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

CASE NO.: 2014-CF-270

STATE OF FLORIDA

vs.

PLEA - APPEAL

MICHAEL G. STAVRIS, II,

Defendant.

* * * * *

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE MATTHEW FOXMAN,
CIRCUIT COURT JUDGE

(STENOGRAPHICALLY TRANSCRIBED VIA DIGITAL RECORDING)

* * * * *

DATE TAKEN: JUNE 16, 2016
TIME: AUDIO BEGINS AT 1:56 P.M.
AUDIO ENDS AT 2:06 P.M.
PLACE: KIM C. HAMMOND JUDICIAL CENTER
1769 EAST MOODY BOULEVARD
BUNNELL, FLORIDA

STENOGRAPHICALLY
TRANSCRIBED BY: DEBBIE A. Siner, RPR,
COURT REPORTER

* * * * *

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APPEARANCES:

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Attorney for Defendant

ALSO PRESENT:

MICHAEL STAVRIS, DEFENDANT

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C O N T E N T S

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1 P R O C E E D I N G S

2 (Audio begins at 1:56 p.m.)

3 THE COURT: Do you mind hanging out for a minute
4 and make Mr. Stavris last?5 MR. LEWIS: No. We can do it now if you want. I
6 just (indiscernible) sign the plea form --7 MR. DELGADO: Yeah, we're good on Mr. Stavris now.
8 That case will be swimmingly quick.9 THE COURT: All right. Mr. Stavris, come on up,
10 sir. Good afternoon to you. As best you can when you
11 get near that microphone raise your right hand, clerk of
12 court's going to swear you in.13 THE CLERK: Do you swear or affirm that the
14 testimony you're about to give is the truth, the whole
15 truth, and nothing but the truth so help you God?

16 THE DEFENDANT: I do.

17 THE CLERK: Thank you.

18 THE COURT: Full name, sir.

19 THE DEFENDANT: Michael Gerard Stavris, the Second.

20 THE COURT: You're the second?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Is the first still with us?

23 THE DEFENDANT: No, he is not.

24 THE COURT: When did he pass?

25 THE DEFENDANT: A couple -- about three years ago.

1 THE COURT: Sorry to hear that.

2 THE DEFENDANT: Thank you, sir.

3 MR. DELGADO: Judge, what I'd like to do is
4 approach the Court with a signed plea and waiver.

5 THE COURT: Okay.

6 MR. DELGADO: What I've done, sir -- and this is a
7 complicated case from a resolution perspective from the
8 parties, not from your perspective. But the terms of
9 the agreement are written out, if you'd like to fit it
10 in there, they're typed up, they're signed by myself, by
11 Mr. Stavris, they're incorporated by reference into your
12 plea form, and it's all been agreed upon in advance, so
13 (indiscernible).

14 THE COURT: Okay.

15 MR. DELGADO: So I need you to read it off that.
16 I'll announce the conditions as well. Here's the
17 caveat, sir, is that we're going to enter the plea
18 today, we're going to ask the Court to set sentencing
19 off. We're asking for 90 days. The State had no
20 objection to us setting it off. Ms. Dunton, the
21 prosecutor in the case, wants to be present. We
22 anticipate a sentencing that probably would be I think
23 three to four hours in length. Mr. Stavris is going to
24 have expert witnesses as well community members. He's a
25 former Bunnell police officer corporal, so we'll have,

1 you know, character witnesses.

2 And you, unfortunately, are going to be put in a
3 very difficult position of having a wide range of
4 sentencing options. The recommended -- the negotiated
5 resolution subject to your approval is that Mr. Stavris
6 will plea in Count I and II to the amended information
7 charging child abuse, which was direct filed today. We
8 waive formal arraignment on that. He will also plea to
9 Count III as charged in the information, which is
10 fraudulent use of personal identification information.
11 He'll be adjudicated on Count III, which is the
12 fraudulent use of the personal identification, leaving
13 adjudication up to you on Counts I and II.

14 The incarcerative recommendation is anything from
15 11/29, which is 364 days in the county jail, up to four
16 years Department of Corrections to be followed by up to
17 the maximum permitted probation, which is a -- you know,
18 14 years and 1 day.

19 Regardless of whatever sentence you impose as far
20 as incarceration, the following conditions have been
21 negotiated, which is no contact with the victims in any
22 cases whose names are set out in the information; no
23 unsupervised contact with a minor child without this
24 Court's prior approval; a psychosexual and mental health
25 evaluation from the Department of Corrections referral

1 and any recommended treatment; disclosing all email
2 addresses to his probation officer; not create or
3 maintain social media online dating accounts to include,
4 there's a list on the sheet; it's not meant to be an
5 exclusive list, it's just meant to represent types of
6 accounts he's not permitted to have without -- and he
7 should seek permission from his probation officer before
8 creating any account. He'll forfeit his FDLE
9 certificate, which will be done in a form that was not
10 available to us today, but we will do at sentencing.
11 And also forfeit the electronic devices that were seized
12 by law enforcement.

13 In exchange for this plea the State agrees not to
14 pursue any additional charges for any potential crimes
15 currently under investigation or known to law
16 enforcement or FDLE as of today's date.

17 Judge, this case has been going on for probably two
18 years, several thousand pages of discovery, five or six
19 hard drives, so it was a long fought and very difficult
20 resolution. None of us are happy with where we ended
21 up, which means it's probably a pretty good deal. But
22 we need some time to get our final ducks in a row as far
23 as the sentencing, so we'd ask you to accept the
24 sentence -- we'd ask you to accept his plea today and
25 set out sentencing and let us coordinate that with your

1 office.

2 THE COURT: Okay. Did I swear you in already,
3 Mr. Stavris?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Let's do it again because I'm not sure
6 I had the microphone on, I'm sorry. My fault, not
7 yours.

8 THE CLERK: Please raise your right hand.

9 Do you swear or affirm that the testimony you're
10 about to give is the truth, the whole truth, and nothing
11 but the truth so help you God?

12 THE DEFENDANT: I do.

13 THE CLERK: Thank you.

14 THE COURT: And full name for the record.

15 THE DEFENDANT: Michael Gerard Stavris, the Second.

16 THE COURT: All right. Mr. Stavris is here in
17 2014-CF-270 represented by Aaron Delgado, the State by
18 Mark Lewis. Here today on what would be a plea and a
19 partially negotiated sentence. It -- basically what
20 you'd be doing here, sir, is you heard the announcement,
21 and I'm prepared to accept that. I need to make the
22 determination on what the incarcerative portion would
23 be, so you're leaving that up to me but within the range
24 that's agreed to, the 364 to 4 years; you understand
25 that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You prepared to do that today but we'll
3 set sentencing off?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. You heard the conditions. I'll
6 announce them at the sentencing. And I'll hold on to
7 this. But have you had enough time to talk to your
8 attorneys?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And have you -- they answered the
11 questions you have? I mean, is there anything you're
12 confused about?

13 THE DEFENDANT: No, sir.

14 THE COURT: All right. You -- I got to say some
15 things to you just so you understand what's happening is
16 that you're waiving a right to a jury trial, we impanel
17 them and they sit right there, you waive that; you
18 understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: The State would be required to present
21 evidence of witnesses. You can confront them. You also
22 could call your own witnesses, testify or not testify at
23 your pleasure, present defenses along the way, and be
24 presumed innocent at every material stage and have good
25 legal advice sitting next to you the entire time; you

1 waive that entire proceeding; do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. You also -- very important that
4 you understand, I got to say these things whether they
5 apply or not is that your -- if you're not a United
6 States citizen, number one, the federal government can
7 come in and see you and try and deport you; you
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. Also the State of Florida
11 if you have a sexually motivated crime and you're
12 incarcerated for it can initiate what's commonly known
13 as Jimmy Ryce proceedings, but that means involuntary
14 commitment of an indeterminate time, you subject
15 yourself to that in this process; you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. Still want to enter a plea?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. We have amended charges
20 here, but I've read the 707; do we agree there's a
21 factual basis?

22 MR. DELGADO: Judge, I'll admit for the purposes of
23 this plea there is factual basis in the court file to
24 support the charges that are set out in the amended
25 information charging child abuse two counts and

1 fraudulent use of personal ID.

2 THE COURT: All right. I do find a factual basis,
3 find it to be a free, knowing and voluntarily entered
4 plea. I'm going to go ahead and accept it. We'll set
5 sentencing out. I'm just going to leave it to y'all to
6 schedule it if we need that much --

7 MR. DELGADO: I think that would be best. I
8 know --

9 MR. LEWIS: That would be preferred because I just
10 spoke with the victim's mother, Judge, and coordinating
11 around the victim's schedule as well, so I'll have
12 Mr. Delgado reach out to Mr -- or Ms. Dunton.

13 THE COURT: All right. I'll let y'all do that, but
14 I do accept your plea. It also contemplated, just so
15 you know, you heard the terms announced, but you'd be
16 adjudicated on the third count; you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You want to take care of that today,
19 Mr. Delgado?

20 MR. DELGADO: I don't know that the State wants to
21 do anything today. This is like the reverse of the rest
22 of the afternoon where Mr. Lewis is standing in for
23 someone else, so I think Mr. Lewis would probably feel
24 more comfortable --

25 THE COURT: Let's just leave it open.

1 MR. LEWIS: Let's just leave it --

2 THE COURT: But you understand that in terms of
3 accepting your plea it contemplated an adjudication on a
4 felony?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. All right. I do accept it.
7 What will happen is is we'll set out a sentencing
8 hearing. It's really important --

9 MR. DELGADO: He is entitled to a PSI, so we'd ask
10 the Court to order that, I'm sorry.

11 THE COURT: All right. That's going to build in
12 time. Let's order a PSI. Very important that you
13 cooperate in that process. It's also important that you
14 be in touch with Mr. Delgado by appointment. If there's
15 someone I need to hear from about you, if there are
16 records or documents or certificates or things I need to
17 know about, you better make sure he has them. It's
18 important to do that.

19 A PSI -- what's going to happen is a Department of
20 Corrections' officer who's skilled at these things will
21 contact you, ask you questions. Cooperate every way you
22 can. Give as much information as you can. That can be
23 a very useful tool for you for sentencing. So make sure
24 that you cooperate in that process. And they're there
25 just to basically gather information and present it in

1 the courtroom, so just don't ignore that is what I'm
2 saying.

3 What else do we need for the record?

4 MR. DELGADO: That's it, sir.

5 THE COURT: Anything else, Mr. Lewis?

6 MR. LEWIS: No, Your Honor.

7 THE COURT: All right. Another thing, I accepted
8 the plea under these terms with the understanding that
9 you would not be in trouble with the law between now and
10 then, if you were to get in trouble with the law it
11 would be disastrous, meaning like this could all go away
12 and get worse; you understand what I'm saying?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: I mean, stay away from trouble, that's
15 the bottom line; you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. I'll look forward to
18 hearing from you at the sentencing.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Thank you. Pay attention to your
21 attorney. Thank you.

22 (Audio ends at 2:06 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

I, DEBBIE A. SINER, RPR, do hereby certify that the foregoing pages constitute a true and complete transcript of the proceedings transcribed via digital recording by me to the best of my ability in the aforementioned cause at the time and place herein set forth.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Witness my hand this 5th day of July,
2017.

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