

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

CASE NO: 05-2018-CF-010385-AXXX-XX

STATE OF FLORIDA,
Plaintiff,

v.

STEPHEN THOMAS NORMAN,
Defendant.

ORDER DENYING STATE'S MOTION TO CORRECT ILLEGAL SENTENCE
or in the alternative STATE'S MOTION TO MODIFY/CORRECT SENTENCE

THIS CAUSE came before the Court on the State's Motion to Correct Illegal Sentence or in the alternative Motion to Modify/Correct Sentence filed June 11, 2021, pursuant to Fla. R. Crim. Proc. 3.800(a), (b) and (c) and Fla. Stat. §948.30. Based on a review of the State's motion, the official Court file, and being otherwise fully advised in the premises, the Court makes the following findings of fact and conclusions of law:

a. The Defendant was charged with ten counts of Possession of Material Depicting Sexual Conduct by a Child, in violation of Florida Statute §827.071(5). (See Exhibit A – Information). On April 20, 2021, the Defendant entered into a plea agreement with the State. (See Exhibit B – Plea Agreement). On the same date, the Defendant was sentenced to two years of community control, followed by ten years of sex offender probation; the Defendant is a designated sex offender under Florida Statute §943.0435. (See Exhibit C – Judgment and Sentence).

b. On April 28, 2021, the Defendant filed a Motion to Clarify Condition of Probation as Applied to Defendant's Place of Residence. (See Exhibit D – Motion, without exhibits). The motion asserts Defendant was having a problem with probation because he lives within 1,000 feet of a park known as Riverwalk Park. The Defendant argues because children do

not regularly congregate at Riverwalk Park, the condition of probation prohibiting the Defendant from living "within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court" does not apply to the Defendant's place of residence; thus, the Defendant is permitted to remain in his residence.

c. During the May 13, 2021, hearing on the motion, the Defendant cited Brevard County Ordinance 74-102 and argued that the Defendant established his permanent residence in the specific dwelling in question prior to the effective date of the ordinance. The Defendant further argued that the park was established after the Defendant established his permanent residence; therefore, the ordinance's prohibition of sexual offenders residing within 1,000 feet of a park does not apply to the Defendant. Additionally, the Defendant argued that Florida Statute §775.215(1)(b) defines a park as all public and private property specifically designated as being used for recreational purposes and where children regularly congregate, and Riverwalk Park is not a place where children regularly congregate because there is no playground or gymnasium, only a boardwalk and pavilion.

The Defendant testified during the hearing and stated that he worked for Brevard County Parks & Recreation from 1975 to approximately 2004. The Defendant stated Riverwalk Park includes a boardwalk only and that, to his knowledge, it is not a place where children regularly congregate. The State did not ask any questions of the Defendant.

The State acknowledged that the Defendant cited the statutes correctly and if the Defendant provides the Court with evidence that children do not regularly congregate at Riverwalk Park, the Court can determine that Riverwalk Park is not a park under the statute. Further, the State did not object to the Court taking judicial notice of the Brevard County government's website page that describes Riverwalk Park as not including any playgrounds,

athletic facilities, gymnasium, bicycle roadways, camping features, community centers, picnic shelters/areas, fishing areas, or boat ramps. The website pages states Riverwalk Park is open Tuesday through Friday from 9:00 a.m. to 6:00 p.m. and on Saturday from 10:00 a.m. to 2:00 p.m., and the park has a gated entrance directly off Highway US-1.

d. The Court entered an order granting Defendant's motion on May 21, 2021. (See Exhibit E – Order, without exhibits). The Court found that Riverwalk Park does not meet the definition of a park under the Florida Statute §775.215(1)(b) because it is not a park where children regularly congregate. Additionally, the Court found that the Defendant was not subject to the provisions of Brevard County Ordinance 74-102 as the Defendant resided in his residence prior to the establishment of Riverwalk Park. Therefore, the Defendant may reside at his residence.

e. On May 28, 2021, the Court received "State's Motion for Reconsideration on Defendant's Motion to Clarify condition (sic) of Probation as Applied (sic) to Defendant's Place of Residence" which the Court filed with the Clerk of Court on June 9, 2021. On June 2, 2021, the State filed an almost identical version of the motion. (See Exhibit F - Motions). On June 1, 2021, the Court entered an "Order Granting in Part and Denying in Part State's Motion for Reconsideration and Amended Order Granting Motion to Clarify Condition of Probation as Applied to the Defendant's Place of Residence." (See Exhibit G – Order, without exhibits). The Court denied the State's request that the Court reconsider its order based on insufficient time being afforded to the parties to challenge information the Court took notice of on its own motion. However, the Court granted the State's motion for reconsideration as it related to laws not presented at the time of the hearing that contradict express findings by the Court. After considering the laws presented in the motion, the Court again found that Riverwalk Park does not

meet the definition of a park under the statute as it is not a place where children regularly congregate. Therefore, the Court again granted the Defendant's Motion to Clarify Condition of Probation as it Relates to Defendant's Residence, and found the Defendant may return to, and to continue to reside, at his residence, provided there are no other prohibitions.

f. On June 11, 2021, the State filed the current Motion to Correct Illegal Sentence or in the alternative Motion to Modify/Correct Sentence; the motion was filed pursuant to Fla. R. Crim. Pro 3.800(a)(b)(c) and Florida Statute §948.30. The State asserts that by permitting the Defendant to continue to reside at his residence, which is within 1000 feet of Riverwalk Park, the Court erred in removing a mandatory probation condition pursuant to 948.30(1)(b). The State cites to several cases and asserts that case law is clear that the sex offender conditions are mandatory and cannot be deleted or modified by the court. Thus, the State contends that the Defendant's sentence is illegal because case law has held that a sex offender condition cannot be deleted for an enumerated offense pursuant to Florida Statute §948.30 and a trial court has no authority to delete a mandated condition of sex offender probation. The State asks that the Court include the 1000 feet prohibition in the Defendant's sentence, or that the Court correct or modify the Defendant's probation to include Florida Statute §948.30(1)(b).

g. Correction, reduction or modification of sentences is permitted by the rules of criminal procedure as follows: (1) a trial court, at any time, may correct an illegal sentence it imposed; (2) the defendant or the state may file a motion to correct a sentencing error, including an illegal sentence, if it benefits the defendant or to correct a scrivener's error; and (3) a trial court may reduce or modify a legal sentence. Fla. R. Crim P. 3.800 (a-c).

It is unclear why the State included subdivision 3.800(b) in the current motion, as the rule clearly states that a motion to correct sentencing error may be filed by the state under this

subdivision only if the correction of the sentencing error would benefit the defendant or to correct a scrivener's error. Thus, this subdivision is inapplicable to the current motion and the Court will address the motion under subdivisions 3.800(a) and (c).

Rule 3.800(a) states the Court can correct an illegal sentence at any time; the State argues the Defendant's sentence is illegal because the Court removed a mandatory probation condition. However, the Court did not remove the mandatory condition of probation from the Defendant's sentence; the Defendant's probation conditions state that the Defendant cannot live within 1000 feet of a park. Rather, the Court found that Riverwalk Park did not meet the definition of a park because children do not regularly congregate at Riverwalk Park; thus, permitting the Defendant to remain in his residence. Therefore, the State's motion to correct illegal sentence pursuant to Rule 3.800(a) is denied as the Court did not remove a mandatory condition of probation from the Defendant's sentence.

Rule 3.800(c) states the Court can reduce or modify a legal sentence. The State asserts the Court "needs to correct or modify the Defendant's probation to include Fla. Stat. 948.30(1)(b)." Again, the Defendant's probation does include the mandatory conditions found in Florida Statute §948.30, and the Defendant's sentence does not need to be modified to include the mandatory probation conditions. The Court did not delete the condition that the Defendant is prohibited from residing within 1000 feet from a park; the Court found that Riverwalk Park is not a park under the definition found in Florida Statute §775.215(1)(b) because it is not a park where children regularly congregate. Therefore, the State's motion to modify/correct pursuant to Rule 3.800(c) is denied.

Accordingly, it is **ORDERED AND ADJUDGED:**

The State's Motion to Correct Illegal Sentence or in the alternative Motion to
Modify/Correct Sentence is **DENIED**.

DONE AND ORDERED in Viera, Brevard County, Florida, this 28 day of July,
2021.



STEVE HENDERSON
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was furnished to the Office of the State
Attorney, 2725 Judge Fran Jamieson Way, Viera, FL, 32940, BrevFelony@sa18.org; and to
Michael Bross, 997 S. Wickham Rd., Melbourne, FL 32904, michaelbross@brosslawoffice.com,
chrissy@brosslawoffice.com, this 28th day of July, 2021.



Judicial Assistant
Eighteenth Judicial Circuit
2825 Judge Fran Jamieson Way
Viera, Florida 32940

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

STATE OF FLORIDA

NO CAPIAS

VS.

STEPHEN THOMAS NORMAN
_____ /

CASE NUMBER: 052018CF010385AXXXXX
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INFORMATION

- COUNT 1: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 2: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 3: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 4: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 5: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 6: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 7: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 8: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 9: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)
- COUNT 10: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2) 827.071(5)

IN THE NAME AND BY AUTHORITY OF THE STATE OF FLORIDA, PHIL ARCHER, STATE ATTORNEY, THROUGH THE UNDERSIGNED DESIGNATED ASSISTANT STATE ATTORNEY, CHARGES THAT:

Exhibit "A"

COUNT 1: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: DCIM_1095.jpg, HASH VALUE: 43c6f81e4926d4d23eda826138368be5eaf1642c, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

COUNT 2: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (38).jpg, HASH VALUE: 7b2db3b445725983021b4c8a2aca765ac61d600d, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

COUNT 3: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (51).jpg, HASH VALUE: 2fa6a3af3518b6d75868e81b7b8c4a859aa21629, image containing sexual battery involving a child, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

COUNT 4: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (52).jpg, HASH VALUE: 4aeef794717d2aa7941d7a7d7fd3b318ba137b8, image containing sexual battery involving a child, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

COUNT 5: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (53).jpg, HASH VALUE: f890f2a4609857318956af3a3d79e7622850128e, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

COUNT 6: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (54).jpg, HASH VALUE: 363646a7650a54fcac0dcdd89134f27a1bcc8a3d, image containing sexual battery involving a child, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

COUNT 7: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (68).jpg, HASH VALUE: b859b56937a30238cf0ecbce4246c5bc310adf89, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

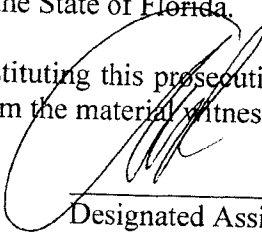
COUNT 8: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (70).jpg, HASH VALUE: 417761a6e822cf390e5ebfadd780eec48f5a209c, image containing sexual battery involving a child, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

COUNT 9: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (72).jpg, HASH VALUE: b26f91d2ce44f781e556aa8a938707f794a0084b, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

COUNT 10: IN THE COUNTY OF BREVARD, STATE OF FLORIDA, on or between February 1, 2017 and November 3, 2017, STEPHEN THOMAS NORMAN, did knowingly possess control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, to wit: download (76).jpg, HASH VALUE: fb0d428a21f56e9dccc3704d4b31f64a7011e7b0, image containing sexual battery involving a child, which, in whole or in part, STEPHEN THOMAS NORMAN knew to include sexual conduct by a child, to wit: actual or simulated sexual intercourse, deviate sexual intercourse, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, or if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed, contrary to Section 827.071(5), 775.0847, Florida Statutes,

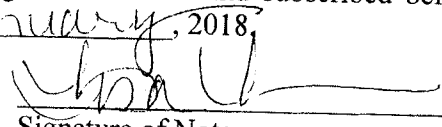
AND against the peace and dignity of the State of Florida.

I hereby state under oath that I am instituting this prosecution in good faith, and I certify that I have received testimony under oath from the material witness or witnesses for the offense(s).



Designated Assistant State Attorney
Eighteenth Judicial Circuit
Florida Bar No. 0468533

Personally appeared before me, Designated Assistant State Attorney ANDREW CHOISSER, who is personally known to me, who being first duly sworn, says that this prosecution is instituted in good faith, and certifies that testimony under oath has been received from the material witness or witnesses for the offense(s), and says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true and which, if true, would constitute the offense(s) therein charged. Sworn to and subscribed before me in Brevard County, Florida, this 23rd day of January, 2018.



Signature of Notary



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

STATE OF FLORIDA,

CASE NO.: 052018CF010385AXXXXX

vs.

STEPHEN THOMAS NORMAN
Defendant.

FILED IN OPEN COURT
This 20 day of April A.D. 21
Time: 3:20

By H. Edwards D.C.

PLEA OFFER

The undersigned defendant withdraws the previously entered plea(s) of not guilty and tenders a plea of guilty, () no contest as follows:

Offenses:

- | | Maximum Sentence |
|--|------------------|
| COUNT 1: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2)
827.071(5) | |
| COUNT 2: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2)
827.071(5) | |
| COUNT 3: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2)
827.071(5) | |
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827.071(5) | |
| COUNT 10: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2)
827.071(5) | |

The State of Florida and I have agreed upon the following sentence to be imposed as a condition of this plea-Sentence:

- \$ 100.00 Prosecution Costs, (Minimum of \$100 Felony/\$50 Misdemeanor)
- \$ 444.00 Investigative Costs to Brevard County Sheriff's Office

COUNT 1-10: POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F2)
827.071(5)

Adjudication of Guilt, Court Costs, Cost of Prosecution, Cost of Investigation, 2 years Community Control followed by 10 years Sex Offender Probation with all standard conditions and special conditions as indicated below. (concurrent on all counts)

I understand that if I am not a United States Citizen, entry of this plea may subject me to deportation by the United States Immigration Service.

I understand that probation may be part of my sentence unless specifically excluded by this agreement.

I understand that if probation is a part of my sentence, the Court may impose conditions of probation authorized by law and, unless conditions are specifically attached hereto, those conditions are by this agreement left to the discretion of the Court. I further understand that statutory costs may be imposed as part of my sentence unless those costs are waived by the Court.

I understand that if probation is a part of my sentence, unless excluded by this agreement, the Court may impose a term of imprisonment in the County Jail as a condition of probation or community control up to 364 days.

Case # 05-2018-CF-010385-AXXX-XX

Defendant Initials STN

Exhibit "B"

I understand that I have the right to plead not guilty and to be tried by a jury with the assistance of counsel; the right to compel attendance of witnesses on my behalf; the right to confront and cross examine witnesses against me; the right to present defenses to the jury; and the right not to take the stand and testify; I waive those rights by entering this plea.

I understand that if I enter a plea without reserving the right to appeal, I will give up my right to appeal all matters relating to the judgment, including the issue of guilt or innocence, except for the limited review available by collateral attack.

I understand that I may be asked questions by the Court under oath about this plea and that my answers may be used against me later in a prosecution for perjury.

I enter this plea freely and voluntarily. No person has threatened or coerced me into entering this plea. No person has made any promises to me that induced me to enter this plea, except those matters specifically set forth in this plea agreement.

My lawyer has reviewed all evidence disclosed through discovery, and has discussed the nature of that evidence with me, including the existence of any physical evidence for which DNA testing might exonerate me. I am satisfied with the representation my lawyer has given me and I have fully discussed my case and the contents of this agreement with my lawyer.

There have been no promises made to me by anyone regarding how many points I will score on my sentencing scoresheet.

I have fully discussed my case with my lawyer and I am satisfied with the representation my lawyer has given me. I fully understand the nature of the charges against me.

I am in good physical and mental health and I am not under the influence of alcohol or any drug at this time.

If I plead guilty or nolo contendere, and the offense to which I am pleading is a sexually violent offense or a sexually motivated offense, or if I have been previously convicted of such an offense, the plea may subject me to involuntary civil commitment as a sexually violent predator upon completion of my prison or jail sentence. It shall not be necessary for the trial judge to determine whether the present or prior offenses were sexually motivated in this respect, as this admonition shall be given to all defendants in all cases.

I hereby waive my right to a speedy trial.

I acknowledge that, if part of this plea agreement includes my release or my continued release on recognizance, then this portion of the plea agreement is conditioned upon the following:

- (1) I must appear at the probation office at 801 Dixon Blvd., Suite 1104 Cocoa, FL 32922, (321) 634-3570, and schedule a presentence investigation not later than the first business day following the entry of my plea.
- (2) I must obey the order of the court requiring me to undergo drug or alcohol screening or for other evaluation if such an order has been made in my case.
- (3) I must appear on time for all appointments with the assigned probation officer and not be under the influence of any illegal drugs or alcohol.
- (4) I must appear in court on time for sentencing and not be under the influence of any illegal drugs or alcohol.
- (5) I must have no contact, either direct or indirect, with the victim.
- (6) I must not be arrested for a violation of any criminal law. If sufficient evidence is found to support my arrest by a preponderance of the evidence, the arrest will constitute a violation of this plea agreement. *See Neeld v. State*, 977 So.2d 740 (2008).

I realize that this agreement is subject to being accepted or rejected by the Court, and if it is rejected for any reason other than for a breach of this agreement, I may withdraw my plea and go to trial.

The following conditions shall also apply. (See Attached)


I understand and agree that if I fail to comply with any of the conditions set forth below I will have breached my plea agreement. In that event I will not be allowed to withdraw my plea and the Court may sentence me to any sentence authorized by law for the offense(s) to which I have pled, including the statutory maximum penalty for each crime to which I have pled under this document.

Defendant Initials

STN

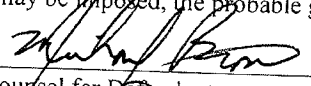
SWORN TO, SIGNED AND FILED IN
OPEN COURT, IN MY PRESENCE
THIS 20 DAY OF April, 2021.


STEPHEN THOMAS NORMAN
04/04/1949


Circuit Court Judge


CERTIFICATE OF DEFENSE ATTORNEY

I certify that I have fully discussed this case and this plea agreement with the defendant including the nature of the charges, their elements, the evidence of which I am aware, including physical evidence for which DNA testing may exonerate the defendant, any possible defenses, the maximum and minimum penalties which may be imposed, the probable guideline range and the defendant's right to appeal.

 0597610
Counsel for Defendant

CERTIFICATE OF PROSECUTION

The State accepts and recommends to the Court the terms of this agreement.


DONAVAN WAGNER
Assistant State Attorney

Defendant Initials STN

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 \$_____ 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 Brevard 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 801 Dixon Blvd., Suite 1104, Cocoa, FL 32922 (321) 634-3570.

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:
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.

Defendant Initials STN

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 month 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. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$_____ per month for the cost of the electronic monitoring service.
24. Other: You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.

Defendant Initials

STN

- 25. A: A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising office. **See Fla. Statute 948.30(4)**
 - B A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court. **See Fla. Statute 948.30(4)**
 - C A prohibition from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services. **See Fla. Statute 948.30(4)**

- 26. A: You will have no unsupervised contact with a child under the age of 18 unless supervised by the child's parent or legal guardian, or by a court order.
 - B: You will not reside or stay overnight in any accommodation where a child under the age of 18 is residing or spending the night.

 - D: Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
~~E:~~ If the victim was under 18, a prohibition on living within 1,000 feet of a designated public school bus stop.

- 27. A: You must undergo and complete a psychological evaluation, including a psycho-sexual evaluation, with a therapist approved by Probation and Parole within thirty (30) days of release and to successfully complete all recommended treatment.
 - E: You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication(s) is/are reviewable upon request by Probation & Parole, and you will consent and/or sign any waiver/consent form(s) to obtain said records from internet service provider or provider of electronic communication services, if necessary and requested of you.
 - F: You will submit to a warrantless search by Probation and Parole of your person, residence, vehicle, computer, and/or electronic media/communication equipment.
 - G: You are prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to your deviant behavior pattern.

- 28. Other: _____

COMMUNITY CONTROL & DRUG OFFENDER CONDITIONS

- (ADDENDUM - Condition for Community Control):
You will remain confined to your approved residence under house arrest except for thirty (30) minutes before and thirty (30) minutes after any approved employment, public service work or other special activities approved in advance by your Community Control Officer. Approval to be away from your residence will be given only for things involving necessities of life such as work, doctor and dental appointments, grocery shopping, laundry, church, etc. You will not be allowed to leave for any recreational or pleasure activities. Approval to be away from your residence must be obtained prior to leaving. If you leave without permission and then report your absence, it is still a violation. Any authorization given you to go to work, to the doctor, etc., means that you must travel directly there and directly back to your residence. You may not make any stops along the way unless approved in advance by your Community Control Officer.
Your "residence" means: (a) if a house, the boundaries of your yard. You cannot go across the street or to a house next door to visit; (b) if a mobile home, the boundaries of the lot; (c) if an apartment, the boundary is the apartment walls of your apartment and any porch, portico or balcony. You may not use the amenities (swimming pool, tennis courts, etc.) nor the Laundromat in the complex without getting the prior consent of your Community Control Officer.

- (BOTH-DRUG OFFENDER #32) The Court retains custody over your person and authorizes any officer to search you at any time and search all vehicles and premises concerning which you have legal standing to give consent to search.

- (BOTH-DRUG OFFENDER #33) You will submit to urinalysis, breathalyzer or blood test at any time requested by your
Defendant Initials STW

officer, or by the professional staff of any treatment center where you are receiving treatment, to determine the presence or use of alcohol or controlled substances at your expense.

- (BOTH-DRUG OFFENDER #34)** You will not use or possess marijuana, cocaine, or other controlled substances of any kind (except upon prescription of a fully licensed medical doctor), nor associate with persons illegally possessing controlled substances. You will possess no controlled substances paraphernalia, such as cigarette papers, bong pipes, roach clips, hypodermics, etc.
- (BOTH-DRUG OFFENDER #35)** As directed by your Officer, you will enroll in, regularly attend, and successfully complete such programs as are reasonably related to your past and future criminality, or to the rehabilitative purposes of probation; including but not limited to alcohol and drug treatment and counseling, mental health counseling, vocation and educational courses, rehabilitation programs, evaluation and therapy.
- (PROB-DRUG OFFENDER #14)** You will participate in a specialized drug treatment program, either as an in-patient, or as recommended by the treatment provider. You will attend all counseling sessions, submit to random urinalysis and, if an in-patient, you will comply with all operating rules, regulations, and procedures of the treatment facility. You will pay for all costs associated with the treatment and testing unless otherwise directed. Additional instructions ordered:

THE FOLLOWING ARE:

- STANDARD SEX OFFENSE CONDITIONS** (Clerk: includes banner, numbers 14-30) or
- SPECIAL SEX OFFENSE CONDITIONS** (must be orally pronounced by the court for non-sex case, numbers 31-47)

- (31) A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- (32) ~~If the victim was under the age of 18,~~ a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- (33) Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- (34) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.
- (35) A prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- (36) A prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.

Defendant Initials

STN

(39) A requirement that the offender make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

(40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.

(41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.

(42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

(43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

(44) If there was sexual contact, a submission to, at the offender's expense, an HIV test with the results to be released to the victim and/or the victim's parent or guardian.

(45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.


(46) **Effective for an offender whose crime was committed on or after July 1, 2005, and who are placed on supervision for violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145**, a prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.

(47) **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.

Defendant Initials 

Reserved for Recording

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

___ Probation Violator ___ Community Control Violator ___ Retrial ___ Resentence

STATE OF FLORIDA

Case Number: 05-2018-CF-010385-AXXX-XX

vs.

Filed in Open Court on April 20, 2021 2:44 pm.

STEPHEN THOMAS NORMAN

H Edwards, Deputy Clerk



33332078

JUDGMENT/ORDER OF PROBATION/ORDER OF COMMUNITY CONTROL

Court was opened with the Honorable STEVE HENDERSON presiding, and in attendance: State Attorney: DONAVAN WAGNER; Trial Clerk H Edwards. The Defendant, STEPHEN THOMAS NORMAN, being personally before this Court represented by A MICHAEL BROSS, the attorney of record, and said Defendant having entered a plea of guilty to the following crime(s):

OBTS Number(s): 0501367027			
Count	Crime	Offense Statute Number	Degree
1	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
2	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
3	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
4	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
5	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
6	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
7	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
8	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
9	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2
10	POSS MATERIAL RE SEXUAL CONDUCT BY CHILD RECLASS	827..071(.5)	F2

X and no cause being shown why the Defendant should not be adjudicated guilty, it is ordered that the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).




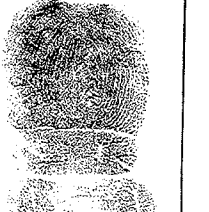
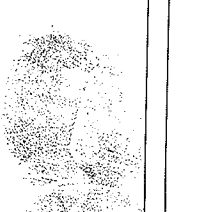



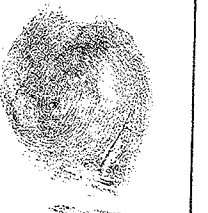
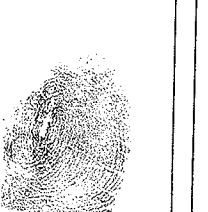
X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.

DONE AND ORDERED in open court at Brevard County, Florida, on April 20, 2021.

STEVE HENDERSON, Circuit Judge

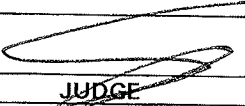
Exhibit "C"

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FLORIDA <input type="checkbox"/> IN THE COUNTY COURT, BREVARD COUNTY, FLORIDA	CASE NUMBER 05-20-18-F-10385-AXXX-XX
FINGERPRINTS OF DEFENDANT OBTS NUMBER _____	FILED IN OPEN COURT This _____ day of _____, 20____, at _____ M.
PLAINTIFF STATE OF FLORIDA vs	CLERK OF COURTS BY _____ DC
<i>Stephen Thomas Norman</i>	

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
				

Fingerprints taken by: V. Villafane #068 Deputy
(name) (title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, Stephen Thomas Norman, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED BREVARD COUNTY, FLORIDA	 JUDGE	DATE <i>April 20, 2018</i>
PAGE _____ OF _____		

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Rev. 07/2008

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

STATE OF FLORIDA

Case Number: 05-2018-CF-010385-AXXX-XX

vs.

OBTs Number(s): 0501367027

STEPHEN THOMAS NORMAN

SENTENCE

The Defendant, STEPHEN THOMAS NORMAN, being personally before this Court, accompanied by the Defendant's attorney of record, A MICHAEL BROSS, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the Defendant should not be sentenced as provided by law, and no cause being shown

It is the sentence of the Court that:

(as to Count 1)

- X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.
- X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

(as to Count 2)

- X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.
- X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

(as to Count 3)

- X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.
- X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

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Defendant: STEPHEN THOMAS NORMAN
OBTS Number(s): 0501367027

Case Number: 05-2018-CF-010385-AXXX-XX

(as to Count 4)

- X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.
- X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

(as to Count 5)

- X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.
- X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

(as to Count 6)

- X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.
- X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

(as to Count 7)

- X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.
- X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

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Defendant: STEPHEN THOMAS NORMAN
OBTS Number(s): 0501367027

Case Number: 05-2018-CF-010385-AXXX-XX

(as to Count 8)

X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.

X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

(as to Count 9)

X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.

X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

(as to Count 10)

X And being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.

X The Defendant is placed on sex offender community control for a period of two (2) years under the supervision of the Department of Corrections, to be followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections, according to the terms and conditions of supervision set forth in a separate order entered herein.

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

STATE OF FLORIDA,
Plaintiff

Case Number: 05-2018-CF-010385-AXXX-XX

vs.

STEPHEN THOMAS NORMAN,
Defendant

ORDER OF COMMUNITY CONTROL AND PROBATION

- Community Control The court hereby stays and withholds the imposition of sentence as to count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and places the defendant on community control for a period of two (2) years under the supervision of the Department of Corrections (conditions of community control set forth in this order).
- Followed by Probation Followed by sex offender probation for a period of ten (10) years under the supervision of the Department of Corrections as to count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (conditions of probation set forth in this order).
- Concurrent /
Consecutive Said sentence shall run concurrent with any active sentence and all counts in this Judgment.

Reserved for Recording

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

STATE OF FLORIDA,
Plaintiff

Case Number: 05-2018-CF-010385-AXXX-XX

vs.

STEPHEN THOMAS NORMAN,
Defendant

STANDARD CONDITIONS OF COMMUNITY CONTROL AND PROBATION

It is further ordered that the defendant comply with the following standard conditions and sanctions of community control / probation:

1. (01) Not later than the fifth day of each month, you will make a full and truthful report to your officer on the form provided for that purpose.
2. Cost of supervision fees are waived.
3. (03) You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
4. (04) 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. (05) You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation of law to constitute a violation of your community control.
6. (05) You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation of law to constitute a violation of your probation.
7. (06) You will not associate with any person engaged in any criminal activity.
8. (07) 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.
9. (08) You will work diligently at a lawful occupation, advise your employer of your community control status, and support any dependents to the best of your ability as directed by your officer.
10. (08) 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.
11. (09) 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.
12. (10) You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with attached orders.
13. (10) You will report to your officer at least 4 times a week, or, if unemployed full time, daily.
14. (12) You shall submit to the drawing of blood or other biological specimens as required by s. 943.325, Florida Statutes.
15. (12) You will remain confined to your approved residence except for one half hour before and after your approved employment, public service work, or any other special activities approved by your officer.
16. (13) You shall submit to the taking of a digitized photograph as required by s. 948.03, Florida Statutes.
17. (13) You will pay restitution, costs, and/or other fees in accordance with the attached orders.
18. (13a) You shall pay a related cost of \$1.00 for each month of your probationary term. The amount due, up to \$60.00, shall be paid within the first ninety (90) days after the beginning of your probationary sentence. Further, payments, if any, shall be paid in accordance with a schedule to be established by your officer, if the offender agrees, or the Court.

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19. (14) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
20. (14) You will report in person within 72 hours of your release from incarceration to the Probation Office in Brevard County, Florida, unless otherwise instructed by the court or department. (This condition applies only if released from the Department of Corrections confinement.) Otherwise, you must report immediately to the probation office located at:
21. (14) You will report in person within 72 hours of your release from incarceration to the Probation Office in Brevard County, Florida, unless otherwise instructed by the court or department. (This condition applies only if released from the Department of Corrections confinement.) Otherwise, you must report immediately to the probation office located at: 1060 W. King Street, Cocoa, FL 32922
22. (15) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
23. (15) You shall submit to the drawing of blood or other biological specimens as required by s. 943.325, Florida Statutes.
24. (16) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
25. (16) You shall submit to the taking of a digitized photograph as required by s. 948.101, Florida Statutes.
26. (17) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.
27. (18) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
28. (19) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
29. (20) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
30. (21) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
31. (22) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: A requirement that the offender make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.
32. (23) IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0135(5), COMMITTED ON OR AFTER OCTOBER 1, 1995: Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.

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33. (24) EFFECTIVE FOR PROBATIONER OR COMMUNITY CONTROLLEE WHOSE CRIME WAS COMMITTED ON OR AFTER OCTOBER 1, 1997, AND WHO IS PLACED ON COMMUNITY CONTROL OR SEX OFFENDER PROBATION FOR A VIOLATION OF CHAPTER 794, s. 800.04, s. 827.071, s. 847.0135(5) or s. 847.0145: As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
34. (25) EFFECTIVE FOR PROBATIONER OR COMMUNITY CONTROLLEE WHOSE CRIME WAS COMMITTED ON OR AFTER OCTOBER 1, 1997, AND WHO IS PLACED ON COMMUNITY CONTROL OR SEX OFFENDER PROBATION FOR A VIOLATION OF CHAPTER 794, s. 800.04, s. 827.071, s. 847.0135(5) or s. 847.0145: Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
35. (26) EFFECTIVE FOR PROBATIONER OR COMMUNITY CONTROLLEE WHOSE CRIME WAS COMMITTED ON OR AFTER OCTOBER 1, 1997, AND WHO IS PLACED ON COMMUNITY CONTROL OR SEX OFFENDER PROBATION FOR A VIOLATION OF CHAPTER 794, s. 800.04, s. 827.071, s. 847.0135(5) or s. 847.0145: A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
36. (27) EFFECTIVE FOR PROBATIONER OR COMMUNITY CONTROLLEE WHOSE CRIME WAS COMMITTED ON OR AFTER OCTOBER 1, 1997, AND WHO IS PLACED ON COMMUNITY CONTROL OR SEX OFFENDER PROBATION FOR A VIOLATION OF CHAPTER 794, s. 800.04, s. 827.071, s. 847.0135(5) or s. 847.0145: If there was sexual contact, a submission to, at the offender's expense, an HIV test with the results to be released to the victim and/or the victim's parent or guardian.
37. (28) EFFECTIVE FOR PROBATIONER OR COMMUNITY CONTROLLEE WHOSE CRIME WAS COMMITTED ON OR AFTER OCTOBER 1, 1997, AND WHO IS PLACED ON COMMUNITY CONTROL OR SEX OFFENDER PROBATION FOR A VIOLATION OF CHAPTER 794, s. 800.04, s. 827.071, s. 847.0135(5) or s. 847.0145: Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
38. (29) Effective for an offender whose crime was committed on or after July 1, 2005, and who are placed on supervision for violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, a prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
39. (30) 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.

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

STATE OF FLORIDA

Case Number: 05-2018-CF-010385-AXXX-XX

vs.

STEPHEN THOMAS NORMAN

SPECIAL CONDITIONS OF COMMUNITY CONTROL AND PROBATION

And it is further ordered that the defendant comply with the following special conditions of community control / probation.

(as to Count 1)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other: DEFENDANT MAY SEEK EARLY CONVERSION OF COMMUNITY CONTROL AND EARLY TERMINATION OF PROBATION AS ALLOWED BY STATUTE.
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers
- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

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- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- q. (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- r. (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
- s. (46) A prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
- u. ADDENDUM Condition of Community Control: You will remain confined to your approved residence under house arrest except for 1 HOUR before and 1 HOUR after any approved employment, public service work or other special activities approved in advance by your Community Control officer. Approval to be away from your residence will be given only for things involving necessities of life such as work, doctor and dental appointments, grocery shopping, laundry, church, etc. You will not be allowed to leave for any recreational or pleasure activities. Approval to be away from your residence must be obtained prior to leaving. If you leave without permission and then report your absence, it is still a violation. Any authorization given you to go to work, to the doctor, etc., means that you must travel directly there and directly back to your residence. You may not make any stops along the way unless approved in advance by your Community Control Officer. Your "residence" means: (a) if a house, the boundaries of your yard. You cannot go across the street to the house next door to visit; (b) if a mobile home, the boundaries of the lot; (c) if an apartment, the boundary is the apartment walls of your apartment and any porch, portico or balcony. You may not use the amenities (swimming pool, tennis courts, etc.) nor the laundromat in the complex without getting the prior consent of your Community Control Officer.
- v. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the Court at the recommendation of the Department of Corrections.
- w. No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.
- x. Other: You (the probationer or community controllee) will undergo an evaluation, at your own expense, by a qualified practitioner to determine whether the probationer or community controllee needs sexual offender treatment. If sexual offender treatment is recommended, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s.948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s.943.0435(1)(a)(1)(a)(1).
- y. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- z. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.
- aa. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

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- bb. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 2)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers
- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- q. (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- r. (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.

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- s. (46) A prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
- u. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the Court at the recommendation of the Department of Corrections.
- v. No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.
- w. Other: You (the probationer or community controllee) will undergo an evaluation, at your own expense, by a qualified practitioner to determine whether the probationer or community controllee needs sexual offender treatment. If sexual offender treatment is recommended, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s.948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s.943.0435(1)(a)(1)(a)(1).
- x. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- y. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.
- z. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 3)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers

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- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- q. (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- r. (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
- s. (46) A prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
- u. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the Court at the recommendation of the Department of Corrections.
- v. No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.
- w. Other: You (the probationer or community controllee) will undergo an evaluation, at your own expense, by a qualified practitioner to determine whether the probationer or community controllee needs sexual offender treatment. If sexual offender treatment is recommended, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s.948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s.943.0435(1)(a)(1)(a)(1).
- x. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- y. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

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- z. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or proceedings Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 4)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers
- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- q. (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

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- r. (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
- s. (46) A prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
- u. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the Court at the recommendation of the Department of Corrections.
- v. No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.
- w. Other: You (the probationer or community controllee) will undergo an evaluation, at your own expense, by a qualified practitioner to determine whether the probationer or community controllee needs sexual offender treatment. If sexual offender treatment is recommended, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s.948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s.943.0435(1)(a)(1)(a)(1).
- x. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- y. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.
- z. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children. on or preceeding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or proceedings Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 5)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers

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- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- q. (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- r. (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
- s. (46) A prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
- u. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the Court at the recommendation of the Department of Corrections.
- v. No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.
- w. Other: You (the probationer or community controllee) will undergo an evaluation, at your own expense, by a qualified practitioner to determine whether the probationer or community controllee needs sexual offender treatment. If sexual offender treatment is recommended, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s.948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s.943.0435(1)(a)(1)(a)(1).
- x. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- y. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

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- z. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceeding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or proceedings Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 6)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers
- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevent to the offender's deviant behavior pattern.
- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinaton to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- q. (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

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- r. (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
- s. (46) A prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
- u. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the Court at the recommendation of the Department of Corrections.
- v. No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.
- w. Other: You (the probationer or community controllee) will undergo an evaluation, at your own expense, by a qualified practitioner to determine whether the probationer or community controllee needs sexual offender treatment. If sexual offender treatment is recommended, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s.948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s.943.0435(1)(a)(1)(a)(1).
- x. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- y. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.
- z. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 7)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers

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- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- q. (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- r. (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
- s. (46) A prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
- u. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the Court at the recommendation of the Department of Corrections.
- v. No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.
- w. Other: You (the probationer or community controllee) will undergo an evaluation, at your own expense, by a qualified practitioner to determine whether the probationer or community controllee needs sexual offender treatment. If sexual offender treatment is recommended, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s.948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s.943.0435(1)(a)(1)(a)(1).
- x. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- y. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

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- z. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceeding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or proceedings Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 8)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers
- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevent to the offender's deviant behavior pattern.
- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinaton to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- q. (43) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

STEPHEN THOMAS NORMAN

Case Number: 05-2018-CF-010385-AXXX-XX

- r. (45) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
- s. (46) A prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
- u. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the Court at the recommendation of the Department of Corrections.
- v. No contact with the victim on any form of social media; no comments or responses to third parties about the victim on any form of social media.
- w. Other: You (the probationer or community controllee) will undergo an evaluation, at your own expense, by a qualified practitioner to determine whether the probationer or community controllee needs sexual offender treatment. If sexual offender treatment is recommended, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s.948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s.943.0435(1)(a)(1)(a)(1).
- x. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- y. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.
- z. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children. on or preceeding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or proceedings Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 9)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- e. (32) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the Court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- g. (33) You will have a filter on your computer to detect child porn; your computer and any electronic media devices are subject to search by Probation and Parole upon request; defendant will sign any waivers necessary to obtain information from internet providers

STEPHEN THOMAS NORMAN

Case Number: 05-2018-CF-010385-AXXX-XX

- h. (35) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The Court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- i. (35) You must register with Probation and Parole any electronic mail address or instant message/twitter/blog name prior to using such electronic media, and said communication is reviewable upon request by Probation and Parole, and defendant will consent and/or sign any waiver to obtain said records from internet/electronic media provider if necessary.
- j. (36) If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- k. (36) Submission to warrantless search by Probation and Parole of computer and/or electronic media equipment.
- l. (37) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- m. (38) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- n. (40) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- o. (41) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
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- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
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- x. Search of any computer(s) or electronic device(s) that is used by the defendant upon request by P & P.
- y. The defendant is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

STEPHEN THOMAS NORMAN

Case Number: 05-2018-CF-010385-AXXX-XX

- z. The defendant shall not distribute candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

(as to Count 10)

- a. Sentence shall run concurrent with any active sentence and all counts in this Judgment.
- b. (23) Other:
- c. (31) You shall fully cooperate with authorized officials to fulfill any registration or identification procedures authorized by law.
- d. (31) A mandatory curfew from 10 p.m. to 6 a.m. The Court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the Court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
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- f. (33) Active participation in and successful completion of sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
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- p. (42) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
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STEPHEN THOMAS NORMAN

Case Number: 05-2018-CF-010385-AXXX-XX

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- t. (47) There is hereby imposed, in addition to the 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. 827.01, 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.
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- aa. The defendant shall not visit schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer.

COMMUNITY CONTROL

You are hereby placed on notice that the court may at any time rescind or modify any of the conditions of your community control, or may extend the period of community control as authorized by law, or may discharge you from further supervision or return you to a program of regular probation supervision. If you violate any of the conditions and sanctions of your community control, you may be arrested, and the court may adjudicate you guilty if adjudication of guilt was withheld, revoke your community control, and impose any sentence which it might have imposed before placing you on community control.

PROBATION

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 which it might have imposed before placing you on probation or require you to serve the balance of said sentence.

DONE AND ORDERED in Brevard County, Florida, on April 20, 2021.



STEVE HENDERSON, Circuit Judge

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

STATE OF FLORIDA

Case Number: 05-2018-CF-010385-AXXX-XX

vs.

STEPHEN THOMAS NORMAN

SIGNATURE PAGE

In the event the above sentence is to the Department of Corrections, the Sheriff of Brevard County, Florida, is hereby ordered and directed to deliver the Defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The Defendant was advised in open court of the right to appeal from this sentence by filing a notice of appeal within thirty (30) days from this date with the clerk of this court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the Court further recommends:

*(Items marked with *(COP), *(COCC), and *(COS) are Conditions of Probation, Community Control, and Condition of Suspension)*

THE COURT HEREBY ORDERS THE DEFENDANT released on Community Control. Report to Community Control within 1 day of release from confinement.

DONE AND ORDERED at Brevard County, Florida, on April 20, 2021.



STEVE HENDERSON, Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail / hand delivery to A MICHAEL BROSS, 997 S WICKHAM RD, WEST MELBOURNE, FL 32904-1459 on 4-20-2021.



Deputy Clerk

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

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 05-2018-CF-010385-AXXX-XX

vs.

STEPHEN THOMAS NORMAN
Defendant.

MOTION TO CLARIFY CONDITION OF PROBATION AS APPLIED TO
DEFENDANT'S PLACE OF RESIDENCE

COMES NOW, the Defendant, **STEPHEN THOMAS NORMAN**, by and through the undersigned attorney and pursuant to Fla. R. Crim. P. 3.190(g), and files this Motion to Clarify Conditions of Probation as Applied to the Defendants Place of Residence, in support thereof. Defendant alleges the following:

STATEMENT OF FACTS

1. The Defendant, **NORMAN THOMAS SMITH**, is a 72 year-old man, with no prior criminal history, is retired from Brevard County as an employee for over 30 years, and has resided at 140 Oyster Place, Rockledge, Florida, 32955 since 1989. The Defendant pled and has been designated as a sex offender, and is having an issue with Probation, because he allegedly lives within 880 feet, from, or within 1,000 feet of a park, specifically River Walk Park.
2. Riverwalk park has no playground, no athletic facilities, no ocean access, boat ramp, gymnasium, nor community center. (See Exhibit A). Riverwalk park is literally a 915" nature boardwalk with a parking lot, restroom, and a pavilion with 4 tables, and the Defendants house, according to probation is right around 900 from the property

Exhibit "D"

line of RIVERWALK, and then divided by several other businesses, residences, woods, and easements. (See Incorporated Affidavit)

3. The park purports to have educational programs, but according to those who work at the facility, and the Defendant's sworn testimony, Riverwalk Park has not had any educational, or other programs at said park in well over a year, and before that only rarely. The Defendant also swears that RIVERWALK is not a place where children regularly congregate. Simply stated, Riverwalk Park does not meet the definition of a park under Florida Statute 772.215(b), because the statute states "[p]ark" means all public and private property specifically designated as being used for recreational purposes **and** where children regularly congregate." Riverwalk, is clearly NOT a place where children regularly congregate, it is not a place where children regularly congregate. (See Exhibit B).
4. Florida Statute 775.215(2)(a), further provides "[a] person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of **any school, child care facility, park, or playground**. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence."
5. Here, the Defendant does not even arguably reside within 1,000 feet of a **SCHOOL, CHILD CARE FACILITY, or PLAYGROUND**" so the only other possible issue, would be weather the Defendant lives within 1,000 feet of a **PARK**, which includes

the requirement per the statute that children "regularly congregate" there. The evidence is, that children do not regularly congregate at RIVERWALK, and therefore this subsection would not apply to the Defendant's residence.

6. Similarly, Brevard County Ordinances provide almost identical language to the Statutes above, and therefore are also inapplicable to the facts of this case.

WHEREFORE, the Defendant, STEPHEN THOMAS NORMAN respectfully requests this Honorable Court Clarify that the Conditions of Probation do not apply to the Defendant's Place of Residence for the reasons stated herein.

I HEREBY CERTIFY a true and correct copy of the foregoing Motion has been forwarded served by *eportal* on this 28th day of April 2021.

s//Michael Bross//

MICHAEL BROSS, ESQ.

Florida Bar No.:0599610

Attorney for Defendant

997 S. Wickham Road

Melbourne, Florida 32904

e-service: *michaelbross@brosslawoffice.com*

chrissy@brosslawoffice.com

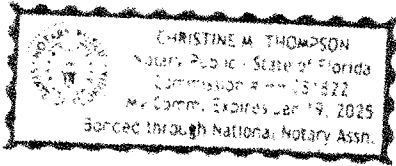
I, STEPHEN THOMAS NORMAN, of full age and legally competent, affirm under penalty of perjury that the foregoing attestations by me are true and correct and done so in good faith to the best of my knowledge. I have read the Motion and all of the contents are true and correct, and I am aware that if any of the foregoing statement is made by me are willfully false, I am subject to punishment. I hereunto set my hand and seal to this instrument this 28th day of April, 2021.


STEPHEN THOMAS NORMAN
Affiant
)

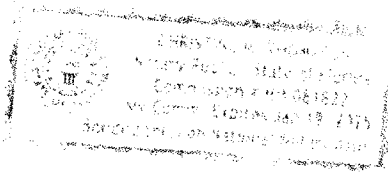
STATE OF FLORIDA

COUNTY OF BREVARD)

SWORN TO AND SUBSCRIBED before me, by means of [X] physical presence or [] online notarization, this 28th day of April, 2021, by Affiant, STEPHEN NORMAN SMITH, who is personally known to me.



Christine M. Thompson
NOTARY PUBLIC



Filing # 127260616 E-Filed 05/21/2021 08:55:00 AM

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

STATE OF FLORIDA,

Plaintiff,

CASE NO.: 05-2018-CF-010385-AXXX-XX

vs.

STEPHEN THOMAS NORMAN,

Defendant.

_____ /

**ORDER GRANTING MOTION TO CLARIFY CONDITION OF PROBATION AS
APPLIED TO DEFENDANT'S PLACE OF RESIDENCE**

THIS MATTER came before the Court upon Defendant's Motion TO CLARIFY CONDITION OF PROBATION AS IT RELATES TO DEFENDANT'S RESIDENCE, and, the Court, having been fully advised of the premises, and considering the evidence presented, the Court makes the following findings of fact and conclusions of law:

1. On April 20, 2021, the Defendant pled to and was convicted of violation of Florida Statute 827.071(5). The Defendant was sentenced to two (2) years of community control followed by ten (10) years of sex offender probation. The plea agreement and sentence were fully negotiated between the State and the Defendant. (See Exhibit A).

Exhibit "E"

2. The Defendants convictions designate him as a sexual offender pursuant to Florida Statute 943.0435. In addition, the Defendant has terms and conditions pursuant to Florida Statute 948.30.
3. On April 28, 2021, the Defendant filed a Motion to Clarify Condition of Probation as Applied to Defendant's Place of Residence. Said motion was heard by the Court on May 13, 2021.
4. Florida Statute 775.215(2)(a), states, in part, that a person who has been convicted of violation of Florida Statute 827.071 "may not reside within 1,000 feet of any...park..".
5. Florida Statute 948.30(1)(b) and 948.30(4) also contains similar language prohibiting a person on community control or probation from residing within 1,000 feet of a park.
6. Florida Statue 775.215(1)(b), defines "park" as "all public and private property specifically designated as being used for recreational purposes **and** where children regularly congregate." (emphasis added)
7. The Defendant resides at 140 Oyster Way, Rockledge, Florida, 32955. The Defendant has resided at said residence since 1988.
8. The Defendant's residence is approximately 880 feet from River Walk Park, which is located at 5355 US-1, Rockledge, FL 32955.
9. The Court, by stipulation, took judicial notice of the Brevard County government's website page, which describes, in detail, Riverwalk Park. (Exhibit B). Riverwalk park **does not** contain any playgrounds; athletic facilities; gymnasium; bicycle roadways; camping features; community centers; picnic shelters/areas; fishing areas; or boat ramps. The park is only open on Tuesdays – Fridays from 9:00 AM to 6:00

PM and Saturdays from 10:00 AM to 2:00 P.M. It contains a staffed “nature center” which is an enclosed building and only open during the park hours. In addition, the park contains a boardwalk that is only open during the park hours. Riverwalk Park has a gated entrance directly off of US-1. The gate is locked when the park is not open. There are no sidewalks along this area of US-1 and the park is really only accessible by a motor vehicle.

10. The Court finds that Riverwalk Park is not a park where children regularly congregate. Simply stated, Riverwalk Park does not meet the definition of a park under Florida Statute 772.215(b), because the statute states “[p]ark” means all public and private property specifically designated as being used for recreational purposes **and** where children regularly congregate.” Riverwalk Park is not a place where children regularly congregate.
11. Furthermore, the Defendant moved into his residence at 140 Oyster Way, Rockledge, Florida, 32955 in 1988, which is prior to Riverwalk Park being built. It is also prior to the enactment of Brevard County Ordinance Section 74.102(2006). Therefore, the Defendant’s residence is “grandfathered” in and not subject to the provisions of Brevard County Ordinance Section 74.102(2006).

THEREFORE, it is ORDERED AND ADJUDGED:

- A) The Defendant's Motion TO CLARIFY CONDITION OF PROBATION AS IT RELATES TO DEFENDANT'S RESIDENCE is **GRANTED**.
- B) The Defendant may reside at his residence at 140 Oyster Way, Rockledge, Florida, 32955.

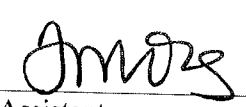
DONE AND ORDERED in Viera, Brevard County, Florida this 20th day of May, 2021.



STEVE HENDERSON
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that true copies hereof have been served by e-filing to the Office of the State Attorney; Michael Bross, Esq.; Florida Department of Parole and Probation, this 21st day of May, 2021.



 Judicial Assistant
 Moore Justice Center
 2825 Judge Fran Jamieson Way
 Viera FL 32940

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

STATE OF FLORIDA,
Plaintiff,

CASE NO. 052018CF010385AXXXXX

vs.

STEPHEN THOMAS NORMAN,
Defendant.

RECEIVED May 28, 2021
E

**STATE'S MOTION FOR RECONSIDERATION ON DEFENDANT'S MOTION TO
CLARIFY ONDITION OF PROBATION AS APLOED TO DEFENDANT'S PLACE OF
RESIDENCE**

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney, and moves this Honorable Court to RECONSIDER THE QUESTION OF THE RESIDENCE OF THE DEFENDANT'S AS IT RELATES TO HIS SEX OFFENDER STATUS AND RIVERWALK PARK and in support thereof submits the following:

1. On Thursday, May 13th, this court heard argument and testimony regarding whether Florida Statute 948.30(1)(b) should be applied to the Defendant as a term of his probation.
2. The matter was ripe for judicial action since the Defendant alleged that his current residence, 140 Oyster Place Rockledge Florida, 32955, is within 1,000 feet of Riverwalk Park, which Probation and Parole accepted as a Park under statutory definition.
3. During the hearing the Defendant directed the court to take notice of specific facts relating to Riverwalk Park including but not limited to the park not having: a playground, athletic facilities, ocean access, boat ramp, gymnasium, or a community center.
4. The Defendant offered testimony indicating that he formed his residence at the above-mentioned location before the park was built as well as his personal knowledge of the park in relation to his employment with the Parks and Recreation Services.
5. The Defendant offered that this Court also take notice of Brevard County Ordinance Sec 74-402 which related to sexual offenders.
6. During the hearing the Court on its own motion took notice of various websites containing pictures and information relating to Riverwalk park and relied on its personal knowledge of the park when reaching its ruling.
7. The court ruled in two parts stating that because the Defendant had established his residence prior to the park being built and because Riverwalk park did not meet the

Exhibit "F"

definition of a “park” under F.S. 775.215, that the Defendant should be allowed to live at his current residence.

8. The State requests reconsideration of this ruling based on two factors: law not presented by either the State or the Defense that contradicts express findings and insufficient time being afforded the parties to challenge information the court took notice of on its own motion.
9. First, the County Ordinance cited by Defense allowing for a “grandfathering” of residence is in conflict with F.S. 948.30(1)(b) as applied by the District Court of Appeal of Florida, Fifth District in Mohammed v. State 149 So.3d 725.
10. The above referenced case stands for the proposition that the plain reading of 948.30(1)(b) applies to a “probationer.”
11. The Defendant in this case did not become a probationer until after his plea was entered and at that time Riverwalk park had already been established and within 1000 feet of his residence. Thus the residence does not meet the requirements of F.S. 948.30(1)(b).
12. Second, the Rules regarding Judicial Notice are contained within Florida Statutes 90.201-204.
13. Specifically, 90.204(3) states that each part should be afforded reasonable opportunity to challenge such information and offer additional information before judicial notice is taken.
14. The limited time afforded at the hearing was not sufficient for the State to do an adequate investigation regarding the items that were taken notice of and since then the State has continued to investigate the information as it related to whether or not children “regularly congregate” at the park in question.
15. To that end The State met with and interviewed the direct on-site supervisor of Riverwalk Park, Joe Swingle.
16. Joe Swingle indicated that he is on-site 5 days a week while the park is open to the public.
17. Joe Swingle stated that recently children do not congregate at Riverwalk Park as often as before the COVID-19 pandemic, but children are still on site on a regular basis and that the facility still offers educational opportunities for children and is a feature in the implementation of summer camp for children.
18. Testimony from Joe Swingle would be by far the most reliable means of determining the issue of whether children congregate at the park in question because he is personally on site multiple days every week.

19. Joe Swingle has indicated that he is willing and able to appear before the court, with adequate notice, and attest to his professional and personal knowledge of the regularity in which children congregate at the park.
20. Testimony from Joe Swingle would be by far the most reliable means of determining the issue of whether children congregate at the park in question because he is personally on site multiple days every week.

WHEREFORE, the State respectfully requests this Honorable Court to RECONSIDER THE QUESTION OF THE RESIDENCE OF THE DEFENDANT'S AS IT RELATES TO HIS SEX OFFENDER STATUS AND RIVERWALK PARK.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-MAIL to MICHAEL IRA BROSS ESQUIRE, Attorney for Defendant, at MICHAELBROSS@BROSSLAWOFFICE.COM, SUSAN@BROSSLAWOFFICE.COM, CHRISSY@BROSSLAWOFFICE.COM this 27th day of May, 2021.

PHIL ARCHER
STATE ATTORNEY

BY:

DONAVAN WAGNER
ASSISTANT STATE ATTORNEY
FLORIDA BAR NO. 1003170
2725 JUDGE FRAN JAMIESON WAY, BLDG D
VIERA, FL 32940
(321) 617-7510, Ext: 58468
Eservice: BrevFelony@sal8.org

Traci Moss

From: Traci Moss
Sent: Friday, May 28, 2021 10:44 AM
To: Steve Henderson
Subject: FW: NORMAN/1810385/MOTION FOR RECONSIDERATION
Attachments: ed3c92b0-0faa-4f35-95c1-1b8c108d3659.doc.docx

From: Jenny Lloyd <jlloyd@sa18.org>
Sent: Friday, May 28, 2021 8:43 AM
To: Traci Moss <Traci.Moss@flcourts18.org>
Cc: MICHAELBROSS@BROSSLAWOFFICE.COM; Susan Ramirez <susan@brosslawoffice.com>
Subject: NORMAN/1810385/MOTION FOR RECONSIDERATION

WARNING: This email came from OUTSIDE the 18th Judicial Circuit. Do NOT open the attachment unless you are sure it is safe. Contact Court Technology if unsure.

Good Morning –

Traci, Please see the attached Motion. Mr. Wagner is requesting an hour of hearing time. Thank you.

Jenny Lloyd

Assistant to Kari Kies & Donovan Wagner

Office of the State Attorney

2725 Judge Fran Jamieson Way, Bldg D

Viera, FL 32940

321-350-8468 (direct line)



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

STATE OF FLORIDA,
Plaintiff,

CASE NO. 052018CF010385AXXXX

vs.

STEPHEN THOMAS NORMAN,
Defendant.

**STATE'S MOTION FOR RECONSIDERATION ON DEFENDANT'S MOTION TO
CLARIFY CONDITION OF PROBATION AS APPLIED TO DEFENDANT'S PLACE
OF RESIDENCE**

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney, and moves this Honorable Court to RECONSIDER THE QUESTION OF THE RESIDENCE OF THE DEFENDANT AS IT RELATES TO HIS SEX OFFENDER STATUS AND RIVERWALK PARK and in support thereof submits the following:

1. On Thursday, May 13th, this court heard argument and testimony regarding whether Florida Statute 948.30(1)(b) should be applied to the Defendant as a term of his probation.
2. The matter was ripe for judicial action since the Defendant alleged that his current residence, 140 Oyster Place Rockledge Florida, 32955, is within 1,000 feet of Riverwalk Park, which Probation and Parole accepted as a Park under statutory definition.
3. During the hearing the Defendant directed the court to take notice of specific facts relating to Riverwalk Park including but not limited to the park not having: a playground, athletic facilities, ocean access, boat ramp, gymnasium, or a community center.
4. The Defendant offered testimony indicating that he formed his residence at the above-mentioned location before the park was built as well as his personal knowledge of the park in relation to his employment with the Parks and Recreation Services.
5. The Defendant offered that this Court also take notice of Brevard County Ordinance Sec 74-402 which related to sexual offenders.
6. During the hearing the Court on its own motion took notice of various websites containing pictures and information relating to Riverwalk park and relied on its personal knowledge of the park when reaching its ruling.
7. The court ruled in two parts stating that because the Defendant had established his residence prior to the park being built and because Riverwalk park did not meet the

definition of a “park” under F.S. 775.215, that the Defendant should be allowed to live at his current residence.

8. The State requests reconsideration of this ruling based on two factors: law not presented by either the State or the Defense that contradicts express findings and insufficient time being afforded the parties to challenge information the court took notice of on its own motion.
9. First, the County Ordinance cited by Defense allowing for a “grandfathering” of residence is in conflict with F.S. 948.30(1)(b) as applied by the District Court of Appeal of Florida, Fifth District in Mohammed v. State 149 So.3d 725.
10. The above referenced case stands for the proposition that the plain reading of 948.30(1)(b) applies to a “probationer.”
11. The Defendant in this case did not become a probationer until after his plea was entered and at that time Riverwalk park had already been established and within 1000 feet of his residence. Thus the residence does not meet the requirements of F.S. 948.30(1)(b).
12. Second, the Rules regarding Judicial Notice are contained within Florida Statutes 90.201-204.
13. Specifically, 90.204(3) states that each part should be afforded reasonable opportunity to challenge such information and offer additional information before judicial notice is taken.
14. The limited time afforded at the hearing was not sufficient for the State to do an adequate investigation regarding the items that were taken notice of and since then the State has continued to investigate the information as it related to whether or not children “regularly congregate” at the park in question.
15. To that end The State met with and interviewed the direct on-site supervisor of Riverwalk Park, Joe Swingle.
16. Joe Swingle indicated that he is on-site 5 days a week while the park is open to the public.
17. Joe Swingle stated that recently children do not congregate at Riverwalk Park as often as before the COVID-19 pandemic, but children are still on site on a regular basis and that the facility still offers educational opportunities for children and is a feature in the implementation of summer camp for children.
18. Testimony from Joe Swingle would be by far the most reliable means of determining the issue of whether children congregate at the park in question because he is personally on site multiple days every week.

19. Joe Swingle has indicated that he is willing and able to appear before the court, with adequate notice, and attest to his professional and personal knowledge of the regularity in which children congregate at the park.

WHEREFORE, the State respectfully requests this Honorable Court to RECONSIDER THE QUESTION OF THE RESIDENCE OF THE DEFENDANT AS IT RELATES TO HIS SEX OFFENDER STATUS AND RIVERWALK PARK.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by **E-MAIL** to MICHAEL IRA BROSS ESQUIRE, Attorney for Defendant, at MICHAELBROSS@BROSSLAWOFFICE.COM, SUSAN@BROSSLAWOFFICE.COM, CHRISSY@BROSSLAWOFFICE.COM this 28th day of June, 2021.

PHIL ARCHER
STATE ATTORNEY

BY:

DONAVAN WAGNER
ASSISTANT STATE ATTORNEY
FLORIDA BAR NO. 1003170
2725 JUDGE FRAN JAMIESON WAY, BLDG D
VIERA, FL 32940
(321) 617-7510, Ext: 58468
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Filing # 127827437 E-Filed 06/01/2021 10:03:45 AM

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

STATE OF FLORIDA,

Plaintiff,

CASE NO.: 05-2018-CF-010385-AXXX-XX

vs.

STEPHEN THOMAS NORMAN,

Defendant.

ORDER GRANTING IN PART AND DENYING IN PART STATE'S MOTION FOR
RECONSIDERATION
AND
AMENDED ORDER GRANTING MOTION TO CLARIFY CONDITION OF
PROBATION AS APPLIED TO DEFENDANT'S PLACE OF RESIDENCE

THIS MATTER came before the Court upon State's Motion for Reconsideration on Defendant's Motion to Clarify Ondition [sic] of Probation as Applloed[sic] to Defendant's Place of Residence, and, the Court, having reviewed the Motion, prior evidence submitted, the official court file and being otherwise fully advised of the premises, finds the following:

1. On April 28, 2021, the Defendant filed a Motion to Clarify Condition of Probation as Applied to Defendant's Place of Residence. This Motion was heard on May 13, 2021.
2. On May 21, 2021, this Court entered an Order Granting Motion to Clarify Condition of Probation as Applied to Defendant's Place of Residence. Pursuant to this Order, the Court found that the River Walk Park was not a place where "children regularly congregate", pursuant to Florida Statute 775.215(1)(b). The Order further found that

Exhibit "G"

the Defendant was “grandfathered” in and not subject to the provisions of the Brevard County Ordinance Section 74.102(2006) and Florida Statute 775.215(2)(a), as the Defendant resided at his residence before the establishment of the park in question.

3. On May 28, 2021, the State filed State’s Motion for Reconsideration on Defendant’s Motion to Clarify Ondition [sic] of Probation as Applloed[sic] to Defendant’s Place of Residence. This Motion asked the Court to reconsider the question of the residence of the defendant as it relates to his sex offender status and Riverwalk park.
4. A Motion for Reconsideration is based on a trial court’s inherent authority to reconsider and, if deemed appropriate, alter or retract any of its prior rulings.
5. The State asks this Court to reconsider its prior Order based on two factors: laws not presented by either the State or Defense that contradicts express findings and insufficient time being afforded to the parties to challenge information the court took notice of on its own motion.
6. While the State’s Motion contains unsworn hearsay statements from an on-site supervisor of Riverwalk Park, the State did not file a Motion for Rehearing, pursuant to Fla. R. App. P. Rule 9.330 (2)(A) to present additional testimony.
7. Florida Statute 90.204(1), allows a Court upon its own motion to take judicial notice of a matter. During the hearing on May 13, 2021, the Court inquired of the State and Defense if it could take judicial notice of the Brevard County government’s website page (Exhibit A). The State affirmatively replied that it wouldn’t have “any problem” with the Court taking judicial notice. The State then went on to add that the Court can take judicial notice of “any fact readily ascertainable.” The State then went so far as to add that “we” could literally drive there right now if we wanted to, before again

agreeing that he had “no problem” with the Court taking (judicial) notice. The Defense stated that he had “no objection either.”

8. As to the State’s request that this Court reconsider its Order based on insufficient time being afforded to the parties to challenge information the court took notice of on its own motion, the Court denies this request.
9. Brevard County Ordinance 74.102(2006) and Florida Statute 772.215(2)(a) tend to indicate that a person is “grandfathered in” if they lived at their residence prior to a school, childcare facility, park, or playground being subsequently established within 1,000 feet. However, Florida Statute 948.30 requires that a person who is placed on supervision for a violation of Florida Statute 827.071 can not live within 1,000 feet of a school, childcare facility, park, playground, or other place where children regularly congregate. A probationer may not be forced to relocate under this Statute if the school, childcare facility, park, playground, or other place where children regularly congregate is subsequently established within 1,000 feet of his residence. This statute is clear and unambiguous, and Defendant was not a probationer at the time Riverwalk Park was established.
10. Neither the State nor Defense raised this Statute at the hearing on May 13, 2021 and the Court grants the State’s Motion for Reconsideration as it relates to laws not presented at the time of the hearing that contradict express findings by the Court.
11. On April 20, 2021, the Defendant pled to and was convicted of violations of Florida Statute 827.0771(5). The Defendant was sentenced to two (2) years of community control followed by ten (10) years of sex offender probation. The plea agreement and sentence were fully negotiated between the State and the Defense. (See Exhibit B).

12. The Defendant's convictions designate him as a sexual offender pursuant to Florida Statute 943.0435. In addition, the Defendant has terms and conditions of his supervision pursuant to 948.30.
13. Florida Statute 775.215(2)(a), states, in part, that a person who has been convicted of a violation of Florida Statute 827.071 "may not reside within 1,000 feet of any...park..."
14. Florida Statute 948.30(1)(b) and 948.30(4) also contain similar language prohibiting a person on community control or probation from residing within 1,000 feet of a park.
15. Florida Statute 948.215(1)(b) defines "park" as "all public and private property specifically designed as being used for recreational purposes **and** where children regularly congregate." (emphasis added)
16. The Defendant resides at 140 Oyster Way, Rockledge, Florida, 32955, which is 880 feet from, or within 1,000 feet of River Walk Park.
17. The Court took judicial notice of Brevard County government's website page, which describes in detail Riverwalk Park. The Court also heard unrebutted testimony from the Defendant as to the characteristics of Riverwalk Park.
18. Riverwalk Park does not contain any playgrounds; athletic facilities; gymnasiums; bicycle roadways; camping features, community centers; picnic shelters/areas; fishing areas; or boat ramps. The park is only open on Tuesdays-Fridays from 9:00 AM to 6:00 PM and Saturdays from 10:00 AM to 2:00 PM. It contains a staffed "nature center which is in an enclosed building and only open during the park hours. In addition, the park contains a boardwalk that is only open during the park hours. Riverwalk Park has a gated entrance directly off US-1.

19. The Court finds that Riverwalk Park is not a place where children regularly congregate. Simply stated, Riverwalk Park does not meet the definition of a park under Florida Statute 772.215(b), because the statute states “[p]ark” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.”

IT IS THEREFORE ORDERED AND ADJUDGED

1. The State’s Motion for Reconsideration is GRANTED in part and DENIED in part.
2. The Defendant’s Motion to Clarify Condition of Probation as it Relates to Defendant’s Residence is GRANTED.
3. The Defendant may return to, and continue to reside, at his residence located at 140 Oyster Way, Rockledge, Florida 32955, provided there are no other prohibitions.

DONE AND ORDERED in Viera, Brevard County, Florida this 7th day of June, 2021.



STEVE HENDERSON
CIRCUIT JUDGE

cc: **Michael Bross, Esq.**
Office of the State Attorney
Florida Department of Parole and Probation