

Judge

STATE OF FLORIDA  
DEPARTMENT OF CORRECTIONS  
VIOLATION REPORT  
VIOLENT FELONY OFFENDER OF SPECIAL CONCERN  
JESSICA LUNSFORD ACT

REPORT CONTAINS CONFIDENTIAL INFORMATION

Date: December 12, 2017  MANDATORY RETAKING FROM: \_\_\_\_\_

To: Honorable DENNIS CRAIG From: DAVID W. GARGON  
Name: WILLIAM ARTHUR WALSH DC No: V53099 Circuit: 07-7  
Case No: 17-00186-CFFA UC No: N/A  
Scheduled Termination Date: 08/07/2022

**REQUESTING**

Violation of Probation Hearing-Warrantless Arrest Conducted  Warrant for Arrest (Violation of Sex Offender Probation)  Violation of Probation Hearing without Warrant- (Notice to Appear)  No further action

**TYPE OF REPORT**

Non-Compliance with Conditions  Arrest/New Charge  Warrantless Arrest  
 Delinquent Monetary Obligations Only

**LOCATION**

At Large  In Custody  On Bond  ROR  Absconder  
Current Address Homeless  
Bunnell, FL

**(1) HOW VIOLATION OCCURRED:**

**Violation of Condition (19) of the Order of Probation**, by having unsupervised contact with a child under the age of 18, without the recommendation of a qualified practitioner and authorization of the sentencing court, and as grounds for belief that the offender violated his probation, Officer David W. Gargon states that on 12/7/15, the offender did have unsupervised contact with a child under the age of 18, to wit: Isiah Sowers, age 14, as told to Officer Gargon by Shannon Rae, owner of Salon Revive on 12/8/17.

Circumstances: On 12/8/17, this officer met with the offender and asked him if he had any contact with law enforcement. The offender stated on 12/7/17, had contact with a 14-year-old boy that was helping him put up his tent behind the probation office. This officer then spoke with Shannon Rae, the owner of Salon Revive, located at the same building complex as the probation office. She advised that while she was working in her salon on the night of 12/7/17, the offender entered the store and asked Isiah if he would help him put his tent. Isiah, and his mother, April Sowers, went to the site of the where the offender was sleeping and helped him construct the tent. The offender admitted to this officer that he did suspect the boy was under age 18, and after becoming aware of the boy's age, continued to have Isiah help him put up his tent.

(2) **OFFENDER'S STATEMENT:**

The offender admitted to this officer that he had contact with the minor, and stated that even though he knew the boy was a minor, he continued to be in the presence of the minor while having the minor put up his tent.

(3) **HISTORY OF SUPERVISION:**  ADJUDICATION WITHHELD  ADJUDICATED

Original sentence: On August 8<sup>th</sup>, 2017 the offender was sentenced to one (1) year probation in reference to CT I: Simple Battery, a Misdemeanor and to five (5) years sex offender probation in reference to CT II: Lewd & Lascivious Conduct, a Second Degree Felony.

**Prior violation(s) of supervision for all periods of supervision and disposition(s) of violation(s) include the following:**

The offender has a prior Violation of Probation, that occurred on 08/21/2017, for the offender willfully abiding in a public park. His probation was reinstated on 11/29/17.

Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC) criminal history record is not attached. NOTE: FCIC/NCIC criminal history record information is not public record, pursuant to Chapter 119, Florida Statutes.

**RESIDENCE:**  STABLE  UNSTABLE  ABSCONDED

Resides with: The offender is currently homeless. He has no residency options at this time, and there are no shelters in Flagler County that accept Sex Offenders. He has been sleeping behind the probation office, only due to not having any other options in which to reside. He will not be allowed to continue to stay there if he is reinstated, as this is private property, and the offender has been known to harass other businesses at this location. The offender has no funds, nor family that can assist him in determining a residence that meets his sex offender criteria. He has exhausted his allowable first step funds in obtaining a hotel room, prior to his first arrest for violation of probation. If reinstated, the offender will likely be unable to find a suitable residence that can provide shelter during extreme temperatures.

**EMPLOYMENT:**  EMPLOYED  RETIRED/DISABLED  STUDENT  UNEMPLOYED

Current Employer/school name and address: The offender reports he is disabled and currently receives \$753.00 per month in income from SSI. The offender currently is not receiving these funds since having been placed on probation.

Full-time employment or school attendance:  Part-time employment or school attendance:

Monthly salary or other source of income: \$753.00

**RESTITUTION:**  N/A  PAID IN FULL  COMPLYING  DELINQUENT

Original Obligation: N/A Current Balance: N/A

**COURT COSTS/FINES:**  N/A  PAID IN FULL  COMPLYING  DELINQUENT

Original Obligation: \$1070.00 Current Balance: \$1070.00

**ELECTRONIC MONITORING:**  N/A  PAID IN FULL  COMPLYING  DELINQUENT

Original Obligation: \$8,212.50 Current Balance: \$136.88 in arrears

**COST OF SUPERVISION:**  N/A  PAID IN FULL  COMPLYING  DELINQUENT

Original Obligation: \$600.00 Current Balance: \$10.00 in arrears

**PUBLIC SERVICE WORK:**     N/A     COMPLETED     COMPLYING     DELINQUENT

Total Hours Imposed: N/A                      Current Balance:                      N/A

**TREATMENT STATUS:**             N/A     COMPLETED     COMPLYING     NON-COMPLIANT

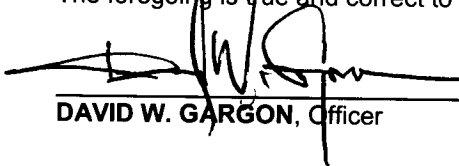
**Summary of offender's current and prior participation in treatment, educational, and vocational programs:**

The offender was ordered by the court to attend a sex offender evaluation and complete any recommended treatment. To date, the offender has not been referred to this evaluation as he reports he must get his SSI income reinstated in order to pay for the evaluation. The offender will not be able to attend the evaluation without having the ability to pay for it.

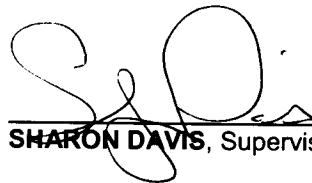
**STATUS OF OTHER SPECIAL CONDITIONS:** Standard sex offender probation conditions and no contact with the victim. To date, no contact with the victim has been reported.

- (4) **RECOMMENDATION:** This is the offender's second violation of probation, since being placed on supervision, while only being out of custody for an aggregate of 22 days. He has willfully had contact with minors, and was previously violated for having visited public parks. The offender is not appropriate for supervision. He has no residency, nor the apparent ability to furnish a residence. He also lacks the funds necessary to afford Sex Offender Treatment, and continues to willfully violate the terms of supervision. This officer recommends that the offender's probation be revoked, and he be sentenced to 364 days county jail.

The foregoing is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
DAVID W. GARGON, Officer

Approved:

  
\_\_\_\_\_  
SHARON DAVIS, Supervisor