

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT IN  
AND FOR BROWARD COUNTY,  
FLORIDA

STATE OF FLORIDA,  
Plaintiff,

CASE NUMBER: 05-2016-CF-14533-AXXX-XX

vs.

BARRE TAYLOR  
Defendant.

\_\_\_\_\_ /

**MOTION TO MODIFY SENTENCE**

COMES NOW, the Defendant, by and through her undersigned Counsel, and **Florida Rule of Criminal Procedure, 3.800(c)** and moves this Honorable Court to enter an order modifying the sentence in the above styled case, and as grounds therefore would state as follows:

1. Florida Rule of Criminal Procedure allows the court to either sua sponte, or upon motion filed, to reduce or modify any of the provisions in a sentence.
2. The Defendant pled and was sentenced on August 15, 2016 to a term of probation on charges of Sexual Misconduct. This is a level one offense with total sentence points of 4.
3. The State did not agree to a withhold of adjudication on the matter, in large part because a psycho-sexual evaluation was not completed at the time of the plea, but the State did agree to remain silent and not to request an adjudication from the Court.
4. This is the first arrest for Mr. Taylor in his life. At the time of his arrest, he was working for the Brevard County Sheriff's Office in the women's Paws and Pals program. He developed a romantic relationship with an inmate Tiffany Kemper. This

was a consensual relationship that occurred while both parties worked together in the program. Both parties developed feelings for one another while working together in a casual non-traditional jail setting. Ms. Kemper did not obtain any benefits regarding her sentence from Mr. Taylor.

5. During the time that Mr. Taylor worked with the Sheriff's Office he was both Corrections Deputy of the Month and Year in 2013. He excelled at his job and had no other employment issues.
6. Immediately after being arrested Mr. Taylor entered into counseling for undiagnosed depression and has continued to treat through present time.
7. Mr. Taylor completed a psycho-sexual exam with Dr. Bowen on September 27, 2016. The report is forthcoming however the undersigned confirmed with Dr. Bowen that the report will state that Mr. Taylor is psychologically stable, with zero recommendations for any sexual offender counseling and that he is to continue with the current counseling he is receiving as needed and no further follow up with Dr. Bowen.
8. At the time of the plea Mr. Taylor remained silent to the Court on advice of counsel because of the large crowd of people in the courtroom. There were several interactions during the morning between Mr. Taylor, his wife and Ms. Kemper's friends which made the situation very uncomfortable and emotional for both Mr. Taylor and his wife. The letter attached is what Mr. Taylor wrote to read to the Court that morning. (see attached exhibit one)

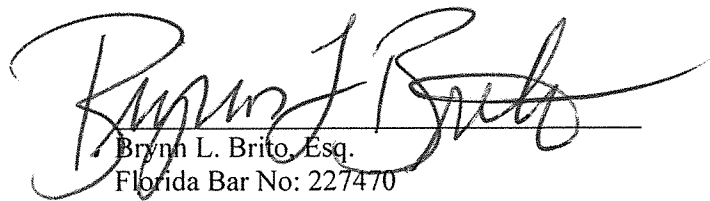
9. Mr. Taylor and his wife are in counseling and have been since the event. Their marriage is stronger than ever and they are keeping their family together. They have been a couple since high school and have two sons.
10. The charge was filed very late into the speedy trial calendar because the victim was unable to be found and did not want to participate. She was arrested in Marion County for DUI and drug possession after being released from the Brevard County Jail. She requested assistance from the State on her new charges since she was considered a victim.
11. In the negotiations it was very important that Mr. Taylor be allowed to seal his criminal record. In fact, the Court assisted both parties when there was a stalemate between the parties regarding the wording of how Mr. Taylor would give up his corrections license. The Court granted both sides time and suggested the State seek an opinion from the attorney general's office. The Defense protected his right to seal this event at the termination of the sentence.
12. Unfortunately, the Court adjudicated Mr. Taylor making him a convicted felon. He lost his job by the Friday of that week. He is the sole supporter for his family as his wife stays home to care for the children.
13. **It is this provision, and only this provision, that the Defense is asking the Court to modify.**
14. All indications in this case including the charge, the sentencing points, the victim's initial lack of participation, the lack of criminal record, the penalty of losing the Corrections License, his success while on current probation are all valid and reliable reasons for the Court to reconsider the sentence.

15. The Court is well aware of the long term consequences that occur when one is a convicted felon. As a result there are many times when parties agree to and the Court agrees to with hold the conviction in the hopes of rehabilitation over punishment. The Rule cited in this Motion allows the Court to take further reflection on the matter and make modifications it feels are necessary.
16. As part of his recovery from this process, the Defendant would like to return to school and needs to apply for government grants in order to pay for school. He will not be entitled to any money from any grants or scholarship money and possibly not be able to obtain education loans because he is a convicted felon.
17. Additionally the Defendant will not be able to have this charge sealed from his criminal record and with his lack of education he is having a hard time finding employment.
18. The plea was considered an open plea. It is within the jurisdiction of the court to modify the sentence to withhold adjudication.

**WHEREFORE**, the Defendant prays that this Honorable Court will grant this motion and enter an order Modifying the Sentence to a withhold of adjudication.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished, by electronic delivery, to the Office of the State Attorney Seventh Judicial Circuit and Eighteenth Judicial Circuit this 4 day of October 2016.



Brynn L. Brito, Esq.  
Florida Bar No: 227470

525 East Strawbridge Ave.  
Melbourne, FL 32901

Phone (321) 215-5366  
Fax: (321) 984-2411  
brynnlbrito@yahoo.com

I am so very sorry for what I have done. I have hurt so many people in my selfish act. God, my wife, my children, and my whole family has had to endure what I have put them through. I have betrayed their trust, and the community's trust. When I think about the act I committed, I loathe the man I had become, and I didn't recognize the person looking back at me in the mirror sometimes. I would say to myself "How could you, how could you do such a thing to your family, to the wife you promised to cherish, and to the children whom look up to you?" How could I have changed so much into a person that I no longer recognize?

I will not make excuses for what I did, I accept full responsibility for my actions. There is no excuse for what I did, and it sickens me to my soul to have even the memory of it. I was immediately remorseful when I was interrogated and couldn't lie any longer. It felt good to finally tell the truth, as it feels good now to tell you this.

This is the man I hope to become. A man who no longer lies, a man whose wife will be happy and proud of again, and a man who his children can look up to. I was once a beacon of light for those around me, I often counseled others on their problems, and gave hope to some who were hopeless. My life has been turned upside down since my selfish act, my marriage started to fall apart, and my former friends, most of them deputies, have abandoned me in my time of greatest need. My wife, Shannon, decided to stick by me, even after hearing the entire truth about my selfish act. I am thankful for her because I don't think I would have survived this ordeal without her.

When Shannon decided to stay with me is when reality hit. Going from an income as high as the one I had to an income that was zero was difficult enough, but with a pending felony on my background nobody wanted to hire me. I took employment where I could, the most difficult and humbling of which was when I worked on a farm for minimum wage scooping cow manure ten hours a day. The turning point for me came during a work shift on the farm, I was out in the field and decided that I needed help. I sought out a therapist to help me with my issues.

My time with Daniel has been a blessing for me. He has helped me identify so many things in my life that were wrong. I have applied techniques to my life that have helped me through this ordeal and I now even have Shannon going with me. My marriage has never been better as a result, and my life continued to move upward when I got a job working for a construction company. They gave me a chance to prove myself, and I had a newfound mentality to work hard and let people judge my character on their own instead of trying to prove it to them.

Another turning point for me was when I spoke to my pastor about what I was going through. He, along with many others in the community, heard about my actions via the news and press conferences. He urged me to go back to church and to let go of my burdens, but said it would take time. Since speaking to him, I have decided to devote myself to helping my church and the community and spending more quality time with my family.

My passions now are teaching my two year old things, and helping my one year old learn how to walk. I love watching them interact with each other, or separately with the world around them. It was things like these that before this ordeal, I never cared about. I was missing out on life, and I didn't even realize it.

I'm not telling you this to pull remorse out of you. I am informing you of my progress, and how changed I have become. I still have a lot of growing to do, and a lot of proving myself to others. My selfish actions, and the ensuing news articles have tainted my character in the community to the point where I may never be able to have a normal life here. My entire life has been defined by one moment of weakness, and everywhere I go I have been judged by people who used to call themselves friends.

No, I'm not telling you this to pull remorse out of you, I am telling you this to beg for mercy. I have faced punishment. Every day I look into my wife's eyes has been a punishment, every Sunday at church where I still get looks of judgement from the good people there is punishment. Every day that I go to work in the Florida heat is punishment. I am trying so very hard to turn my life around, and all I ask for is a second chance to prove myself, a second chance to prove that I am a better man than I have been, and a second chance for my family's future.

Thank you.