

STATE OF FLORIDA

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

-VS-

CASE NUMBER 2013-000540 CFFA

RICHARD DEL BUONO

Defendant

DC NUMBER V47455

ORDER OF PROBATION

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

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

Count 1	<u>IMPROPER EXHIBITION OF A FIREARM (LIO), (M1)</u>	Count ____	____
---------	---	------------	------

SECTION 1: JUDGMENT OF GUILT

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

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on Probation for a period of Twelve (12) Months under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: ORDER WITHHOLDING ADJUDICATION

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

SECTION 3: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE

N/A

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

- (1) You will report to the probation office as directed.
- (2) You will pay the State of Florida the amount of **\$50.00** per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
- (3) You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (4) You will not possess, carry or own any firearm. You will not possess, carry, or own any weapon without first procuring the consent of your officer.
- (5) You will live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of your probation, community control, or any other form of court ordered supervision.
- (6) You will not associate with any person engaged in any criminal activity.
- (7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.

RICHARD DELBUONO
V47455
2013-000540 CFFA

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

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

SPECIAL CONDITIONS

13. You will have no contact (direct or indirect) with victim, John Michael Quesinberry, during the period of supervision.
23. The Court will consider Early Termination after you have served one-half of your term of supervision, if you have complied with all conditions and no violations.
28. You are permitted by the court to travel between Volusia and Flagler Counties.
29. You will be permitted to travel out of area with prior approval from Probation.

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

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

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

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

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

RICHARD DELBUONO
V47455
2013-000540 CFFA

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

YOU ARE HEREBY PLACED ON NOTICE that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

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

IT IS FURTHER ORDERED that you pay the following charges/costs/fees if checked:

CHECK ALL THAT ARE ORDERED:

FINES

- \$ _____ Total of fines assessed in sentence, pursuant to s. 775.083 (1)(a) through (g) or Chapter 316, F.S.
 \$ _____ Statutorily mandated 5% surcharge/cost if fine assessed (on first line) pursuant to s. 938.04, F.S.

MANDATORY COSTS IN ALL CASES

- \$418.00 Additional court cost for felony offense, pursuant to s. 938.05(1)(a), F.S. This includes a \$20.00 Crime Stoppers Trust Fund fee pursuant to s. 938.06(1), F.S.
 \$223.00 Additional court cost for misdemeanor or criminal traffic offense, pursuant to s. 938.05(1)(b) or (c), F.S.
 \$ 50.00 Crimes Compensation Trust Fund pursuant to s. 938.03(1), F.S.
 \$ _____ County Crime Prevention Fund pursuant to s. 775.083(2), F.S.
 \$ 3.00 Additional Court Costs Clearing Trust Fund pursuant to s. 938.01(1), F.S. (Requires an adjudication except when adjudication withheld pursuant to s. 318.14(9) or (10), F.S.)
 \$ 50.00 Prosecution/Investigative Costs, State Attorney pursuant to s. 938.27, F.S.
 \$ 50.00 Investigation Cost to Flagler Beach Police Department, pursuant to s. 938.27, F.S.
 \$ 30.00 Costs of substance abuse testing as required by the Department of Corrections.

MANDATORY COURT COSTS FOR COURT-APPOINTED COUNSEL CASES

- \$ 50.00 Public Defender/Appointed Counsel Application Fee, if not previously collected, pursuant to ss. 27.52 and s. 938.29, F.S.
 \$100.00 Public Defender/Appointed Counsel Fees and Costs, pursuant to s. 938.29, F.S. as determined locally (Minimum of \$100 Felony/\$50.00 Misdemeanor).

MANDATORY COSTS IN SPECIFIC TYPES OF CASES

- \$151.00 Rape Crisis Program Trust Fund, pursuant to s. 938.085, F.S. for any violations of ss. 784.011, 784.021, 784.03, 784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, or 794.011, F.S.
 \$201.00 Domestic Violence Trust Fund, pursuant to s. 938.08, F.S. for any violations of ss. 784.011, 784.021, 784.03, 784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, 794.011, or any offense of Domestic Violence described in s. 741.28, F.S.
 \$151.00 Certain Crimes Against Minors, pursuant to s. 938.10(1), F.S. for any violations of s. 784.085, chapter 787, chapter 794, s. 796.03, s. 796.035, s. 800.04, chapter 827, s. 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s. 893.147(3), or s. 985.701, or any offense in violation of s. 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, F.S.
 \$135.00 DUI Court Costs, pursuant to s. 938.07, F.S. for any violations of ss. 316.193 or 327.35, F.S.
 \$ 3.00 State Agency Law Enforcement Radio System Trust Fund, pursuant to s. 318.18(17), F.S. for any violations of offenses listed in s. 318.17 including ss. 316.1935, 316.027, 316.061, 877.111, chapter 893, ss. 316.193, 316.192, 316.067, 316.072(3), 316.545(1), or any other offense in chapter 316 which is classified as a criminal violation.

MANDATORY COURT COSTS AUTHORIZED BY LOCAL GOVERNMENTAL ENTITIES

- \$ 2.00 Criminal Justice Education by Municipalities and Counties, pursuant to s. 938.15, F.S.
 \$ _____ Additional court costs for local requirements and other county funded programs pursuant to s. 939.185(1)(a), F.S.
 \$ 3.00 Teen Court pursuant to s. 938.19(2), F.S.

DISCRETIONARY

- \$ 1.00 Per month during the term of supervision to the following nonprofit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections, pursuant to s. 948.039(2), F.S.: **First Step, Inc.**

RICHARD DELBUONO
V47455
2013-000540 CFFA

DISCRETIONARY COSTS FOR SPECIFIC TYPES OF CASES

- \$ _____ County Alcohol and Other Drug Abuse Trust Fund, pursuant to s. 938.21 and s. 938.23, F.S. for violations of s. 316.193, s.856.011, s. 856.015, or chapter 562, chapter 567, or chapter 568, F.S.
- \$100.00 Operating Trust Fund of the FDLE, pursuant to s. 938.25, F.S. for violations of s. 893.13 offenses

TOTAL AMOUNT OF COURT COSTS ORDERED = \$323.00 PA Misdemeanor

OTHER OBLIGATIONS IMPOSED

- \$ 2.00 Per month for each month of supervision for Training Trust Fund Surcharge, pursuant to s.948.09, F.S.

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

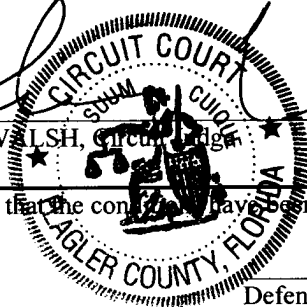
IF COURT COSTS/FINES ARE ORDERED TO A JUDGMENT/LIEN, THEY WILL BE TRANSFERRED TO A PAYMENT PLAN: You must contact the Flagler Clerk of Court office to make payment arrangements immediately on the 2nd floor of the Kim C. Hammond Courthouse. If incarcerated, you have 5 days from release to report to the Clerk's Office to fill out the payment plan application. DEPARTMENT OF CORRECTIONS COSTS ARE STILL TO BE MADE THROUGH AND PAYABLE TO JPay.

(If collected by the Department of Corrections, a surcharge of 4% will be added to all payments ordered by the court, pursuant to s. 945.31, F.S.)

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

DONE AND ORDERED, on February 16, 2015

J. DAVID WALSH, Circuit Judge



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

Date: _____

Defendant

Instructed by: _____
Supervising Officer

HS/sl