

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

STATE OF FLORIDA,

CASE NO.: 20 00024 CFFA

Plaintiff,

JUDGE: PERKINS

vs.

LANCE MUSSACK,

Defendant.

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**MOTION TO MODIFY PROBATION**

**COMES NOW** the Defendant, LANCE MUSSACK, by and through the undersigned counsel, and respectfully moves this Honorable Court to Modify Probation and in support of said motion, would state the following:

1. That the Defendant resolved his case on August 17, 2020 and pled to two charges of Possession of Sexual Performance by a Child.

2. That he was placed on sex offender probation and one of the conditions (see attached "EXHIBIT A") requested to be modified is paragraph 19 which states:

**(19) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.**

**a. Should the defendant establish paternity over any biological children, he may request contact with said biological child through a motion before the sentencing court. A hearing shall be scheduled for the matter to be heard and the Court to be fully apprised of the request before rendering an opinion.**

3. That on November 4, 2021, the Defendant was determined to be the legal biological of the minor child, D.F., in an action in St. Johns County Case No. DR21-138 before the Honorable Judge Christopher S. Ferebee (See attached "EXHIBIT B").

4. That Mr. Mussack completed a risk assessment with Licensed Psychologist, Dr. Peggy Vermont, Psy. D on December 20, 2021 (See attached "Exhibit C") and it is being recommended that he have contact with his minor child in accord with the safety plan incorporated in the assessment.

5. That Mr. Mussack began Sex Offender Treatment at The ITM Group in September 2020 and has been attending weekly group therapy and is in compliance with the treatment rules and expectations according to Ms. Jennifer Werger, MA, LMHC. (See attached "Exhibit D")

6. From February 18, 2022 thru August 4, 2022, Mr. Mussack has been attending outpatient therapy at the Life Source Group with Ms. Abigail Murray, LCSW and has been compliant with treatment recommendations and Ms. Murray found in her professional opinion that Mr. Mussack is not currently in danger of harming himself or others and is stable and coping effectively. (See attached "Exhibit E").

7. Based on the above, the Defendant, Mr. Mussack requests that this Court modify his condition of probation and allow him to have contact with his minor child, D.F., and defer the visitation contact schedule to the Honorable Judge Christopher S. Ferebee in St. Johns County Case No. DR21-138 where the paternity action is currently pending.

8. That ASA Melissa Clark has an objection and requests hearing be set.

9. Other grounds may be argued ore tenus, if necessary.

**WHEREFORE**, the Defendant requests this Honorable Court enter an order to Modify Probation Condition as stated above.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this Motion was electronically filed with Clerk of Courts; to ASA Melissa Clark, Flagler County State Attorney's Office, and to the Honorable Judge Terrence Perkins on this 16th day of September, 2022.

Respectfully submitted by,

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/s/ *John S Hager*

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