

STATE OF FLORIDA, - vs - CHRIS THOMAS MILLER, Defendant

in the **CIRCUIT** Court of **FLAGLER** County, Florida

Inst No: 2006039321 08/04/2006
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Case No. 05-00737 CFFA

DC No. V25651

GAIL WADSWORTH, FLAGLER Co.

ORDER OF SEX OFFENDER PROBATION

This cause coming on this day to be heard before me, and you, the defendant, CHRIS THOMAS MILLER being now present before me, and you having

(check one)

- 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: Lewd or Lascivious Molestation, a Second Degree Felony

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 CLERK OF THE
 FLAGLER COUNTY
 2006 AUG -4 AM 9:40
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 PAPER NO. V

SECTION 1: Judgement of Guilt

The court hereby adjudges you to be guilty of the above offense(s). Now, therefore, it is ordered and adjudged that you be placed on **Sex Offender Probation** for a period of (See Section 3) 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 **Sex Offender Probation** for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: Probation During Portion of Sentence

It is hereby ordered and adjudged that you be

- committed to the Department of Corrections
- confined in the County Jail

for a term of Forty-two (42) Months with credit for time served. After you have served Forty-two (42) Months of the term, you shall be placed on **Sex Offender Probation** for a period of Ten (10) Years under the supervision of the Department of Corrections, subject to Florida law.

8-4-06 CL PP

period.

(1)

Not later than the 5th day of each month, or as otherwise directed, you will make a truthful report to your officer on the form provided for that purpose.

(2)

You will pay the State of Florida at the rate of \$50.00 per month toward the cost of your supervision, plus a 4% administrative processing fee, in accordance with Florida Statutes 945.31 and 948.09.

(3)

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 under any circumstances. You will not possess, carry or own any weapons (other than a firearm) without first procuring the consent of your officer.

(5)

You will live without violating any law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your 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.

(8)

You will maintain or actively seek gainful employment, advise your employer of your supervision status and support dependents to the best of your ability.

(9)

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.

(10)

You will pay restitution, costs and/or fees in accordance with the attached order.

(11)

You will submit to urinalysis, breathalyzer or blood tests at any time requested by your officer, or the professional staff of any treatment center where you are receiving treatment, to determine possible use of alcohol, drugs or controlled substances.

(12)

You shall pay to the Department of Corrections a \$2.00 per month surcharge for each month you are under supervision pursuant to Section 948.09(1)(2), Florida Statute.

(13)

You shall pay one dollar (\$1.00) per month for each month under supervision to be disbursed to First Step, Inc., a non-profit organization, in accordance with Florida Statute 948.02.

(14)

You will report in person within 24 hours of your release from confinement to the probation office in Flagler County, Florida, unless otherwise instructed by your officer. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 105 North Bay Street, Bunnell, Florida 32110.

- (15) You shall register in person with the County Sheriff as a sex offender, regardless of adjudication, within 48 hours of sentencing of release from confinement in accordance with Florida Statute 943.0435.

Any probationer whose crime was committed on or after October 1, 1997, in violation of chapter 794, s.800.04, s..827.071, or s.847.0145, shall have the following additional standard conditions imposed:

- (16) You will abide by a mandatory curfew and remain within your residence from 10:00 p.m. to 6:00 a.m., or as otherwise directed by your Probation Officer.
- (17) If the victim was under eighteen (18) years of age, you are prohibited from living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate.
- (18) You will actively participate in and successfully complete a sex offender treatment program, as directed, and you will pay any summary fees for evaluation, referral and monitoring services. The treatment shall be provided by a therapist who is specifically trained to treat sex offenders if such is available within a 50-mile radius of the offender's residence.
- (19) You may not associate or have contact in any way with the victim, either directly or indirectly, unless approved by the victim, your therapist and the sentencing Court.
- (20) If the victim was under the age of eighteen (18) years of age, and you have not successfully completed sex offender treatment program, you shall have no unsupervised contact with any child under the age of eighteen (18) unless another adult is present who is responsible for the child's welfare, has been advised of the crime, and is approved by the sentencing Court.
- (21) If the victim was under eighteen (18) years of age, you shall not work for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate.
- (22) You shall not view, own or possess any obscene, pornographic or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs or computer services that are relevant to deviant behavior pattern.
- (23) You shall submit two specimens of blood (or biological specimens as directed by your officer), to the Florida Department of Law Enforcement to be registered with the DNA Data Bank as required in F.S. 943.235.
- (24) You shall make restitution to the victim, as ordered by the Court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric and psychological care.
- (25) In accordance with Florida Statute 948.03(1)(b) you will submit to a reasonable search without warrant by the probation officer of your person, residence or vehicle for weapons or firearms, alcoholic beverages, or controlled substances. The searches shall include examination of mail received to determine if post office boxes are being used and of computer software.

(26) As part of a treatment program, you shall participate at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender. The results of the polygraph examination shall not be used as evidence in Court to prove that a violation of community supervision has occurred.

(27) You shall maintain a driving log and are prohibited against driving a motor vehicle alone without the prior approval of your supervising officer.

(28) You shall not obtain or use a post office box without the prior approval of your supervising officer.

(29) If there was sexual contact, you shall submit at your own expense to an HIV test with the results to be released to the victim and/or the victim's parent or guardian.

(30) You will submit to **Electronic Monitoring** of your whereabouts as required by the Florida Department of Corrections and will reimburse the State of Florida Operating Trust Fund as provided by F.S. 948.09(2), at a rate not to exceed the full cost of the monitoring service.

Any probationer whose crime was committed on or after October 1, 1995, in violation of chapter 794, s.800.04, s.827.071, or s.847.0145, and sentenced after January 1, 2006 shall have the following additional standard conditions imposed:

(31) If the victim was under eighteen (18) years of age, you shall not work for pay or as a volunteer at any school, day care center, park, playground, pet stores, libraries, zoos, theme parks, malls or other places where children regularly congregate as required in F. S. 948.30(1)(f).

(32) If the victim was under the age of eighteen (18) years of age, you shall have no unsupervised contact with any child under the age of eighteen (18) unless another adult is present who is responsible for the child's welfare, has been advised of the crime and is approved by the sentencing Court. Prior to having unsupervised contact the following criteria must be met:

(a) Approval is based upon recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment.

(b) You must be currently enrolled in or have successfully completed a sex offender therapy program. The Court in determining said contact must review:

(1) a risk assessment completed by a qualified practitioner which must include the findings of the assessment which will include your mental health and substance abuse treatment history, contain a recommendation as to whether supervised contact with the child should be approved, provide a safety plan which details the acceptable conditions of contact between you and the child.

(2) written consent by the parent or legal guardian (as long as said parent/guardian is not the offender).

Any probationer whose crime was committed on or after July 1, 2005, in violation of chapter 794, s.800.04, s.827.071, or s.847.0145, shall have the following additional standard conditions imposed:

- (33) You shall be prohibited from accessing Internet or other computer services until the treatment provider, after completing a risk assessment, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services as provided by F.S. 947.1405(7)(a)8 and F.S. 948.30(1)(h).
- (34) You shall submit to a reasonable search without warrant by any probation officer or law enforcement officer of your person, property, residence, business premises, vehicle, or personal effects for alcoholic beverages, controlled substances, weapons, firearms, or any other contraband.

**** SPECIAL CONDITIONS ****

NOTE: ALL FINANCIAL OBLIGATIONS SHALL BE PAID TO THE DEPT. OF CORRECTIONS AND HAVE A 4% PROCESSING CHARGE ASSESSED AS REQUIRED BY F.S. 945.31, UNLESS OTHERWISE DIRECTED.

- (35) You shall pay all costs required by the Final Judgment for restitution/charges/costs/fees in this case as instructed by your officer.
- (36) You shall pay \$30.00 for the costs of substance abuse testing as required by the Department of Corrections.
- (37) The Court hereby designates you as a *Sex Offender*.
- (38) This period of Incarceration followed by Sex Offender Probation is to run **CONCURRENT** to the period of Incarceration followed by Sex Offender Probation imposed in Docket #05-00736 CFFA.

This period of supervision is to be tolled upon any incarceration for any other offense, and shall remain tolled until such time as the term of incarceration is completed.

You are hereby placed on notice that the Court may at any time rescind or modify any of the conditions of your supervision, or may extend the period of supervision as authorized by law, or may discharge you from further supervision or return you to a program of regular probation supervision; and if you violate any of the conditions and sanctions of your supervision, you may be arrested and the Court may revoke your supervision and impose any sentence which it might have imposed before placed you on supervision.

It is further ordered that when you have reported to the Probation Officer and have been instructed as to the conditions of supervision 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.

At the conclusion of this supervision period, whether concluded by expiration of the supervision term, revocation of supervision or termination by the Court, any unpaid balances of court costs, restitution, attorney fees or Crime Compensation Trust Fund fees shall be reduced to a Civil Judgment against the defendant.

It is further ordered that the Clerk of this Court file this order in his/her office, record the same in the Minutes of the Court, and forthwith provide certified copies of same to the Probation Officer for use in compliance with the requirements of law.

DONE AND ORDERED IN OPEN COURT, this the _____ day of JUNE, 2006
(nunc pro tunc April 21, 2006)

for
Kim C. Hammond, Judge

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

Date: _____
Defendant

Date: _____
Instructed By
Correctional Probation Officer

Original: Court
Copies: Defendant, File
SD/rjs

In The Circuit Court Seventh Judicial Circuit
In and For Flagler County, Florida

State of Florida
v.

Case No. **05-00737**
Division: **Kim C. Hammond / Felony**

CHRIS THOMAS MILLER

Defendant Address:

Order/Final Judgment for Charges, Costs, & Fees
(Costs are assessed by case)

SS #

The above named defendant is hereby ordered to pay the following sums, if checked:

Mandatory Costs (Select one)

- \$ 373.00 Felony F.S. § § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a)
- \$ 193.00 Misdemeanor § § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a)

Additional Mandatory Costs (Select all that apply)

- \$ 135.00 DUI/BUI F.S. § 938.07
- \$ 20.00 Crime Stoppers Trust Fund § 938.06
- \$ 15.00 Involved Drugs or Alcohol (applies to Misdemeanors only) § 938.13
- \$ 15.00 Surcharge on Criminal Traffic Charges § 318.18(13)(a)
- \$ 201.00 Domestic Violence Surcharge § 938.08
- \$ 151.00 Rape Crisis Program Trust Fund § 938.085
- \$ 101.00 Child Advocacy Trust Fund (Crimes against minors) § 938.10(1)
- \$ 40.00 Indigency Application Fee/Public Defender § 27.52(2)(a)

Fines: (Select all that apply - Enter Amount)

- \$ _____ Fine & 5% surcharge F.S. § § 316.193, 327.35, 775.083(1), 893.13, 893.135, 938.04
- \$ _____ Fine & 5% surcharge (Crimes involving death or injury - not to exceed \$10,000) § § 775.0835(1), 938.04
- \$ _____ Fine - Other (explain) **Set in Open Court.**

Discretionary Costs: (Select all that apply - Enter Amount)

- \$ _____ Drug Related Offense F.S. § 938.25
- \$ _____ Alcohol and Drug Abuse (up to amount of fine) § § 938.21, 938.23
- \$ _____ Public Defender Additional Cost § 938.29
- \$ 200.00 State Attorney Cost of Prosecution § 938.27
- \$ 150.00 Investigation Costs to **Flagler County Sheriff's Office** § 938.27
- \$ _____ Correctional Costs / Costs of Incarceration § § 960.293(2)(a) & (b)

Restitution (Select one)

- No restitution ordered.
- Restitution Ordered. To be paid in accordance with separate Restitution Order.
- Jurisdiction is reserved to determine restitution upon motion of the State.

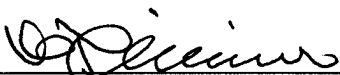
Payment of restitution, charges, costs, and fees is:

- A condition of probation/community control, payable to FL DOC, Probation & Parole, pursuant to probation/community control order.
- Due within _____ days following release from jail/prison and is payable to the Clerk of Court for distribution.
- Due within _____ days and is payable to the Clerk of Court for distribution.
- Due immediately and is payable to the Clerk of Court for distribution.

Unless payment is ordered as a condition of probation, it is further ordered that Judgment is hereby entered in favor of the State of Florida, and/or Clerk of Court, and victim(s) for the sum of the above amounts, together with interest at the lawful rate, for which let execution issue. (§ § 55.10, 960.295, Fla. Stat.) **This judgment shall supersede any previous judgment that may have been entered against the defendant in the above referenced case only.**

DONE AND ORDERED in Flagler County, Florida, this 21st day of APRIL, 2006

CC: State Attorney
Defense Counsel
Probation & Parole (if applicable)



Circuit Judge
Kim C. Hammond