

Golloher/23590
STATE OF FLORIDA

Stone/003
IN THE FIRST JUDICIAL
CIRCUIT COURT, IN AND FOR
OKALOOSA COUNTY

-VS-

CASE NUMBER 08-CF-2713

JAMES DECATUR LEE

Defendant

DC NUMBER P41432

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 <u>II</u>	<u>CONSERVATION ANIMALS – TORMENT, DEPRIVE,</u>	Count _____
	<u>MUTILATE, KILL</u>	_____
Count _____		Count _____
Count _____		Count _____
Count _____		Count _____

FILED
 DON W. HOWARD
 2009 DEC 23 PM 4:15
 CLERK OF COURT
 OKALOOSA COUNTY
 COURT REPORTER
 E.W. FILL

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 _____ 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 one (1) year under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE

It is hereby ordered and adjudged that you be:

- committed to the Department of Corrections
or
- confined in the County Jail
for a term of _____ with credit for _____ jail time. After you have served _____ of the term, you shall be placed on Probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.
or
- confined in the County Jail
for a term of _____ with credit for _____ jail time, as a special condition of supervision.

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. Not later than the fifth day of each month, unless otherwise directed, you will make a full and truthful report to your officer on the form provided for that purpose.
- (2) You will pay the State of Florida the amount of **Waived** 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 weapons without first procuring the consent of your officer.
- (5) You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your probation/community control.
- (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 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 report in person within 72 hours of your release from incarceration to the probation office in **Okaloosa** 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 **250 West Pine Ave, Crestview, FL 32536**.

SPECIAL CONDITIONS

- 1. You must undergo a Drug and Alcohol evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless waived by the court.
Additional instructions ordered: _____
- 2. You will make restitution to the following victim(s), as directed by the court, until the obligation is paid in full:
NAME: _____
TOTAL AMOUNT: \$ _____
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: _____

NAME: _____
TOTAL AMOUNT: \$ _____
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: _____

SPECIAL CONDITIONS – CONTINUED

3. You will be required to pay for drug testing unless exempt by the court.
4. You will enter the Department of Corrections Non-Secure Drug Treatment Program or other residential treatment program/Probation and Restitution Center for a period of successful completion as approved by your officer. You are to remain until you successfully complete said Program and Aftercare. You are to comply with all Rules and Regulations of the Program. You shall be confined in the county jail until placement in said program, and if you are confined in the jail, the Sheriff will transport you to said program.
5. You will abstain entirely from the use of alcohol and/or illegal drugs, and you will not associate with anyone who is illegally using drugs or consuming alcohol.
6. You will submit to urinalysis testing on a monthly basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.
7. You will not visit any establishment where the primary business is the sale and dispensing of alcoholic beverages.
8. You will successfully complete ___ hours of community service at a rate of ____, at a work site approved by your officer.
Additional instructions ordered: _____
9. You will remain at your residence between 10 p.m. and 6 a.m. due to a curfew imposed, unless otherwise directed by the court.
10. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$_____ per day for the cost of the electronic monitoring service.
11. You will not associate with _____ during the period of supervision.
12. You will have no contact (direct or indirect) with the victim or the victim's family during the period of supervision.
13. You will have no contact (direct or indirect) with _____ during the period of supervision.
14. You will maintain full time employment or attend school/vocational school full time or a combination of school/work during the term of your supervision.
15. You will make a good faith effort toward completing basic or functional literacy skills or a high school equivalency diploma.
16. You will successfully complete the Probation & Restitution Program, abiding by all rules and regulations.
17. You will attend Alcoholics Anonymous or Narcotics Anonymous meetings at least monthly, unless otherwise directed by the court.
18. You must successfully complete Anger Management, and be responsible for the payment of any costs incurred while receiving said treatment, unless waived. If convicted of a Domestic Violence offense, as defined in s. 741.28, F.S., you must attend and successfully complete a batterer's intervention program, unless otherwise directed by the court.
Additional instructions ordered: _____
19. You will attend an HIV/AIDS Awareness Program consisting of a class of not less than two (2) hours or more than four (4) hours in length, the cost for which will be paid by you.
20. You shall submit your person, property, place of residence, vehicle or personal effects to a warrantless search at any time, by any probation or community control officer or any law enforcement officer.
21. If you have been found to have committed a crime on or after October 1, 2008 for the purpose of benefitting, promoting, or furthering the interests of a criminal gang, you are prohibited from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

- 22. You will successfully complete a Post-adjudicatory treatment-based drug court program, as provided in s. 397.334(3), F.S.
- 23. Other: _____
- 24. Other: _____
- 25. Other: _____
- 26. Other: _____
- 27. Other: _____
- 28. Other: _____
- 29. Other: _____
- 30. Other: _____

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.

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.
- \$ 20.00 **Crime Stoppers Trust Fund** pursuant to s. 938.06(1), F.S. Statutorily mandated if a fine is imposed

MANDATORY COSTS IN ALL CASES

- \$ 225.00 **Additional court cost for felony offense**, pursuant to s. 938.05(1)(a), F.S.
- \$ 60.00 **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.
- \$ 50.00 **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.
- \$ 2.00 Per month for each month of supervision for **Training Trust Fund Surcharge**, pursuant to s. 948.09, F.S.
- \$ _____ **Prosecution Costs**, pursuant to s. 938.27, F.S. (Minimum of \$100 Felony/\$50 Misdemeanor)
- \$ _____ **Investigative Costs**, pursuant to s. 938.27, F.S. (if applicable and requested)

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.: _____
- Other: **Pay Court Costs/Fines in the amount of \$270.00.**
- Other: **Pay \$500.00 fine plus 5% surcharge.**
- Other: _____

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

PAYMENT IS TO BE MADE THROUGH AND PAYABLE TO: **Department of Corrections** or **Clerk of Court**

(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.)

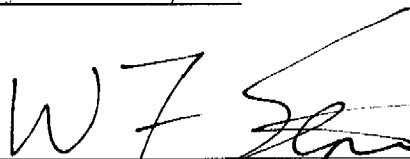
- Court Costs/Fines Waived
- Court Costs/Fines in the amount of _____ converted to _____ community service hours
- Court Costs/Fines in the amount of _____ reduced to civil judgment.

SPECIFIC INSTRUCTIONS FOR PAYMENT: _____

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 the 14th day of December, 2009.

NUNC PRO TUNC _____



 William F. Stone, Circuit Judge

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

Date: _____

Defendant _____

Instructed by: _____
Supervising Officer