

Judge

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

REPORT CONTAINS CONFIDENTIAL INFORMATION

Date: August 21, 2017 MANDATORY RETAKING FROM: _____

To: Honorable DENNIS CRAIG From: MICHAEL J. SAVOLIS
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
 Delinquent Monetary Obligations Only
 Arrest/New Charge
 Warrantless Arrest

LOCATION

At Large
 In Custody
 On Bond
 ROR
 Absconder
Current Address 1108 Canal Street
New Smyrna Beach, Florida
32168

(1) HOW VIOLATION OCCURRED:

Count I

Violation of Condition (9) of the Order of Probation, by failing to comply with all lawful instructions given to him by the probation officer, and as grounds for belief that the offender violated his probation, Officer Michael J. Savolis states that on August 14th, 2017, the offender was instructed to not enter any parks, playgrounds, and child care facilities at any time and the offender did fail to carry out this instruction by entering Riverside Park on 08/16/17, located at 299 S. Riverside Drive, New Smyrna Beach, Florida, as evidenced by GPS tracking points revealing he was at this location defined as a park.

Count II

Violation of Condition (9) of the Order of Sex Offender Probation, by failing to comply with all lawful instructions given to him by the probation officer, and as grounds for belief that the offender violated his probation, Officer Michael J. Savolis states that on August 14th, 2017, the offender was instructed to not enter any parks, playgrounds, and child care facilities at any time and the offender did fail to carry out this instruction by entering Riverside Park on 08/16/17, located at 299 S. Riverside Drive, New Smyrna Beach, Florida, as evidenced by GPS tracking points revealing he was at this location defined as a park.

Violation of Special Condition (31-a) of the Order of Sex Offender Probation, which states, "A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer," in that the offender violated this condition on August 16th, 2017 from approximately 5:13 p.m. to 5:23 p.m. as he entered Riverside Park, located at 299 S. Riverside Drive, New Smyrna Beach, Florida, without the permission of his supervising officer, as verified by Officer Michael J. Savolis on August 18th, 2017, when his GPS points revealed he was at this location defined as a park.

Circumstances: On 08/14/17 the offender reported to the probation office in Volusia County as he was relocated to the area from Flagler County. At that time, I instructed the offender that he was not allowed to enter any parks, playground or childcare facilities at any time. I also instructed him to refrain from hanging around bus stop areas and other places where children regularly congregate. The offender stated he understood and would abide by the conditions of his probation. On Friday, August 19th, 2017, I was reviewing the offender's GPS tracking points for the last two (2) days. Upon looking at the GPS points from 08/16/17, I discovered that the offender went to Riverside Park, located at 299 S. Riverside Drive, New Smyrna Beach, Florida from approximately 5:13 p.m. to 5:23 p.m. This park has signs clearing indicating it is a park. It has a large area filled with children's playground equipment, an entertainment building, restrooms and fishing docks on the outskirts of the park. It also has several park benches. Upon discovering that the offender went to the park, I immediately called him and questioned his reason for going there. The offender reported that he knew he was going into a park, but decided he wanted to sit down, relax and take in the view after riding his bike. I asked if he was inside the park alone. The offender reported he sat at a park bench and spoke to an old man, but did not know him. He stated upon exiting the park he observed the children's playground equipment, but did not observe any children. It should be noted that the offender was at this location when the Volusia County Schools were not in classes.

(2) **OFFENDER'S STATEMENT:** Upon discovering that the offender went to the park, I immediately called him and questioned his reason for going there. The offender reported that he knew he was going into a park, but decided he wanted to sit down, relax for a minute and take in the view after riding his bike. I asked if he was inside the park alone. The offender reported he sat at a park bench and spoke to an old man, but did not know him. He stated upon exiting the park he observed the children's playground equipment, but did not observe any children.

(3) **HISTORY OF SUPERVISION:** ADJUDICATION WITHHELD ADJUDICATED
Original sentence: On August 8th, 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:

None ascertained during the course of this investigation.

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: Robert Spivey, 1108 Canal Street, New Smyrna Beach, Florida 32168.

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.
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.

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 officer respectfully recommends that a warrant be issued for the offender's arrest in regards to this violation of sex offender probation. The offender was instructed on 08/09/17 and then again on 08/14/17 that he was not allowed to enter into any parks. Approximately five (5) days after relocating to Volusia County, the offender enters into a park within the City of New Smyrna Beach that is clearly defined as a park upon entry. It also has a large play area for children of all ages and the offender admitted to sitting on a park bench with an old man that he did not even know. If the offender is found guilty of this violation, this officer would respectfully recommend that his probation be modified to a period of community control for six (6) months, followed by the remainder of his sex offender probation. If the court is not inclined to place the offender on community control then this officer would respectfully recommend a term of incarceration deemed appropriate by the court followed by a new term of probation or a straight incarceration type sentence.

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



MICHAEL J. SAVOLIS, Officer

Approved: 

JOSEPH KEENAN, Supervisor

VIOLATION OF SEX OFFENDER PROBATION REPORT
WITNESS LIST

Witness 1.

Name: MICHAEL J. SAVOLIS, Correctional Probation Specialist
Address: 1051 Mason Avenue
Daytona Beach, FL 32117
Telephone: (386) 226-7868
Testify as to: Affidavit Violation of Sex Offender Probation

Witness 2.

Name: _____
Address: _____
Telephone: _____
Testify as to: _____

Witness 3.

Name: _____
Address: _____
Telephone: _____
Testify as to: _____

Witness 4.

Name: _____
Address: _____
Telephone: _____
Testify as to: _____

