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

STATE OF FLORIDA,
PLAINTIFF,

Case No.: 14-CRF-000270
Division: M. FOXMAN

v.

MICHAEL G. STAVRIS, II,
DEFENDANT.

_____ /

RULE 3.800(c) MOTION TO REDUCE SENTENCE

MICHAEL G. STAVRIS, II, pursuant to Florida Rules of Criminal Procedure 3.800(c), hereby moves this Honorable Court to mitigate his sentence, and states:

1. On June 15, 2016, Mr. Stavris was charged by information with:
Counts I and II – Child Abuse
Count III – Fraudulent Use of Personal Identification Information
2. On July 26th, 2016, Mr. Stavris was convicted of the above charges.
3. On July 26th, 2016 this Honorable Court sentenced Mr. Stavris as follows:
Count I – Thirty-Six (36) months, Florida Department of Corrections
Counts II and III – Five (5) years probation.

4. Mr. Stavris appealed the judgment and sentence to the Fifth District Court of Appeal. His judgment and sentence was affirmed, *per curiam*, on June 19th, 2018. The Mandate was issued on July 13th, 2018.
5. It is respectfully submitted that there are several factors that this Court may take into account in considering to reduce Mr. Stavris' currently imposed sentence, to wit:
 - a. The circumstances surrounding Mr. Stavris' sentencing hearing inhibited the Court's ability to consider crucial mitigating factors and hear testimony about Mr. Stavris' positive character attributes and accomplishments. These things would have substantially lessened the effects of the prosecutions negative portrayal of Mr. Stavris, and likely resulted in a lesser sentence than the one imposed.

At the June 16th, 2016 proceeding regarding a plea agreement, Mr. Stavris' Counsel, Attorney Delgado, made the following statement:

"We're looking for 90 days... we anticipate a sentence that probably would be I think three to four hours in length. Mr. Stavris is going to have expert witnesses as well as community members. He's a former Bunnell Police Officer Corporal, so we'll have, you know character witnesses."

When Mr. Stavris left the Courthouse that day he was under the impression that sentencing would be 90 days out. During that proceeding the Honorable Judge

Foxman stressed to Mr. Stavris that it was important to stay in contact with his Attorney at that stage.

Following the June 16th proceeding, Mr. Stavris attempted to contact his Attorney numerous times without success. Finally, Attorney Delgado's lack of communication resulted in only Mr. Stavris making a statement on his own behalf at the sentencing hearing. There were no expert witnesses or community members in attendance as Attorney Delgado had mentioned, and the proceeding only lasted one and a half hours.

Casey Gallagher is a computer expert whom Mr. Stavris hired to examine the computer-related evidence. Had Mr. Gallagher been in attendance at the sentencing, he would have testified about an Internet Protocol (IP) address that was recorded as having accessed the Facebook account that Mr. Stavris was charged with fraudulently creating and using. His testimony, in conjunction with evidence that Mr. Stavris was physically in a completely different city than where the IP address came back to, would have negated the Prosecution's claim that Mr. Stavris was the sole user of the Facebook account and therefore responsible for all the activity on the account.

Friends, family, and co-workers of Mr. Stavris were not able to make preparations to be in attendance at the sentencing hearing due to short notice. In order to give a clearer picture of the type of person Mr. Stavris is, some letters from

some of the individuals who would have liked to testify on his behalf have been submitted for consideration with this motion.


b. Mr. Stavris would like this Honorable Court to be aware of his healthcare needs when reconsidering his sentence. An unfortunate consequence of incarceration is that Correction Officers are often responsible for deciding when individuals in their care may have access to medical care. In early 2018 Mr. Stavris noticed that his left leg was swollen. He declared a medical emergency to the dormitory officer, who had no medical training. Rather than alert the appropriate medical staff, the Officer advised Mr. Stavris to take some ibuprofen. By the time Mr. Stavris was finally able to convince staff to get him medical attention, his leg, from the knee down, had nearly doubled in size. Mr. Stavris was transported to a hospital, where he was informed that doctors were considering amputating his leg. He was treated at the hospital for a week, and at a prison medical facility for three weeks, before returning to his dormitory.

In general, Mr. Stavris' health is poor; he suffers from high blood pressure, high cholesterol, diabetes, and congestive heart failure. The condition which caused his leg to swell, cellulitis, was allowed to get to a septic state before being treated, causing long-term circulation problems. Mr. Stavris' leg still has not returned to normal size. It would be in Mr. Stavris' best interest to be

quickly returned to a situation where he has unrestricted control over his medical care.

- c. Mr. Stavris would like this Honorable Court to be aware of his mother's healthcare needs when reconsidering his sentence. Mrs. Stavris, a former NYPD Officer, is a widow whose poor health has left her non-ambulatory. She suffers from fibromyalgia, adema, high blood pressure, gout, rheumatoid arthritis, degenerative muscle disease, and a bulging disk in her back. Prior to his incarceration, Mr. Stavris was the primary caregiver for his mother. Since his incarceration, the responsibility has fallen to Mr. Stavris' younger brother, who has no job or drivers license. The situation has caused Mrs. Stavris' quality of life to drop substantially. Her well-being is directly affected by the extent of Mr. Stavris' obligations to the State.
- d. Finally, Mr. Stavris would like this Honorable Court to take notice that during his incarceration he has not received any disciplinary reports, nor has he been the focus of any investigations regarding improper conduct.
6. It is respectfully submitted that Mr. Stavris' behavior since the time he was charged in the instant case, along with the mitigation evidence which has been supplied to this Honorable Court, would justify a sentence reduction at this time. Any reduction in the prison or probation term imposed would still be within the terms of the plea agreement between Mr. Stavris and the State.

WHEREFORE, Mr. Stavris respectfully requests that this Honorable Court grant this Motion and impose a reduced sentence.



MICHAEL G. STAVRIS, II
DC# V50447
Columbia C. I. Annex
216 S. E. Corrections Way
Lake City, FL 32025-2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion has been placed into the hands of a mailroom official at Columbia C. I. Annex to be furnished via U.S. Mail, first class postage prepaid to:

- 1769 E. Moody Blvd Bunnell, FL 32110
1. The Office of the State Attorney; ~~246 E. Moody Blvd, Bunnell, FL 32110~~



MICHAEL G. STAVRIS, II
DC# V50447
Columbia C. I. Annex
216 S. E. Corrections Way
Lake City, FL 32025-2013

12 Bonnie Lane
Palm Coast, Florida
June 8, 2017

Your Honor,

I am writing on behalf of Michael Stavris, an inmate at Columbia Correctional Institution. My husband and I have known Michael and his family for twenty years. Michael was a student in my husband's class, and both my husband and I became close friends with the Stavris family. We spent many happy events together, and we enjoyed going to their house, and they came frequently to our house. Things changed.

Michael, the father, died and their lives were altered immeasurably. Michael, their son, is a wonderful son and helped out at home. His mother was inconsolable, and Michael was there for her. Over the years both my husband and I witnessed her spiraling decline both in health and emotions. She is unable to do the things that would bring her pleasure, like keeping her house immaculate, going shopping, preparing food, and visiting people. Bev, his mother, is lost both physically and emotionally. Her health is impaired severely, and she can barely walk. Michael was a big help to her by doing the things that Bev could no longer do.

With this in mind, I implore you, Your Honor, to consider early release for Michael Stavris. Thank you sincerely for this consideration.

Yours truly,
Lorraine Corkran
William Corkran

August 1, 2018
5 Fair Place
Palm Coast, Florida 32137

Your Honor,

I'm writing
this letter about my son
Michael G. Stavris and
how much I depend on him.
I'm disabled and have
many health issues; I have
high blood pressure

Edema - of leg, ankle, foot

Muscle loss - Atrophy

Fibromyalgia

Rheumatoid arthritis

hernia and lately every
few months cellulitis. Having
all these medical problems

means many doctors and
specialist. Michael would
always drive me to all my
appointments. I've been
very limited to the

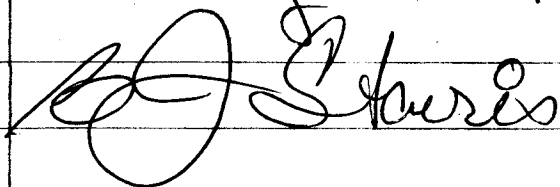
doctors I go see as I
don't drive out of
Palm Coast. There are days

when I can't even get out of bed.

I'm on Social Security and only receive a certain amount of money, every pay day Michael would give me money to pay bills. It's been really hard with him not here. The only time I get out of the house is to go to the doctors. Michael did everything for me. He would even go shop for me and did a good job doing it. Thank you for your time

Sincerely,

Beverly Stauris



August 10, 2018

5 Farr Place

Palm Coast, Fl. 32137

Your Honor,

I writing this letter to let you know how much my brother Michael Stavris would do for our disabled mom and how much she depended on him. He would work, come to the house to take her to her doctors appointments. Not only would he take her to her doctors he would bring her to the super market. When it was hard for her to walk he would do the shopping for her. I don't drive so my mother has it really hard now. I try to do as much as possible but my brother was the one who did most of it. Please take this into consideration.

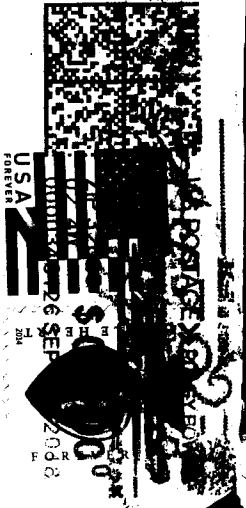
Thank you for your attention.

Douglas Stavris

M. Chael Stavis V50447
Columbia C.I.
216 S.E. Corrections way
Lake City, FL 32025

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INSTITUTE 2018 P

Flagler County Clerk of Court
1769 E Moody Blvd Bldg 1
Bunnell, FL 32110



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