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

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-

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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

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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.

GROUNDS FOR REVIEW

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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 Statues contains the provision that the Court must make a written finding that the defendant is a "Sexual Predator."
- 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:

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- 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

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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.5th 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 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

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ARREST AFFIDAVIT CONTINI TION 97-1834-0F

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RAGE 203 ARREST AFFIDAVIT CONTINE TION 97-1834-CF

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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

97-1834-CF Case No.

-VS-

INFORMATION FOR:

MARK HADDEN

SEXUAL BATTERY-PERSON CT. I::

DOB: 3/6/68 RACE/SEX: B/M YEARS OF AGE OR OLDER

LEWD, LASCIVIOUS OR INDECENT, ACT CT. II:

Defendant(s)

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

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 , a person 12 years of age or older, without the victim's consent, in violation of Florida Statute 794.011(5);

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 , a child under the age of 16 years, in a lewd, lascivious or indepent 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;

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 LEND MASCIVIOUS OR INDECENT ACT

F.S. 800.04

ST. LUCYE CO SHERIFF OFFICE WARRANT SECTIO

CLERK CIRCUIT COURT

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

THEREON.

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

JOANNE HOLMAN, CLERK OF CIRCUIT COURT

Assia Willema

DEPUTY CLERK

THIS CAPIAS CAME TO HAND ON THE

AND SAME WAS EXECUTED IN ST LUCIE COUNTY, FLORIDA

BY/

BY ARRESTING THE WITHIN NAMED DEFENDANT.

R. C. KNOWLES

SHERIFF ST LUCIE COUNTY, FLORIDA

Nesley ng

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.

Mak Hadden Defender.i.

	PETITION TO ENTER PLEA OF GUILTYING CONTESTIAUMISSION
i W	AK Haden, the Defendant in this cash wish to enter a plea of DNTEST/ADMISSION. I state that:
GUILTY/NO CO	ONTEST/ADMISSION, 1 State tildi.
1.	MY TRUE NAME IS: Mak Hadden
2.	I am years old. I have completed the
3.	I have completed the 151. Sade in school.
	(\nearrow) I can read, write and understand the English language, and have read this plea fully understand it.
me, and I have	() I cannot read, however, the plea agreement has been fully read and explained to signed it with full understanding.
my language h	() I cannot read or understand the English language, however, an interpreter speaking as fully read and explained the plea agreement to me, and I signed it after it was read and e, with full understanding.
4.	I am represented by an attorney whose name is Roxe C. Builte.
5. Institution as m	 () I have never been found to be insane or incompetent, or committed to a mental nentally ill or incompetent, and have never been a patient in any hospital for mental illness.
now competen	() I was previously found to be insane or incompetent or was a mental patient. I am it and in possession of all my faculties.
6.	t am not currently under the influence of crugs or alreshol. Defs initials

Circuit Ct. Mid-

Case No. 97-1834-CF

ATTORNEYS: DO NOT USE ABBREVIATIONS
7. Junderstand that Jam charged with Sexual Balkry + Land, Lacturious + Independ Act.
t 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 Law 1 + Lacivieus At (falm)
I understand that the <u>recommendations</u> to the Judge for sentencing are as follows:
Sucar probation withhold adjudication; to mostly jail on any for planting the country of the cou
Sagree to pay costs/fines/restitution as follows: Sagree to pay costs/fines/restitution for transport payable to payabl
State + Defined and Deft. many withdraw para it unacreptable to court.

Circuit Ct. Min

Case No 97-1834-CF

	[]	SCast of Prosecution.
	[4]	S 50 2 Cast of Investigation to SLCSO
	[]	\$100.00 FOLE 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.)
	ΪÌ	\$20.00 (In cases where the victim is elderly or handicapped.)
	ii	\$15.00 (In misdomeanor cases only where unlawfu! use or alcohol or drugs is involved.)
	11	S Reimbursement to the County for medical care, treatment, hospitalization
		or transportation while in custody.
	71	Restitution in the following amounts to the following payees:
	1.1	Resultation in the following amounts to the following payers:
4	1204	24 1
_ <u>w</u> _	1201	CA to TALLY FARM
		•
,_,		
	LLINE	FRSTAND THAT EVEN IS LOO NOT AGREE TO SEES, COSTS AND DESTITI ITION, THEY

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 feets he/she wishes to sentence me <u>outside</u> the guidelines unloss 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 <u>NOT</u> 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 apply ar, 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. LUNDERSTAND 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 <u>permitted</u> 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 <u>not</u> binding on the Judge. The Judge may sentence me either within

Det's initials M. V.

3

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 Santencing 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 Guidelinas. (I also understand that i. I have at least one prior felony conviction and my guidelines accreahed only permits a non-state prison senction, the Judge may still sontence me up to 22 months in prison.) Counsel for the State and my automay 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 mic 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 <u>not</u> 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 Coubt. If the Prosecution were to satisfy the Court of a violation, I understand I could be sentenced to prison.

10.	j under					
	a)	that if i pl	lead guilty or no c	ontest to these ch	arges the mands	tory minimum penaity and the
provided by Is	w is sible pens	none Itvis	rsyas si	late prise	<u> </u>	
(NOTE: I und	ierstand	thet if I arn	charged villi a Ci	dime that occurred	d on January 1, 1	994 or thereafter, that imum possible pena y exceed the stalulory

Del's initials 4. Hv

Proud Ct Kis

St. Lucie County File Date: 05/05/2017 16:52 PM

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 plant 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 coursel 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 glving up my right to testify if I choose, and also my right to remain slient 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 pres miting 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) 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 walving my right to appeal a void or voidable judgment and my right to review by appropriate collateral attack.
- g) I am not waving 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 piea. 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.

Ders Initials M. H.

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18.	I specifically
	() admit that I am guilty of the charge or charges I am pleading Gullty/No C actor
admitting to.	harteen the ries is in my best interest even though I am innocent of the charge,
charges, Of Vi	Later of the state
17.	I have discussed this case and everything in this Petition with my automey, and the facts and essentation I have received from my attorney. I have told my attorney all the facts and essentation I have received from my attorney counseled and advised me on the nature of each except the strength of the charges. My attorney counseled and advised me on the nature of each except the larger included charges, and on all possible defenses that I may have in this case.
	l offer my plea freely and voluntarily with full understanding of all the mallets and received and in this Petition.
19.	If I am not an American citizen, I understand that this plea could be used by the himby security and an adjudicated guilty or whether zation Service as a basis to deport me whether or not I am adjudicated guilty or whether zation Service as a basis to deport me whether or not I am adjudicated guilty or whether and whether the crime is a misdemeanor or felony.
	If I am on probation or community control in <u>another</u> case, this pies can to the community control.
violation of th	I understand a conviction of a crime can cause me to lose local, State or Federal licenses, the
21. right to vote,	and can prevent me from getting certain licenses. FED at Section 1999 FT. Fiere T. W.C.E. County, Florida, this day of Oct., 19 96
DAT	TED at STATEMENT OF STATEMENT O
274	n_day of
	Mark Hadden
	DEFENDANT
_	ertify that as an interpreter in the language, that I have read this
) ce Pedijon <u>woj</u> Ianguaga. voluntarily.	The Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the plea and the hrushe agreed it trees to the Defendant states he she fully understands the pleasant states he she for the Defendant states he she she she she she she she she sh
	INTERPRETER
l,_ energi parel fi	state that I am the attorney for the Defendant. I have the explained to the Defendant this Petition and the allegations contained in the information in this will be explained to the Defendant and consider him/her replaced the maximum penalty for each count pied to by the Defendant and consider him/her replaced the maximum penalty for each count pied to by the Defendant and consider him/her.
case. I ha competent	uity explained to the Defendant this Petition and the allegations contained in the intermediate with explained to the Defendant and consider him/her we explained the maximum penalty for each count pied to by the Defendant and consider him/her we explained the maximum penalty for each count pied to bis her Petition to enter the pied. I have to understand the charges against him/her and the effect of him/her the right of appeal and the difference between a direct appeal and a collateral attack.
- ANIMONIA	

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•	•
read the Petition or had someone read it to him/her, and the he/she fully understands it end that the plea was made freely and voluntarily.	day of day of day ad the Court that ha/she all metters contained in
CLESK	
order.	of bother
The State of Florids has made known to the victim and the arresting author	ity the plas negotisted in
The State of Florida has made known.	•
this case. They: are in agreement with the terms,	•
have been informed of their right to appear at	
and the State of Florida recommends that the plea negotiation be approved by the	e Court-
and the State of Florida recommends that the Property of the State of Florida recommends that the Property of the State of Florida recommends that the Property of the State of Florida recommends that the Property of the State of Florida recommends that the Property of the State of Florida recommends that the Property of the Property	
STATE OF FLORIDA	
The Court determines that the plea is freely and voluntarily entered, and waiver of the Defendant's rights, and that there is a factual tasks for it. The pleasure of the Defendant's rights, and that there is a factual tasks for it. The pleasure of Done this Action of Control of the Done this Action of the Done	on a knowing and intelligent i is :xccepted. 4 L
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CIRCUIT COURC	DAS PRAGAS
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•	219

PROBATION ORDER

STATE OF FLORIDA	In The Circuit Court of
VS	ST- LUCIE County, Florida
Defendant	Case No. 97- 1834 CF DOC # K = 300 b
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
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 probation for a period of	on of sentence is withheld, and that you are placed under the supervision of the such supervision to be subject to Florida Law.
SECTION 2: Order Withholding Adjudicat	ion
on probation for a period of 5 YEARS	under the supervision to be subject to Florida Law.
SECTION 3: Probation During Portion of S	Sentence .
It is hereby ordered and adjudged that you committed to the Department of Co	
Confined in the County Jail	
have served	with credit for jail time. After you of the term you will be on probation for a period the supervision of the Department of Corrections,
•	Circuit CL Min
Dava	1 of 7

Page 1 of 7

Exhibit D

3.7	·
	e: e No:
COL	
It is term	further ordered that you must comply with the following conditions of probation during the 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) (10)	You will pay \$50.00 Crimes Compensation Fund per F.S. 960.20 within days. 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 atCounty, 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 months county JAIL per-year STARTING ON AUGUST 1st Till To August 31st 1999 in ST LUCIE CTY JAIL. FOR A TOTAL OF & months with credit of 27 pays.
14)	Will be Allowed to reside in Arkansas and Will NOT be Transfered.
(5)	MICST Report to ST LUCIE CTY IN PERSON ONCE A Month Page 2 of 7
	Tablis Cr as.

Name:	
· Case No:	•
You are ordered to pay restitution in th LESS THAN EQUAL MONTHLY INS	e following amounts at a minimum rate of <u>NO</u>
Corrections. Monetary payments will be	e applied to restitution first pursuant to the 19th
Circuit Judicial Order. You will also p	ay the Department of Corrections a processing
charge of 4%.	
S Jack to Doung Hamm	······•
[] S to	
[\$ to	
[] \$to	
[] \$ to to	•
	ation Commission.
Jurisdiction is reserved for days to o	letermine the amount of restitution.
SPECIAL CONDITIONS (Numbered Financial Conditions:	and Checked Conditions Only)
[]] You will pay the following amounts to the	Clerk of the Circuit Court at a minimum rate
Department of Corrections	ONTHLY INSTALLMENTS, through the
\$ 3.00 Criminal Justice Trust Funds B \$ 2.00 County Criminal Justice E \$ 200.00 Court Costs per F.S. 27.34	id per F.S. 943.25(3)
B \$ 2.00 County Criminal Justice E	ducation Fund per F.S. 943.25(13)
1] \$ 50.00 Court Costs per F.S. 27.34	55. (Misdemennor cases)
3.00 County Delinquency Prevent	ntion per F.S. 775.0833.
ii 3 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
ottenses committed on or after Mar	y 30, 1997.
Cost of Extradition, payal	ole to County Sheriff.
Fine plus a 5% surcharg	e of
Public Defender Fees to 1 \$ Public Defender Applier \$ 40.00 Public Defender Applier	he County. F.S. 27.56.
F.S.27.52(1)(c).	ation Fee to the Clerk of the Court per
Special Public Defender I	ees to the County, F.S. 27.56.
il \$ Alcohol and D. 1g Abuse	Trust Fund per F.S. 893.13(8)(a), plus a 5%
surcharge of (F , 893,13	offenses only.)
Cost of Prosecu, on per F	.S. 939.01.
users*	harge per F.S. 939.01, payable to St Lucie cry
[] \$100.00 FDLE Statewide Criminal A 893.13 offenses only.)	Analysis Lab F.S. 893.13(8)(b). (F.S. Chapter
	and any to the one of the same has the
victim is elderly or handicapped.)	posed per F.S. 775.0836. (In cases where the
[] \$20 00 per F.S. 939.015 (In cases wh	ere the victim is elderly or handicapped.)
[] \$15.00 per F.S. 939.017 (In misdement or drugs is involved.)	anor cases only where unlawful use of alcohol
[] S to	County for medical care, treatment
hospitalization or transportation rec 948.03(1)(t).	County for medical care, treatment, reived by you while in the County Jail. F.5.
	Carcuit CL Plia.
Page 3 of 7	Olon, -

Nau	me:
Cas	e No.:
	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.)
0	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.
D	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).
0	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)(0).
0	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.
0	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
Cumtada da Ca	
Custody Co	You will serve days/months in the County Jail, beginning with draws credit for time served.
0	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.
H	You will serve in the County Jail, beginning to be served on the Weekend Work Program.
Substance A	husu/Montal Hoalth Canditions
Substance A	buse/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 on a expense.
	Circuit CT MILL

Nam	e:							
Case	No.							
ם	date also	hin the next days, you must undergo a mental health evaluation at a time, and location as specified by your probation officer, at your own expense. You must successfully complete any treatment and education determined to be necessary as a lt of the evaluation, which may include residential treatment, at your own expense.						
Ü	You reba	will enter and successfully complete an approved in-patient drug/alcohol bilitation program, at your own expense.						
Off -	and at ar	must submit to random urinalysis, breath, and blood testing, at any time and location, at your own expense, if requested by your probation officer, or the professional staff by treatment center where you are receiving treatment, to determine the possible use cohol or controlled substances.						
[]	You	will remain drug/alcohol free during the term of your probation.						
0	You may not consume alcoholic beverages, or enter any establishment where the primary business is the sale or service of alcoholic beverages.							
0	You will attend a minimum of Narcotics Anonymous/Alcoholic Anonymous meetings per week.							
(1	educa	will enroll and successfully complete at your own expense, the drug awareness and ation course offered by the Indian River Community College. You must begin to days.						
0	The fo	first of s .pervision will be served on Drug Offender Probation with ollowing special conditions:						
	0	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.						
	D	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.						
	0	You must be serve a curfew from 10:00 PM to 6:00 AM daily, unless given specific petalities by your probation officer to leave your approved place of residence, except the specific emergency reasons.						
	D	You must report to yo. bation officer daily if not employed full-time or a full-time student.						

Circuit CL Mu.

Name	e:
· Case	No.:
	us Conditions:
0	You will perform hours of community service work at a rate of no less than hours per month, in no less than hour blocks.
B 19	You will have no contact with viction
0	You will work diligently toward the completion of your General Equivalency Diploma (GED), and begin within days, at your own expense.
0	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.
0	You will forfeit the weapon confiscated in this case.
0	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.
а	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.
О	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 C	
İ	You must attend a victim impact panel within days.
	Your driver's license is suspended for
;	You must attend driving school and !ægin within days.
1	You must pay \$100.00 for the Emergency Medical Trust Fund within
	Carcuit Ct Wis

Nam	C:	
Case	No.:	
. []	Upon completion of one half of the period of probation processing fee to the Department of Corrections, if the defect conditions of the probation, the Department of Corrections Administrative Probation status in which only condition (remains in effect. The Court reserves the right to restor probation status in which all conditions of probation would	ndant is not in violation of any may place the probationer in (5) of the Order of Probation re the probationer to regular
[]	You must report to your probation officer daily if not empstudent.	ployed full-time or a full-time
[]	Your driver's license is suspended for the maximum time a	llowed by Statute.
[]	Your probation will terminate upon full payment of n conditions are met without the necessity of a further Court	nonetary obligations and all order.
(30.) 10	po neo usies pelgras tanos una por se consister esas consisteres.	laisega which
You : coudi disch: proba	are hereby placed on notice that the Court may at any time tions of your probation, or may extend the period of probationarge you from further supervision; and that if you violate a tion, you may be arrested and the Court may revoke that might have been imposed before placing you or produce that might have been imposed before placing you or produce that might have been imposed before placing you or produced that might have been imposed before placing you or produced that might have been imposed before placing you or produced that might have been imposed before placing you or produced that might have been imposed before placing you or produced that might have been imposed before placing you or produced that might have been imposed before placing you or produced that it is not	rescind or modify any of the nas authorized by law, or may may of the conditions of your r probation and impose any
the c	urther ordered that when you have reported to your officer a conditions of probation, if you are a liberty on bond, the urged from ilability.	
certifi	further ordered that the Clerk of this Court file this order ed copy of this order to the probation officer within three sance with the requirements of law.	
DON	E AND ORDERED IN OPEN COURT this _300 day of	<u>OZ-C -</u> , 1998.
	une to Tune 10-26-98 JUDGER	Mindred Wiffings.
me.	e receipt of a certified copy of this order and that the condi	: 1
Date: 1920	198 Probationer & Mark Hadden	
Original: Cu	bystioner/File	Circuit Ct. MIN DC4-900.

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	vs	XI II	IT NAME (LAST, FIRST,			16	NEY ORI. NO.	ואוכ
Commail OKING OFFICER	JAIL NUMBER	TRUE AKA	30en, 11	IARK	-	OBTS NO.		<u> </u>
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FENDANT RECUIRED PPEAR IN CIRCUIT CO		SEX CHRIGHT	Z50	: N	BLK BAN	grn mar (unk) Haz PNK		red (UNK) SYN
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abova named defer	ident was arrested t	for the following	reason	151104	H HIMPOAI	ple CAUSE		·
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e preceding is true	o the best of my	present knowled		****			7	~-M-
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\		1.		Sworn & Su	bscribed bef	pro me this	<u>Z</u> day o	of 11100

Exhibit E

ARREST AFFIDAVIT CONTINUATION 99-734-47

Agency Case No.	Arrest Date	Defendant Last Name
98-12-1129	03/02/99	Hadden
	who, is wor	and he stated that he did —I said to him that I had—
Sucreed Manie has the had the	IDENTIFIER	I said to him that I had
SUSPECTATION DECAUSE HE WE	to lad a machles with M	ark and he told ac that he was
tired of Mark-Louching-nim	He told me Inat-Mark-	was-rubbing-him on his-leg and
		hat he had been touching him-
. on his butt. The victim V		
		had-a-cover on his-backHe
		,-and he-woke up and-saw him
		to the kitchen and was trying
		r-touched-him-in-a-bad way,
		and-bad touch. He said that
he did and illustrated that	. he knew the difference	e by giving me an example of
		ever touched his private-area
and-he-said-that-he-had not	. that-he had only-tou	ched-his behind on the -
		th his hand. The victim told
		ing"-with him-and-that-he-is
-Lired of-him-duing-this	he victim VICTIM 1 said th	at his DENTHER also watched.
-this happen.		2130 W2C/ICO
	to-victim-wome. who is	yoa The victim ™ had-
originated this report by 1	alling her grandwother	that the suspect had come
into the wave when he	wind in worms	ing and once in there that the
suspect had picked up vermi.		
-said-that-the victim-Voint.	or of the rider and pr	ut him on the couch. VCIMZ
- 28-10FUSTFUS. AICTIMMann.	as stiff sleeping and	inat-ine suspect-wark-kneit
down next to him on the flo	ror and then got up and	got on the couch with the
	·	She-said-that he-told-her to
go back to sleep		
		sw Mark come into the living.
room and told her to get of	f of the couch, and pic	cked up the vitim wommer. and put
		t- of the victim-and then put a
		he got on the couch with him.
-She-said-that she-could-se	e movement under the st	neet-but could∺hot see what
		. She told menthat before he
got on the couch that he lo	aked over and told her	to go to sleen But that she
did not go to-sleep She s	aid that when he got up	off of the course from being
-on-it-with-the victim worm,	-that he had his pants	undone, and the ske saw his
-privates hanging out of th e	front of his pants ?	the said that \$2 - sopants-
were-also-undone, and - that	she-knew this because-s	she-saw-the-suspect Hark
		7 0
· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
	<u> </u>	
The preceding is true to the best of my present	knowledge or belief.	
1		1 -
181	,	perore methos 3 day of May 69
K. / 1/1 / 522	Sworn & Subscriber t	day of well
Signature /) Wy (C) 23/	7/2/ NOTARYIASA 49	XXX -
/1	My Commission exit	65 (5-6)
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Page Z of 3 Page

ARRES AFFIDAVIT CONTINI TION 99-739-4

Agency Case No.	Arrest Date	Delendant Last Name
98-12-1129	03 102 199	Hadden
10-16-116-1		- Inovo
- I-raing -1 o- huckle-them bac	k-up - but-he could not g	et them done She said-that
ha than want intartharkit	<u>chan with his pants stil</u>	1 undong and his privated
the burn thrown a force delicited	nathe-must have-out them	away in the kilchen because
when he came out he did-	iot have them hanging out	-anymore I-also-went-over -
wether she knew the diffe	erence between a truth ur	d a lie, and she did and gave
me-an-example-of-the-lwo-	,- and was-able to differe	entiate-between-male-and-femal
-genitalia, giving me an e	x 1 nn 03/02/99 at the st	ution where he volutarily cam
-in-to-coak-to-me- I-mac	le-this-clear-with-him-th	nat he-was there on his own
free will He stated to-	me-that-he-did know the-	-kids-and-that-he-was-dating
thair mather at the line	of the incident. He sta	red that he stayed with the
wintinto mather-an-severa	al- occassions and-that-h	ie-has-gone—into-the-living -
-room where the children	sleep-while-his girlfriet	id was still- in her-room. He
stated that he could have	wat touch WCIM 1. in a lac	ento the couch and that he did I way. He said that it was
-see wome but hat he he are	ing his hovers that his c	penitalia may-have-come out
-with out his knowleger-He	was arrested on the abo	ive charges, and for an
eutstanding-warrant for v	op by the county.	
)) (09
		THE HOLL
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		MAN 9: C
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Manufacture Inc. of the Control of t		
The preceding is true to the best of my pre	esent knowledge or belief.	
10.0 11 4 1	Sworn & Subscribe	before me this day of Man 99
Signatural VIII. 97. Chille	1 523/4757 NOTARYIASA A	X Vao
Cignatule 3	My Commission of	day of Men 99
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PROBATION ORDER
STATE OF FLORIDA Mouse by the organist dentering Jodge State Of In The Circuit Court of
Masur by the of In The Circuit Court of
STATE OF FLORIDA VIII OF STATE OF FLORIDA
VS ST- LUCIE County, Florida
MARK HADDEN Case No. 97-1834CF
MARK HADDEN Case No. 97-1834CF DOC # K5300G
Defendant DOC #
This cause coming on this day to be heard before me, and the defendant
This cause coming on this day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the declaration of the day to be heard before me, and the day to be declarated by the day
present before me, and having:
entered a plea of guilty to
entered a plea of nolo contendere to
the formal english by intro verdict of
been found guilty by the court trying the case without a jury of the offense(s) of
Or Induct Act Upon Achild Under
or Today of Act Use Achild Under
1/4 400
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
It is ordered and adjudged that the imposition of sentence is without any under the supervision of the on probation for a period of under the supervision to be subject to Florida Law.
on probation for a period of and its officers, such supervision to be subject to Florida Law.
SECTION 2: Order Withholding Adjudication
a way the standard that you are placed
It is ordered and adjudged that the adjudication of guilt is withheld and that job and produced in the supervision of the
on probation for a period of
It is ordered and adjudged that the adjudication of guilt 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 3: Probation During Portion of Sentence
SECTION 3: Probation During Voltion of Solitons
It is hereby ordered and adjudged that you are
It is hereby ordered and adjudged that you are Committed to the Department of Corrections Circuit Ct. Min.
Clicore
Confined in the County Jail
for a term of with credit for jail time. After you of the term you will be on probation for a period
for a term of of the term you will be on probation for a period have served of the supervision of the Department of Corrections,
of and an an an an an an an an an an an an an
subject to Florida law
JOANNE HOLMAN, CLERK
JOANNE HOLMAN, CLERK
Page 1 of & Exhibit F

St. Lucie County File Date: 05/05/2017 16:52 PM

•	Name:	
	Case I	No:
		·
	It is fu	orther ordered that you must comply with the following conditions of probation during the
,	(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
	(2)	You will pay to the State of Florida the amount of Tory month toward the cost of 4% surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One Dollar and Sixty Cents (\$1.60) per month toward the cost of the surcharge of One D
1	(3)	You will not change your residence of employments
/	(4)	You will neither possess, carry or own any in carms, carry of own
	(5)	You will live and remain at hoerty without violating of your probation. law will not be necessary in order to constitute violation of your probation.
/	(6)	You will not use intoxicants to excess, not will job sold dispensed or used.
/	(7)	You will make your best efforts to become of relating grant and support any 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)	or your officer, and allow your officer to visit in Journal of site or elsewhere, and you will comply with all instructions your officer may give
	(9) (10)	You will pay \$50.00 Crimes Compensation Fund per F.S. 900.20 William State imposes less. 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
	.(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 [] Restitution is not ordered due to [] Due to the financial resources of the defendant, restitution is ordered as prescribed below.
		Circuit Ct. Min.

	•	•	
Name	7		
Case I	No:	ordered to pay restitution in the following amounts at a min	imum rate of NO
, XI	You are	ordered to pay restitution in the following amounts at a standard to restitution first purished first purished first purished	ne Department of
12/1	LESS II	IAN EQUAL MONTHLY INSTALLMENTS through a bons. Monetary payments will be applied to restitution first public. Monetary payments will be applied to restitution first public.	rsuant to the 19th
	Correction	ons. Monetary payments will be applied to restitution into producing the Department of Correct and Correct Control of Correct Correct Control of Correct Corre	tions a processing
	Circuit J	udicial Order. Tou win also pay the area	
	charge o	1204,24 to Danna Hamm	
	\$	1204: 10 JANA HARM	
	[] \$	to	
	[] \$	to	
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	[] \$	to to to the Florida Crimes Compensation Commission.	
	[] \$	to the Florida Crimes Compensation Communication is reserved for days to determine the amount	of restitution.
	[] Ji	irisdiction is reserved for days to describe	. •
•		IAL CONDITIONS (Numbered and Checked Conditions On	<u>ly)</u> ·
•	<u>SPEC</u>	IAL CONDITIONS (Numbered and Constitution)	· ·
Financial C	onditions:	pay the following amounts to the Cierk of the Circuit Court	at a minimum rate
· []	You will	pay the following amounts to the Clerk of the Citchic Court NO LESS THAN EQUAL MONTHLY INSTALLMENT	S, through the
	of \$!	NO LESS THAN EXCEPTIONS	
		nent of Corrections. 3.00 Criminal Justice Trust Fund per F.S. 943.25(3).	•
	[] \$	3.00 Criminal Justice Trust Fund per F.S. 943. 2.00 County Criminal Justice Education Fund per F.S. 943.	25(13).
	= = *	and on Court Costs par H.S. 7.7.3433. [FEIUII] Casos.	
	<u> </u>	co on Court Costs per HS 7/3473. (IVISUEIIICAIIU) Casosi,	
			facility fund. F.S.
	[] \$	additional court costs to the St. Latte County of the 39.18(1)(a). [Up to \$150.00 for felony, misdemeanor and the standard of the St. Latte County of	traffic cases. For
	C	offenses committed on or after way 50, 1997, Cost of Extradition, payable to County St	eriff.
		Cost of Extraorion, payable to	•
		Fine plus a 5% surcharge of Public Defender Fees to the County. F.S. 27.56.	- -
•		Public Defender Fees to the County, 1.5, 27, 27, 27, 27, 27, 27, 27, 27, 27, 27	the Court per F.S.
•			
	2	27.52(1)(c). Special Public Defender Fees to the County. F.S. 2	7.56.
	[] :	Special Public Defender Fees to the County, 2 to 1. Alcohol and Drug Abuse Trust Fund per F.S. 893.	13(8)(a), plus a 5%
	[]	Alcohol and Drug Abuse Trust 2 and Police (C. S. 903 13 offenses only.)	
	9	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, pa	yable to
	[]	Cost of Investigation Surcharge per 2 is: 22200, 1	
		Analysis I ah F.S. 893.13(8)	(b). (F.S. Chapter
	[]	\$100.00 FDLE Statewide Criminal Analysis Lab F.S. 893.13(8)	
		893.13 offenses only.)	(In cases where the
•	[]	893.13 offenses only.) A 10% surcharge on the fine is imposed per F.S. 775.0836.	•
		victim is elderly or hanoicapped.)	or handicapped.)
		victim is elderly or handicapped.) \$20.00 per F.S. 939.015 (In cases where the victim is elderly of \$15.00 per F.S. 939.017 (In misdemeanor cases only where units and per F.S. 939.017).	awful use of alcohol
	r 1	\$15.00 per F.S. 939.01/ (in misdemeanor cases only	
		or drugs is involved.)	lical care, treatment,
	[]	\$totowhile in t	he County Jail. F.S.
	r 1	or drugs is involved.) \$ to County for med hospitalization or transportation received by you while in the second s	- · •
		948.03(1)(f).	Min.
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		•	agro- •

Page 3 of 8

Name:		
Case N	Vo.: County for liquidated damages for	
	Te 060 203(2) (\$50 00 per 0ay in custody.)	
	the Chara of Clouds for Hallistics for montered 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)(0).	
[]	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 Con	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.:
<u>Sub</u> s	stance A	buse/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.
	ĺ	The first of supervision will be served on Drug Offender Probation with the following special conditions: [] Within the next days, you must undergo a substance abuse evaluation at a time, date and location as specified by your probation officer, at your own expense. You must also successfully complete any treatment and education determined to be necessary as a result of the evaluation, which may include residential treatment, at your own expense. [] You must submit to random urinalysis, breath and blood testing, at any time and location, and at your own expense, if requested by your probation officer or the professional staff at any treatment center where you are receiving treatment, to determine the possible use of alcohol or controlled substances, at your own expense. [] You must observe a curfew from 10:00 PM to 6:00 AM daily, unless given specific permission by your probation officer to leave your approved place of residence, except for specific emergency reasons. [] You must report to your probation officer daily if not employed full-time or a full-
		time student.

Name:	Yo.:
Miscellaneous	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.

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Circuit Ct. Min.

 Case No.:		•	
 Upon completion of one half of the period of probation and payment of a \$50 processing fee to the Department of Corrections, if the defendant is not in violation of conditions of the probation, the Department of Corrections may place the probatione Administrative Probation status in which only condition (5) of the Order of Probations in effect. The Court reserves the right to restore the probationer to regression 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-t student. 	Name: _	•	
processing fee to the Department of Corrections, it the conditions of the probation, the Department of Corrections may place the probatione conditions of the 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 regression 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-t student.	Case No	No.:	
student.	p c A r	conditions of the probation, the Department of Corrections, it also conditions of the probation, the Department of Correction Administrative Probation status in which only condition remains in effect. The Court reserves the right to resprobation status in which all conditions of probation we	ons may place the probationer in (5) of the Order of Probation store the probationer to regular ould again be in effect.
[] Your driver's license is suspended for the maximum time allowed by Statute.	S	student.	
[] Your probation will terminate upon full payment of monetary obligations and conditions are met without the necessity of a further Court order.		Your probation will terminate upon full payment of conditions are met without the necessity of a further Conditions are met without the necessity of a further Conditions.	of monetary obligations and all
(x) Sex Offender Conditions Attached	(V)	Jer Offender Conditions Att	whed
You are hereby placed on notice that the Court may at any time rescind or modify any of conditions of your probation, or may extend the period of probation as authorized by law, or discharge you from further supervision; and that if you violate any of the conditions of probation, you may be arrested and the Court may revoke your probation and impose 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 at the conditions of probation, if you are at liberty on bond, the sureties thereon shall so discharged from liability.	condition discharge probati sentence It is furthe condischar	arge you from further supervision; and that if you violated the period of productions arge you from further supervision; and that if you violated the court may revoke action, you may be arrested and the Court may revoke ence that might have been imposed before placing you on further ordered that when you have reported to your office conditions of probation, if you are at liberty on bond, targed from liability.	te any of the conditions of your your probation and impose any probation. er and have been instructed as to the sureties thereon shall stand
It is further ordered that the Clerk of this Court file this order in their office and proving certified copy of this order to the probation officer within three (3) working days for us compliance with the requirements of law.	certifie compli	fied copy of this order to the probation officer within to bliance with the requirements of law.	0000
DONE AND ORDERED IN OPEN COURT this 20th day of June, 1997.	DONE	ID WID OXIDEX	day of Junc, 1927.
JUDGE LARRY ECHACK	Man N	None he for to 10/50/188	
cknowledge receipt of a certified copy of this order and that the conditions have been explain		of this order and that the	conditions have been explained to
cknowledge receipt of a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order that have been selected to a certified copy of this order than the copy of this order than the copy of this order than the copy of this order than the copy of this order than the copy of this order than the copy of this order than the copy of this order than the copy of this order than the copy of the copy of the copy of the copy of this order than the copy of the copy o		Ige receipt of a certified copy of this ofter and and	JOAN SERVICE
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Page 7 of 8 Gircuit Ct.		Λ	Gircuit Ct. Min.

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

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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):

- You must observe a curfew from 1/M to 7/M 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.
- 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.]
- 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.
- 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.
- 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.]
- [X] 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.]
- 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.
- 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. Circuit Ct. Min.

DONE AND ORDERED this day of June, 2000, in Chambers, at Fort Pierce,

Florida.

KARRY SCHACK CIRCUIT JUDGE

April .

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 HOLWAN

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.1st 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. 5th 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 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

 $^{^1}$ 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 as 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);²

OR:

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

² 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.
- §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 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
Designated eService address:
SA19eService@sao19.org

Filing # 46666081 E-Filed 09/20/2016 12:11:47 PM

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

1

Exhibit 1

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.

GROUNDS 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 Statues 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.5th 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 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

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ARREST AFFIDAVIT CONTINI TION 97-1834-CF

	Arrest Date	Defendant Last Name
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97-06-0672 061		
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I responded to the residence referen Abducted by an <u>unknown male, upon ar</u> r	CETU HER MUSIC	THE VICTIM . BEING
ABDUCTED BY AN UNKNOWN MALE, UPON ARE STATED ON THE ABOVE DATE AND TIME HER	AND WOUME. WE	RE AT THE FARM STORE AT
U.S. 1-AND ST. LUCKE BLYD. WOLFOOMED STATE	HER AND VICT	M STRUCK A
CONVERSATION WITH M.H. ON HOW HE LOOK	ED. MORROOTHER STATE	D.M.H. LEFT THE STORE
AND RETURNED A FEW MINUTES LATER AND	ASKED HER AND	VICTIM . IF THEY WANTED
TO GO FOR A RIDE.	•	
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M.H. TOOK A WALK ACCROSS THE FIELD.	STATED VIOL	MI INC PARK TRACK
TO THE THE CAR. AT THIS TIME . TEL	IS M.H. AND VI	TIM . SHE WANTS TO GO
HOME OR BACK UP TO THE STORE.		
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TAKES OFF IN THE CAR NOT LETTING VICTI	W EXIT THE LA	<u>1 </u>
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STATED HE RUBBED HER VAGINAL AREA WIT	H HIS FINGERS	MICHINI BUT HE SEVER
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Signature 4/32	ARAYYASA	Contractor Contractor
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RAGE 203 ARREST AFFIDAVIT CONTINI TION 97-1834-CF

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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-

INFORMATION FOR:

MARK HADDEN DOB: 3/6/68 CT. I:: SEXUAL BATTERY-PERSON TYPES OF AGE OR OLDER

RACE/SEX: B/M SSN:

CT. II: LEWD, LASCIVIOUS OR INDECENTACT

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 12 years of age or older, without the victim's consent, in violation of Florida Statute 794.011(5);

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 , 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;

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

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CAPIAS

CAŠE 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 LEND WASCIVIOUS OR INDECENT ACT

F.S. 800.04

ST. LUCIE CO SHERIFF OFFICE WARRANT SECTIO

CLERK CIRCUIT COURT

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

THEREON.

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

JOANNE HOLMAN, CLERK OF CIRCUIT COURT

BY Glasica Williams
DEPUTY CLERK

THIS CAPIAS CAME TO HAND ON THE

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.B.

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.

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IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR ST. LVCIE COUNTY, STATE OF FLORIDA CASE NO: 97-1834 - CF

STATE OF FLORIDA

Plaintiff,

٧S.

mark Hadden

Defendulii.

•	PETITION TO ENTER PLEA OF GUILTYING CONTESTIADMISSION
. n/a	L Hadden the Defendant in this cash wish to enter a plea of
O TO TOUR OF CO.	NTEST/ADMISSION. I state that:
1,	MY TRUE NAME IS: Mak Hadden
2.	I have completed the 15t. sade in school.
3.	have completed the 151. Wade in school.
	(\searrow) I can read, write and understand the English language, and have road this plea fully understand it.
Oreement and	tury up to the boar fully read and explained to
me and I have	() I cannot read, however, the plea agreement has been fully read and explained to signed it with full understanding.
my language hi	() I cannot read or understand the English language, however, an interpreter speaking as fully read and explained the plea agreement to me, and I signed it after it was read and
;plained to me	e, with full understanding.
4.	e, with full understanding. I am represented by an attorney whose name is Raxe C-Bailte.
	() I have never been found to be insome or incompetent, or committee to a mondar entaily ill or incompetent, and have never been a patient in any hospital for mental litress.
	() I was previously found to be insene or incompetent or was a mental patient. I am I and in possession of all my faculties.
EXPLAIN:	
6.	am not currently under the influence of crugs or el-shol. Defs initials
	Oct 2 History

Circuit Ct. Min.

Exhibit C

Case No. 97-1834-CF ATTORNEYS: DO NOT USE ABBREVIATIONS lunderstand that I am charged with Serval Balkry 1 Land, Lacturous Inderest AC 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: Atlant Land + Lacivious Art (fdan) I understand that the above terms are recommendations to the Court for scritencing, but are not binding on the Court. I am entering my pina on that basis and with that understanding. I understand another Judge may impose sentence in this case. 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 (misdeineanor cases). 3.00 for County Delinquency Prevention Fund. auditional 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 Extradium or transport payable to _ Fine plus 5% surcharge. Public Dufender Foes to the County. Special Public Defender Fees to the County. Public Defender Application Fee. \$ 40.00 Alcohol and Drug Abuse Trust Fund plus a 5% surcharge (F.S. 893.13 offenses only.) Dol's initials 1 > State + Definer oner Deft. many withdraw pra it macroproble to court.

Circuit Cl. Min

THE CONTRACTOR OF THE PROPERTY OF THE PARTY
Case No 97-1834-CF

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	ERSTAND THAT EVEN IF I DO NOT AGREE TO FEES, COSTS AND RESTITUTION, THEY
STILL MAY BE	EMPOSED BY THE JUDGE.
the restitution make that res	
ii an defender luc	n placed on probation of community control, the repayment of public defender fees, special public s, costs, fines, surcharges and the public defender application fee, will be a condition of my

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.

probation or community control whether or not I am adjudicated guilty.

The Judge will allow me to withdraw my plea if he/she feels he/she wishes to sentence me <u>outside</u> the guidelines unless the following occurs: if I am released from jail until sentencing, if I fall to appear in Court when required or if I commit a new criminal offense, then I will NOT be able to withdraw my pien, 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 appr ar, and be subject to contempt of court.

LUNDERSTAND 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.

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

Provit Ct. icin.

AND STREET

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 ples. I enter my ples on that basis and with that understanding.

Land Charles William Day Sec.

For orimes committed from January 1, 1994 through June 30, 1997; I understand that the Judge has committed discretion to sentence me to any sentence up to the "maximum prices months" computed under the Santenchy 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 Joly 1, 1997 and thereafter: I understand that the Judge has compiled discretion to sentence me to any sentence up to the "maximum prison months" computed under the Sentencing Guidelines. (I also understand that i. I have at least one prior felony conviction and my guidelines scoresheat 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 atterney 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 piea. I enter my plea on that basis and with that understanding.

The Sentending Guidelines have been fully explained to mc by my tawyer. 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 <u>not</u> be grounds for me to withdraw this piec; it will be up to the Judge as to whether he/she will allow me to withdraw the piec. I en ar my piec on trust basis and with that understanding.

I understand that if I am piaced 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, are a technical way, I can be rearrested and charged with the violation. At a hearing on that violation is 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 coubt. If the Prosecution were to satisfy the Court of a violation, I understand I could be sentenced to prison.

10.	understand:
10.) milmarata

10.) attend	Stories:			_		t stustein and	vanaliv
		that W I mi	and multi of DC	contest to the	hesa charge	s me manu	atory minimum t e	1.45
	a)							rd the
provided by	law is	Rome						
intern	ned eldizzo	alty is	D/Ass -	state f	5000			
(NOTE: I under the s would dep needman.	understand griebing gr end on ho) b) b) Judge ser	that if I am idelines, the w my prior that shou trace me uld reselve	charged wills a estatutory maxin record and principle and	a crime that of muin penalty esent offens ted by the Jurian of an information of a line of the same of	dge to be a to be a made	iolent habit num sentan years impris	1994 or thereath in the control of the state of	ier, and years habitual

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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 institute offender sentence is improved, 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 plac will be admissible in any civil or criminal proceeding against me except as a basic 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 it I cannot afford a lawyer, one would be appointed for me.
- 14. I understand that by pleading Guilly/No Contest/or Admission, I am girling up the following constitutional rights:
- e) 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 axis 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 pres "ning 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 waking my right to appeal a void sentence, including the issue of guilt or review by appropriate colleteral attack.
- g) I am not waving my right to appeal any sentence outside the guidelines unless appeallically contained within the plea agreement.

I WISH TO GIVE UP THESE CONSTITUTIONAL RIGHTS AND PLEAD GUILTYING 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 is the petition, and any other promises or representations are not binding on the Court or the Prosecution.

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Circuit Ct. Wil

	•
18.	I specifically () admit that I am guilty of the charge or charges I am pleading Guilly/No (safety).
admitting to.	and the close is in my best interest even though I am unique
47. with the repredictionstances charge, on an	Initions; for may have been seen and everything in this Petition with my attorney, and I am satisfied I have discussed this case and everything in this Petition with my attorney all the facts and esentation I have received from my attorney. I have told my attorney all the nature of each esentation i have received from my attorney counseled and advised me on the nature of each lonown to me shout the charges. My attorney counseled and advised me on the nature of each lonown to me shout the charges, and on all possible defenses that I may have in this case. I am all lesser included charges, and on all possible defenses that I may have in this case.
	dictment/violation relicent fitzen, i understand that this plea could be used by the immigration
and Naturali adjudication	ration Service as a basis to deport me whether or not I am relievely. of guilt is withheld, and whether the crime is a misdemeanor or felony. If I am on probation or community control in another case, this plea can form the basis of a life am on probation or community control.
	unit probation of community of a crime can cause me to loss local, State or Federal licenses, the
21. right to vote,	understand a condition of a currie can be conditioned and can prevent me from getting certain licenses. FT. Pierre T. Lucie County, Florida, this tell day of Office County, 19 78
2013	Mak Hadalen DEFENDANT
	languarje, that I have read this
Aojaupujy Janguaya Pojijon je je	entify that as an interpreter in the understands the understands the plea and the horste algred it freely and the Defendant who understands the plea and the horste algred it freely and The Defendant states hereins fully understands the plea and the horste algred it freely and
	INTERPRETER
i case.) h compete: compigine	state that I am the ettomey for the Defendant. I have fully explained to the Defendant this Petition and the allegations contained in the information in this fully explained to the Defendant this Petition and the allegations contained the maximum penalty for each count pied to by the Defendant and consider him/her explained the maximum penalty for each count pied to by the Defendant and consider him/her explained the maximum penalty for each count pied to bis/her Petition to enter the piea. I have at to understand the charges equivalent his/her ence between a direct appeal and a collateral attack. I have
•	Rance C Baullie ATTORNEY

throat CL Kills

٠,٠ doubly the Defendant personally appeared before the Court this O day of any of the Personal translation and the base to be personally and after being swom under oath, advised the Court that he/she to be personally and the base to be the base to b 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. 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. The Court determines that the plea is freely and voluntarily entered, upon a knowing and intelligent walver of the Defendant's rights, and that there is a factual basis for it. The plea is uccepted. DONE this 2011 day of ON Hoes forms.camiples form.mod (101/97) which the bill

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PROBATION ORDER

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STATE OF FLORIDA	In The Circuit Court of
VS	ST-LUCIE County, Florida
Defendant	Case No. 97- 1834 CF DOC # K = 300 lo
	before me, and the defendant THARK HALLEN PRESENCE OF HIS/HER ATTORNEY being now
resent before me, and having:	PRESENCE OF HIS/ABA MALEYSMAN
antered a plea of multy 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 Lend + LASCI	vious.
SECTION 1: Judgement of Guilt	•
The Court hereby adjudges you to b	se smilty of the above offense(s).
The Court nereby adjuoges you to t	no guilley de la la la la la la la la la la la la la
t is ordered and adjudged that the imposition probation for a period of	tion of sentence is withheld, and that you are placed under the supervision of the supervision to be subject to Florida Law.
SECTION 7: Order Withholding Adjudic	ntion .
X It is ordered and adjudged that the a	djudication of guilt is withheld and that you are placed under the supervision of the such supervision to be subject to Florida Law.
on probation for a period of Vene- Department of Corrections and its officers	s, such supervision to be subject to Florida Law.
SECTION 3: Probation During Portion of	Sentence
It is hereby ordered and adjudged that you Committed to the Department of C	u are Corrections
Confined in the County Jail	
for a term of	with credit for jail time. After you of the term you will be on probation for a period less the supervision of the Department of Corrections,
of unc	ler the supervision of the Department of Corrections,
of uno subject to Florida law.	110
	Circuit Cr Min
Pa	ge 1 of 7

Exhibit D

Vame	A P
Case	No:
	urther ordered that you must comply with the following conditions of probation during the 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
3)	your supervision unless otherwise waived in compliance with Florida Statutes. 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
m	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.
i 1)	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 atCounty, Florida.
(2)	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
3)	ONE months county JAIL PER-YEAR STARTING ON ADJUST 1st Till To August 31st 1999 in St LUCIE CTY JAIL. FOR A TOTAL OF Ge months with credit of 27 pays.
4)	Transfered,
-	MUST Report to ST LUCIE CTY IN PERSON ONCE A Month
4)	Page 2 of 7 Significal Min

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ill You	are ordered to pay restitution in the following amounts at a minimum rate of NO
. Corre	ections. Monetary payments will be applied to restitution first pursuant to the 19th alt Judicial Order. You will also pay the Department of Corrections a processing
	e of 4%.
P g Shao	Y to Doung Hamm
i s	to Doung Hamm to
n s	to
2 fi	to
	to
n s	to the Florida Crimes Compensation Commission.
[] S [] Jurisc	liction is reserved for days to determine the amount of restitution.
121-22	ECIAL CONDITIONS (Numbered and Checked Conditions Only)
Financial Conditio	ASI
of \$	will pay the following amounts to the Clerk of the Circuit Court at a minimum rate NO LESS THAN EOUAL MONTHLY INSTALLMENTS, through the
	rement of Corrections.
H	\$ 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).
	\$ 200.00 Court Costs per F.S. 27.3455. (Felony cases.)
ğ	\$ 50.00 Court Costs per F.S. 27.3455. (Misdemennor cases.)
<u> </u>	\$ 3.00 County Delinquency Prevention per F.S. 775.0833.
0	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.
п	\$ Cost of Extradition, payable to County Sheriff.
Q n	Fine plus a 5% surcharge of
0	Public Defender Fees to the County. F.S. 27.56.
ä	\$ 40.00 Public Defender Application Fee to the Clerk of the Court per
. 11	F.S.27,52(1)(c).
0	S Special Public Defender Fees to the County. F.S. 27.56.
ň	S Alcohol and D. 18 Abuse Trust Fund per F.S. 893.13(8)(a), plus a 5%
11	surcharge of (F., 803.13 offenses only.)
	S Cost of Prosecu, on per F.S. 939.01.
Ng V	S Cost of Prosecu, on per F.S. 939.01. \$ 50.000 Cost of Investigation Surcharge per F.S. 939.01, payable to St Louis Sty Sacilli office.
D	\$100.00 FDLE Statewide Criminal Analysis Lab F.S. 893.13(8)(b). (F.S. Chapter 893.13 offenses only.)
8	A 10% surcharge on the fine is imposed per F.S. 775.0836. (In cases where the
	victim is elderly or handicapped.)
Ŭ	\$20 00 per F.S. 939.015 (In cases where the victim is elderly or handicapped.)
Ü	\$15.00 per F.S. 939.017 (In misdemennor cases only where unlawful use of alcohol
**	or drugs is involved.)
ū	S County for medical care, treatment, hospitalization or transportation received by you while in the County Jail, F.5. 948.03(1)(f).
	. Pild a.
	Circuit Lit Mia.
	Page 3 of 7

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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.

	6 5
· Çase	No.:
	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.)
0	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.
0	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).
Ü	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)(0).
0	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.
О	Upon space being available at the Florida Department of Corrections, Probation and Restitution Center #
	officer you will report within one (1) working day, and there you will participate in the Probation and Restitution Center for a minimum of
Contrado Co	- Stafenson
Custody Co	
0	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 for the first formedical reasons, that does not satisfy your obligation to serve. Further, you may not consume alcoholic beverages within 24 hours of reporting to the jail.
į(T	You will serve in the County Jail, heginning to be served on the Weekend Work Program.
Cularana 4	buse/Mental Health Conditions:
G	Within the next days, you must undergo a substance abuse evaluation at a time, date and location as specified by your probation c ficer, 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 oval expense.
٠	Circuit Ct. Min
	Page 4 of 7

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Case	No		
O	date a	days, you must undergo a mental health evaluation at a time, and location as specified by your probation officer, at your own expense. You must uccessfully complete any treatment and education determined to be necessary as a of the evaluation, which may include residential treatment, at your own expense.	
Ð	You rehab	will enter and successfully complete an approved in-patient drug/alcohol litation program, at your own expense.	
0.£-	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.		
O	You may not consume alcoholic beverages, or enter any establishment where the primary business is the sale or service of alcoholic beverages.		
0	You will attend a minimum of Narcotics Anonymous/Alcoholic Anonymous meetings per week.		
0	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.		
a	The first of s. pervision will be served on Drug Offender Probation with the following special conditions:		
	0	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,	
	0	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.	
	0	YQ4 THUM "Serve a curfew from 10:00 PM to 6:00 AM daily, unless given specific per by your probation officer to leave your approved place of residence,	
	D	except for specific emerger by reasons. You must report to yo. bation officer daily if not employed full-time or a full-time student.	

Page 5 of 7

Ciscuil CL Mu.

Name	
· Case I	No.:
Miscellaneou []	You will perform hours of community service work at a rate of no less than hour per month, in no less than hour blocks.
B 19	You will have no contact with wicker
O	You will work diligently toward the completion of your General Equivalency Diploma (GED), and begin within days, at your own expense.
0	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.
n	You will forfeit the weapon confiscated in this case.
Ū·	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.
a	You may not have any contact with a child under the age of
П	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.
a	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).
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 !egin within days.
	You must pay \$100.00 for the Emergency Medical Trust Fund within days.
	days.
	Page 6 of 7

TO TELEPHOLEGIC CONTROL OF FROM A CONTROL OF THE SPECIAL PROPERTY OF THE SPECIAL PROPERTY OF THE SPECIAL PROPERTY.

Case No.: [] Upon completion of one half of the period of probation and payment of a \$50, processing fee to the Department of Corrections, if the defendant is not in violation of a conditions of the probation, the Department of Corrections may place the probationer 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.
Case No.: [] Upon completion of one half of the period of probation and payment of a \$50, processing fee to the Department of Corrections, if the defendant is not in violation of a conditions of the probation, the Department of Corrections may place the probationer Administrative Probation status in which only condition (5) of the Order of Probative 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 Stamte.
processing fee to the Department of Corrections, it the defendant is not in variation of a conditions of the probation, the Department of Corrections may place the probationer 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 regul 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-the student. Your driver's license is suspended for the maximum time allowed by Stante.
processing fee to the Department of Corrections, it the defendant is not in variation of a conditions of the probation, the Department of Corrections may place the probationer 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 regul 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-the student. Your driver's license is suspended for the maximum time allowed by Statute.
Your driver's license is suspended for the maximum ti ne allowed by Statute.
and a second sec
[] Your probation will terminate upon full payment of monetary obligations and conditions are met without the necessity of a further Court order.
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conditions of your probation, or may extend the period of probation as authorized by law, or no discharge you from further supervision; and that if you violate any of the conditions of you probation, you may be arrested and the Court may revoke our probation and impose a sentence that might have been imposed before placing you or probation. It is further ordered that when you have reported to your officer and have been instructed as the conditions of probation, if you are a liberty on bond, the sureties thereon shall stadischarged from liability.
It is further ordered that the Clerk of this Court file this order in their office and provid certified copy of this order to the probation officer within three (3) working days for use compliance with the requirements of law.
DONE AND ORDERED IN OPEN COURT this 300 day of 2 - 1998.
Mene to Tune 10-26-98 MDGEO. Heaffer Dans
I acknowledge receipt of a certified copy of this order and that the conditions have been explained
Date: 19/26/98 Probationer & Mark Haddan
Instructed by:

Page 7 of 7

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CLERK COURT COPY Det. K. England PPD 523/4/21 CO-DEFENDANT'S (LAST NAME, FIRST, MIDDLE) VICTIM'S NAME VICTIM'S NAME
VICTIM 2
THE THE PROPERTY CALISE AFFIDAVIT: ACCUMENT STREAM E CALISE THE
This above named defendant was arrested for the following reasons: 100 161226

= SIL Continuation = 3 "
W. Co
The preceding is true to the best of my present knowledge or belief. Swom & Subscribed before rea this Z day of Man 90
Signature 1 Molanul 573/4757 Exhibit E

THE RESIDENCE OF THE RESIDENCE OF THE PROPERTY

ARREST AFFIDAVIT CONTINUATION 99-75-4

	Arrest Date	Defendant Last Name	ł
Agency Case No.	03/02/99	Hadden	1
98-12-1729			
Yi.a. da. viactim victim	, who is you, on 12,	/31/98 and he stated that he and lead to him that I	±- d-1-1'
	s his mother's boyfrie	Mid. I said to him that I have and he told me that he	180
Suspect Wark Decart where	he had a problem with	Mark and he told me that he	± ₩#:
timed of Mark-touching his	m. He-told-me-that-Mark	- was-rubbing-him-on-his-le	3. 9110 51 P
an the might that -I- wante	d-to-talk to-him-about-	that he had been louching to sleep and did not have	11 1 10-
white The vietim	ACTIM 1 sald that he went	to sleep and did not have had a cover on his-back.	 . Wa
-anything on-him-and-that-	when he woke up that h	e-had-a-cover on his-back	him
said that he felt someone	-scratch-him on his ba	ck, and he-woke up and saw	1. (III 4-1 (III
- (Mark) looking at his. H	6 37 10 First Mark Mells	was touched him in-a had wa	V
to zip up his-pants 1- a	SKEU-III- II- HZIK HZO C	deand had touch. He said t	hat
- and-asked-if-he-knew-ine-	dirrerence-between 900		a f
he did and illustrated th	at he when the brinch	ad over touched his private	-area
both-good-and bad touch ard-he-said-that-he-had n	1 ASKRO-NIM - IF MAIK-II	ourhed his behind on the	
and he said that he had h	of, that he had only t	with his hand. The victimes in a minimum with him and that he	4-0-1-0
- outside. He sold that ha	wing into his room "me	ssing"-with him-and-that-he that his-sister also watche	<u>-</u> 1\$
me that Mark-15-always.co	The victim Would said	that his-sister also watche	d
E-ired of-him-duing-Linis.	- Ille Alctin		 .
this happon.	e to-victim- WOTIME - who i	s yoa.— The victim VICTIM2 h	<u>ad</u>
	telling her grandmoth	er that the suspect had com	e
- originated - Entra toport	d victim VICTIM 1. Ware sie	eping and once in there the	t the
· suspect had picked up	, off of the-floor and	put him on the couch. Well	
			! I T.
de la la la la la la la la la la la la la	Toor and then got up a	nd got on the couch with th	re
wastin-victima . pulting the -s	heet over both of them	She-said-that he told he	11. 50
	. she told me that she	saw Wark come into the li-	nd put
him on-the-couch She-sa	iid that he knelt in Tr	ont of the victim and then	mhin.
sheet over the two of the	THE CHARKS AND MOUNTY WE	the thirt could be t san wh	nat
-she-said-that she-could-	see movement under the	sheet-but could hot see white She told men Chat hefor	re he
was moving because of the	Street Blocking her vi	or to an in sleep but that	- sl ie-
- did not go lo-sleep Sn	salu Lust when he gar	nts undone, and the see sa	w his
on-it-with-the victim	it - flish he had his be-	- She said that OF - sopan	LS-
-privates hanging out of	the full of the because	e-she-saw the-suspect dark	
-were-a-Iso-undoneand- Lin	BE. 2116-VIIEM THIS KEEPER	- S	
			
The preceding is true to the best of my pr	esent knowledge or belief.		
the preceding is that to the best of my p-		· - 70/2	. Ca
11 11) Sworn & Subsc	riber before me this 3 day of 200	17/
K. [1,1] - 1 57	3/4757NOTARYIASA~	134×120	
Signature K. Cuffel 52	My Commission	- TAY (\$)	
//	•	5/08/2	
U	Agency	JULIUN	
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Page Z of 3 Pages

ARRES" AFFIDAVIT CONTINE TION 99-739-4

Defendant Last Name

TREASURE A TO BE EXCEPTION OF THE CONTRACT OF WARRIED WARRING WARRING TO A CONTRACT OF THE CON

98-12-1729 D3 102 199 Nadd
trying to buckle-them back-up, but-he could not get them done, - She said that
trying to buckle-them back up, but he could not get them bund, and his privates he then went into the kitchen with his pants still unders and his privates.
etill hanging out, and that he must have put the property also went over
when he came out he did and gav
The Table After The Table Was able to the table
genitalia, giving me an example.
I spoke to the suspect of or the three bases there on his own -
in to speak to me. I made this clear with him that he was the body and that he was dating free will. He stated to me that he did know the kids and that he stayed with the
free will. He stated to me that he did know the kids and that he stayed with the their mother at the line of the incident. He stated that he stayed with the their mother at the line of the incident. He has gone into the living
victim's mother on several occassions; and the several in her room. He
room where the children steep wirred is work and the couch and that he di
stated that he could have moved the victim town onto the taid that it was see worms but I hat he did not touch WCTIM1 - in a bad way. He said that it was see worms but I hat he did not have some out
possible—that—while-wearing-his-boxers-that-his-genitalia may-have-come out-
The state of the s
eutstanding-warrant for vop by the county.
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PROUT ON DE S
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7 9
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The preceding is true to the best of my present knowledge or belief.
The preceding is true to the best of the pest of the preceding is true to the best of the pest of the
Sworn & Subscribed before me this 2 day of Mon 99
Signature Ut. n. Cht. of 523/4/5/ NOTARYIASA Jak
My Commission expires
Agency <u>Y'CCJO</u>

Page 3 of 3 Pages

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THE PROPERTY OF THE PROPERTY TIME, DATE OR LOCATION FRENC. FRENC.
THE DOCKET NO. 1834 W. OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION PRINC. FOLEND.
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CO-DEFENDANT'S (LAST NAME EIRST MODILE)
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se above named defendant was arrested for the following reasons; Juugo ucigo.
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	in The Cir	cuit Court of
	STATE OF FLORIDA (velE County, Florida
•	7 YYY	County, 1 totale
	Wanter Wanter	97-1834CF K=300G
	MARK HADDEN Case No.	K=3006
	Defendant DOC # _	
	and the de	efendant
	This cause coming on this day to be heard before me, and the de	HER ATTORNEY being now
	MARK HADDEN AND IN THE TRIBUST.	
	present before me, and having:	
	entered a plea of guilty to	
	entered a plea of gallity entered a plea of nolo contendere to been found guilty by jury verdict of been found guilty by jury verdict of	ا بر جو م
	been found guilty by jury verdict of been found guilty by the court trying the case without a ju	ry of the offense(s) of
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	(2) ATTEMPTED LEWY +	ASCIVIOUS
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		and the second of the second of the second
	SECTION 1: Judgement of Guilt	
	to mility of the above	offense(s).
	The Court hereby adjudges you to be guilty of the above	
	It is ordered and adjudged that the imposition of sentence is with	thheld, and that you are placed
•	It is ordered and adjudged that the imposition	_ under the supervision of the
	on probation for a period of	be subject to Florida Law.
	Department of Corrections and its converse	
	SECTION 2: Order Withholding Adjudication	,
	It is ordered and adjudged that the adjudication of guilt is	
	It is ordered and adjudged that the adjudication of guilt is	withheld and that you are places
	It is ordered and adjudged that the adjudication of guilt is on probation for a period of	under the Supervision of the Florida I sw.
	Department of Corrections and its officers, such supervision to	be subject to 1 fortuna 22
		•
	SECTION 3: Probation During Portion of Sentence	
	•	
	It is hereby ordered and adjudged that you are	c. min.
	Committed to the Department of Corrections	Circhit Ct. Miu.
		94
	Confined in the County Jail	
	with credit for	jail time. After you
	for a term of of the term you	will be on probation for a period
,	for a term of of the term you with credit for of	the Department of Corrections,
	of	FILED IN OPEN COURT THIS THE
	subject to Florida law.	2 oth new or Time 2100
		20th DAY OF Twoe, 2000 JOANNE HOLMAN, CLERK
	A Evhihit E	BY: Closumature
	Page 1 of F Exhibit F	By Closinianice

	o:
,	ther ordered that you must comply with the following conditions of probation during the
It is fur	ther ordered that you make the first
term o	f probation:
	Not later than the seventh day of each month, you must report in person to the
(1)	Not later than the seventh day of each month, you must report in possible on the form Probation Office and make a full and truthful report to your officer on the form Probation Office and make a full and truthful report to your officer on the form
	Probation Office and make a report even if you can not afford to pay your
	Probation Office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and make a full and truthful report to your office and to pay your provided for that purpose. You must report even if you are told that a
	provided for that purpose. You must report even if you can not allow that a monetary obligations. You must continue to report even if you are told that a monetary obligations.
	violation will be filed of has been most.
(2)	violation will be filed or has been filed. violation will be filed or has been filed. You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Forty Dollars (\$40.00) plus a You will pay to the State of Florida the amount of Florida the amount of Florida the amount of Florida the Amount of Florida the amount of Florida the Amount of Florida the amount of Florida the Amount of Florida the Amount of Florida t
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	your supervision unless otherwise waiven in companie or leave the county of your
(3)	Very will not change your residence of surprise
(~)	You will not change your residence of sour officer. residence without first getting the consent of your officer. You will neither possess, carry or own any firearms, and you will not possess, carry or own.
(4)	Transmit meither possess, carry or own any
(1)	any westerns without hist getting the stranger any law A conviction in a court of
(5)	Von will live and remain at mostly water and lation of work probabol.
(3)	law will not be necessary in order to constitute violation of joint places where intoxicants,
10	Von will not use intoxicants to executy
(6)	You will not use intoxicants to excess; nor will you visit places. You will not use intoxicants to excess; nor will you visit places. drugs or other dangerous substances are unlawfully sold, dispensed or used. drugs or other dangerous substances are unlawfully sold, dispensed or used. You will not use intoxicants to excess; nor will you visit places.
, 4 m	drugs or other dangerous substances are unlawfully sold, dispensed of vou will you will make your best efforts to become or remain gainfully employed. You will make your property of your probationary status and support any
(7)	You will make your best efforts to become or remain gaining chipasy. You will make your best efforts to become or remain gaining chipasy. You will make your best efforts to become or remain gaining chipasy. You will make your best efforts to become or remain gaining chipasy. You will make your best efforts to become or remain gaining chipasy. You will make your best efforts to become or remain gaining chipasy. You will make your best efforts to become or remain gaining chipasy.
	work diligently, inform your employer of your probability as directed by your officer. dependents to the best of your ability as directed by your officer.
	dependents to the best of your ability as directed by your officer. You will promptly and truthfully answer all inquiries directed to you by the Court You will promptly and truthfully answer all inquiries directed to your employment
(8)	You will promptly and truthfully answer all inquiries directed to your officer. You will promptly and truthfully answer all inquiries directed to your officer may give or your officer, and allow your officer to visit in your home, at your employment or your officer, and allow your officer to visit in your home, at your employment or your officer may give
	or your officer, and allow your officer to visit in your nome, at your officer may give site or elsewhere, and you will comply with all instructions your officer may give
	site or elsewhere, and journal
	you. The Compensation Fund per F.S. 960.20 within usys.
(9)	you. You will pay \$50.00 Crimes Compensation Fund per F.S. 960.20 within days. You will pay \$50.00 Crimes Compensation Fund per F.S. 960.20 within days. If you transfer your supervision on it's probationers than the terms of this order, then the
-(10)	If you transfer your supervision on it's probationers than the terms of this order, men and
•	
	terms of this order apply.
(11)	terms of this order apply. terms of this order apply. If you are in custody, you must report in person within 72 hours of your release from County,
. —,	If you are in custody, you must report in proceed atCounty, confinement to the Probation and Parole office located atCounty,
	Florida.
(12)	Destination Order:
(IL)	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 Restitution is not ordered due to
	E-annisheecolifica () the dollars
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	Circuit Ct. Min.
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Page 2 of 8

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LESS THAN EQUAL MONTHLY INSTALLMENTS, through the Dep Corrections. Monetary payments will be applied to restitution first pursuant Circuit Judicial Order. You will also pay the Department of Corrections a	nrocessing
Corrections. Not will also pay the Department of Corrections a	Moccasme
Circuit Judicial Order. 182 722	
charge of 4%.	
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to the Florida Crimes Compensation Commission.	initian .
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[] \$ to the Florida Crimes Compensation Commission. [] Jurisdiction is reserved for days to determine the amount of rest	•
and Charled Conditions Only)	· · · · · ·
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	nimum rate
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You will pay the follow MONTHLY INSTALLMENTS	mongr mo
Financial Conditions: [] You will pay the following amounts to the Clerk of the Circuit Court at a second of \$ NO LESS THAN EQUAL MONTHLY INSTALLMENTS., 1	
Department of Corrections.	
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).	
2.00 County Criminal Justice 2.1.2.2.2.3.455. (Felony cases.) [] \$ 2.00 County Costs per F.S. 27.3.455. (Misdemeanor cases.)	
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5 3.00 County Delinquency Fleventson per country court facility	y fund. F.S.
	cases. For
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939.18(1)(a). [OF or offer May 30, 1997.]	
offenses committed on or after May 30, 1997.] County Sheriff.	
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Page 3 of 8

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	[]	
	. T	incarceration or correctional costs. F.S. 960.293(2). (\$50.00 per day incarceration and to the State of Florida for liquidated damages for incarceration and \$
	[]	\$ to the State of Florida for inquitates correctional costs. F.S. 960.293(2). (\$50.00 per day in custody.)
	[]	ash bond posted by the Defendant is hereby directed to apply to the fees and costs
[]	The c	ash bond posted by the Defendant is never at the Defendant.
f 1	in thi	e section. The balance, it any, to be
[]	You	will pay to the Department of Corrections a \$2.00 per month surcharge for each to you are under supervision pursuant to F.S. 948.09(1)(2).
		the age where the for a non-profit organization
[]	estab	will pay the Department of Corrections \$1.00 per month for a non-profit organization alished for the sole purpose of supplementing the rehabilitative efforts of the artment of Corrections. F.S. 948.03(1)(0).
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[]	You	will pay \$ for the costs taxed to the county payable to the Board of County missioners of County at a minimum rate of \$ per
į 3	Com	missioners ofCounty at a
	THAT	th through me Department of a
		n space being available at the Florida Department of Corrections, Probation and
[]	Upo	n space being available at the Florida Department
įJ	Rest	itution Center # Florida and upon being instructed by your probation
	offic	er you will report within one (1) working day, and more you unles
	Prob	pation and Resummon Center to a management while participating in the
	rele	pation and Restitution Center for a minimum of
	אסנט	ased prior thereto by further Order of this Count. White Property assed prior thereto by further Order of this Count. Gram you will comply with all rules and regulations in effect at the Center.
		•
odv C	onditio	ns: days/months in the County Jail, beginning
0 <u>04 V</u>	You	will serve days/months in the County san, beginning
ľ 1	with	days credit for time solver.
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[]	Υn	weekends in the County Jan with creat for weekends in the County Jan with creat for weekend weekend at 6:00 p.m. Friday and weekend you must serve the
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	he	e served. You must surrender to the County Jan at coop part of the released at 6:00 p.m. Sunday for each weekend. You must serve the released at 6:00 p.m. Sunday for each weekend. If you are refused admittance for the county Jan at coop part of the coop part of the co
	COT	released at 6:00 p.m. Sunday for each weekend. You hat solve released at 6:00 p.m. Sunday for each weekend. You hat solve insecutively beginning If you are refused admittance for dical reasons, that does not satisfy your obligation to serve. Further, you may releasely be exercises within 24 hours of reporting to the jail.
	~~~	dical reasons, that does not satisfy your obligation to soft the jail
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[]	COI	nsume alcoholic beverages within 24 hours of reporting to the james of will serve in the County Jail, beginning be served on the Weekend Work Program.

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	Name	
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<u>Subst</u>	ance Al	Within the next days, you must undergo a substance abuse evaluation at a time, 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	X	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.
		Who corred on Drug Offender Probation with
	[]	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 current from 10.00 1 M to your approved place of residence, 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.
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Name:	
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	You will perform hours of community service work at a rate of no less than hour blocks.
[]	You will performhours of containing hour blockshour 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; 812.135.)
<u>DUI</u>	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.  Page 6 of Circuit Ci. Min.

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Name:		
Case No	) is	
p c A r	Jpon completion of one half of the period of probation and paym processing fee to the Department of Corrections, if the defendant is not it conditions of the probation, the Department of Corrections may place the Administrative Probation status in which only condition (5) of the Or- temains in effect. The Court reserves the right to restore the proba- probation status in which all conditions of probation would again be in	he probationer in der of Probation tioner to regular effect.
. s	You must report to your probation officer daily if not employed full-tistudent.	
[]	Your driver's license is suspended for the maximum time allowed by S	tatute.
[1]	Your probation will terminate upon full payment of monetary ob conditions are met without the necessity of a further Court order.	oligations and an
a)	Jer Offinder Conditions Attached	
conditi- dischar probati sentend  It is fut the condischar	re hereby placed on notice that the Court may at any time rescind or ons of your probation, or may extend the period of probation as authorizing you from further supervision; and that if you violate any of the count may be arrested and the Court may revoke your probation ce that might have been imposed before placing you on probation.  Therefore ordered that when you have reported to your officer and have be anditions of probation, if you are at liberty on bond, the sureties the reged from liability.  Therefore ordered that the Clerk of this Court file this order in their of the probation officer within three (3) working the court file this order in their of the probation officer within three (3) working the court file this order in their of the probation officer within three (3) working the court file this order in their of the probation of the court file this order in their of the probation of the court file this order in their of the probation of the court file this order in their of the probation of the court file this order in their of the probation of the court file this order in their of the probation of the court file this order in their of the court file this order in their of the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in the court file this order in	en instructed as to sereon shall stand
certific compli	ed copy of this order to the probation of the iance with the requirements of law.	2000
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	A shot the conditions have	been explained to
cknowledg	ge receipt of a certified copy of this order and that the conditions have	
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•	Page 7 of 🕅	Cilcuit At. 1911.

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

TANGE OF THE STATE 
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):

- 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.]
- 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.
- 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.
- 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.]
- 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.]
- 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.
- 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.

R 80 F 8

DONE AND ORDERED this day of June, 2000, in Chambers, at Fort Pierce,

Florida.

KARRY SCHACK CIRCUIT JUDGE

de la

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

JOANSHE HOLMAN

Circuit Ct. Min.

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

STATE OF FLORIDA		) Case No. 04-1942-CFA	ver.	7004
-VS-		)		MAY
Mark Hadden	Defendant	Ì		28
	Determent	· .		至
	·	NO INFORMATION		238

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 2844 day of May, 2004.

RESPECTFULLY SUBMITTED, BRUCE H. COLTON, State Attorney

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

Exhibit 2

שעע ש	KET NO. 	<del>. , , , , , , , , , , , , , , , , , , ,</del>	USE ( OFFI	ENSES OCCURRI	is for each def ing at differen	T TIME, DATE O	R LOCATION	FBI NO.	FOLE NO.	2007
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			OFFENSE	DATE	MILITARY TIME	SECTOR	STREET ADDRES	S	CITY	
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CHARGE STAT	rus	indication of Alcohol influence Drug influence	<u> </u>	Y N/	<u> 43</u>	Type N N/A A Amphetamins	C Cocains E Haroln	M Marijuana O Optum/Deniv	Equipment S Symhetic	2 Other IF DRUGS
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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 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 Natore's & Way Health Club. On 05/04/04 at approximately 1000 hours, Hadden picked the victor 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 entered While they were enroute back to Fort Pierce, Hadden engaged the victimality conversation about her being involved in modeling. Hadden explained to the victime 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.

- 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 resdience.
- 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 43rd 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 year old female.
- 7. I transported the victim to the area of CONFIDENTIAL LOCATION 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

denied the sexual encounter with the victim.

athrica a succession

9. I obtained a search warrant for the residence located at 2306 North 43rd 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:

DETECTIVE MARK COLANGELO

ST. LUCIE COUNTY SHERIFF'S OFFICE SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY OF ME 2004:

DEPUTY SHERIFF

ST. LUCIE COUNTY SHERIFF'S OFFICE

Back | Print

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Exhibit 3

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EQ#	DIN	DATE	ENTRY
2	12	2/22/2002	DOCUMENT RECEIVED - NOTICE TO DEFT, ATTORNEY, BONDSMAN FOR ARRAIGNMENT 3/20/02 1:30 PM
1	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 FG 387
,	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)
; +		2/8/2002	DOCUMENT RECEIVED - NOTICE HEARING 9 AM/ FEB 11 2002 M/ RESCIND AND/OR SET ASIDE WARRANT
1	7	2/8/2002	DOCUMENT RECEIVED - NOTICE OF HEARING FILED
-		2/4/2002	BOND - BLAKLEYS BONDS \$2800 RESIST W/VICL, \$500 RESIST W/O VIOL-RET ON DEM FILED-NOTICE ON DEM FILED
		2/1/2002	First appearance form
	4	2/1/2002	NONADVERSARY PROBABLE CAUSE
+		2/1/2002	ARREST AFFIDAVIT FILED
_		1/31/2002	NITIAL ARREST
		1/31/2002	OFFENSE COMMITTED

#### Warrant

#### IN THE COUNTY COURT

ST. LUCTE COUNTY, FLORIDA

The State of Florida

Defendant 1705 47cg Avenue, Vero Beach, of 250e 3 47cd

St., fort Pierce, Pu : المنال 304:04/06/-968 RACE/GENDER: 3_ack/Ma_e

Yark Hadden

HEIGHT/WEIGHT: 6-3/220 BAIR/EYES: 3_ac4/Go_d

04-2073 CF

CHARGE: FAILURE OF SEX OFFENDER TO RESGISTER

ACN: S01-04-006037

# **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 _nvestigator - Greatings:

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

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

Given under my hand and seal this In day of May .... 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: I Defendant may not knowing tome closer than 50 reet to the Victim at any prolic place, except for court proceedings, or within 50 feet of the Victim residence or place of employment, of UD feet of any venicle requisity miven on the Victim: [] "e "endant may go w viculm's residence one the with a law enforcement office to get refendant's chothing and personal effects; U refendant may speak to Victim on the telephone only to discuss snaring parental responsibility for their minor child (ren).

I ; If marked, Defendant shall be held without cond until the First Appearance dearing. (TAEB)

Exhibit 4

388147 04-2073 CF5/17

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:

HAIR: blk EYES: gold SC/MKS/TT: SEX: B RACE: M HT: 6'3" WT: 220

STREET ADDRESS; 2175 87th Ave, Vero Beach Fl. PHONE: 772-299-4976

OTHER ADDRESS: 2306 N. 43rd St. Fort Pierce, Fl.

**Assigned To** 

DATE/TIME/CRIME LOCATION OFFENSE(S) **F.S.** 

Failure of sex offender to notify change in enrollment status w/i 48 hrs of making

change

June 2003 - Aug. 2003

May 10, 2004 - May 13, 2004

943.0435(2)(b)(2) Aug 2002- December 2002 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 Shella Letchford	4700 W. Midway Road, FF 3209 Virginia Ave., FP	SLC SO IRCC	772-462-3620 772-462-4208	

WITNESS(S)	ADDRESS	EMPLOYMEN!	HUME/WORK FROME
Det. S. Woodward	4700 W. Midway Road, FP	SLC SO	772-462-3620
Shella Letchford	3209 Virginia Ave., FP	IRCC	772-462-4208
	3209 Virginia Ave, FP	IRCC	772-462-4804
Jan Pagano		IRCC	772-462-4804
Dr. Johnny Moore	3209 Virginia Ave., FP		772-462-4804
Allen Montgomery	3209 Virginia Ave. FP	IRCC	772-468-3933
Cindy Hodge	3552 Okeechobee Rd, FP	DOC	• • • • • • • • • • • • • • • • • • • •
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, Shella 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 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 falled 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 falled to notify the St. Lucle 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 coilege. 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 Count 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 Haddens 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.  Light Hamiltonian Statement is correct and true to the best of my knowledge and belief.  Light Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamiltonian Hamilton	Sworn to and subscribed before me the undersigned authority, this \( \frac{f}{L} \) day of \( \frac{MMy}{MMy} \) 2004.  \[ \begin{align*} \text{LEO/Notary} \\ \text{(LEO/Notary)} \end{align*}

Victim/Complainant Signature

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# Assigned To Judge Cianca

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• (/	AGENCY

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

STATE OF FLORIDA		)	Case No. 04-2073-CFA
-VS-		)	
Mark Hadden	Defendant :	)	ZION JUNE
·	·	NO INFORM	
COMES NOW INFORMATION in the	the State of Florida, by above-styled cause whe	and through its rein the Defen	s undersigned State Attorney, and files this MO
FAILURE OF SEX OF	FENDER TO REGISTI	er Er	
Dated 910 day of	June, 2004.		
			RESPECTFULLY SUBMITTED. BRUCE H. COLTON, State Attorney  Brin D. Kifkwood Assistant State Attorney Florida Bar Number 0061700 411 S. 2nd. St. Ft. Pierce, FL 34950 (772) 465-3000

#### Warrant

04-1991-VF

IN THE COUNTY COURT

ST. LUCIE

COUNTY, FLORIDA

The State of Florida

Mark Hadden 2306 North 43rd Street, or 3375 87th Avenue

Vero Beach, FL

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

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

ACN: S1-04-005690 7027

5961

**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. 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 11 day of 11 day
A.D.	SOR ACCULATION OF ACCOUNT POINT
•	Bail Bond is Fixed at \$ 100,000 00 AA TO SON BAHTRY and NCI
	Condition of Rond Release/Release on Recognizance:

Aendant 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 conditions), if Defendent 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 Vistim's mesidence 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 Defendant's clothing and personal effects; D Defendant may speak to Victim telephone only to discuss sharing parental responsibility for their

Q If marked, Defendant shall be held without bond until

JUDGE

04-1991-UF

NARRATIVE FOR ARREST AFFIDAVIT

SHERIFF'S OFFICE CASE NUMBER 1-04-005690- 7110 DEFENDANT: Hadden, Mark 596 /

On 05/00/04, I conducted an investigation into a sexual battery complaint. The above defendant was arrested for sexually battering a 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. Is was also confirmed at that time that the defendant has resided CONFIDENTIAL LOCATION as a since December 2003. I responded to that address and interviewed the resident VICTIM'S MOTHER Stanley stated that Hadden has resided at that residence since late 2003 with her and her DENTIFIER. She explained that Hadden is her DENTIFIER's live-in boyfriend worms 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

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 43rd 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 43rd Street in Fort Pierce.

I SWEAR THE ABOVE STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF: DETECTIVE MARK COLANGELO ST. LUCIE COUNTY SPERYFF'S OFFICE

SWORN TO AND SUBSCRIBED BEFORE ME Thomas Wall

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

STATE OF FLORID	A	}	Case No. 04-1991-CFA	
-VS-		Ś	<del></del>	
Mark Hadden	Defendant	) }		
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INFORMATION in	the above-styled caus	se wherein the D	th its undersigned State Attorney, efendant is charged with:	765 F
ath.	OFFENDER TO REF	PORT TO DEPA	ARTMENT OF MOTOR VEHIC	LES On
			RESPECTFULLY SUP BRUCE H. COLTON	MITED,
			BY: Erin D. Kirkwood Assistant State Atto Florida Bar Number 411 S. 2nd. St.	
			Pt. Pierce, FL 3495 (772) 465-3000	0



### Florida Department of Corrections

Julie L. Jones, Secretary

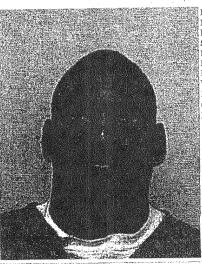
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Rick Scott, Governor

#### **Corrections Offender Network**

Inmate Release Information Detail

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



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

### PICTURE QUALITY

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

Allases MARK HADDEN

-	Current Prison Sentence History:						
440000	Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length	
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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 defaution

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

Last Return to List Next Previous

New Search

Record: 1 of 1

The Florida Department of Corrections updates this information regularly, to ensure that it is complete and occurate, 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. quickly. Interpore, the upprimation on this site may not replect the true current location, status, release date, or other information regarding an impate. 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 pail, 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 Corr Questions About Inmates for more information. This information is ma Admission and Release, at (850) 488-9167 or go to Frequently Asked public and law enforcement in the interest of public safety.

Exhibit 5

http://www.do.ctote-fl-vic/offenderSearch/detail-asnx/Page=Detail&DCNumber=K53006&TyneSea... 3/10/2017

	Irenate	Release	Informati	on Detail
•	minate	INCIDENCE	IIII VIIII CILI	UII IJUUII

Page 2 of 2

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

Return to Corrections Offender Information Network