

**STATE OF FLORIDA
OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT
PRETRIAL INTERVENTION CONTRACT**

NAME KIMBERLY ANN KILPATRICK CASE # 2022 302035 CFDB DC# S91768

It is alleged that you have committed an offense against the State of Florida on/between the 12/14/2016, to wit:

(charging offense):

I. FAILURE TO APPLY CHARITABLE CONTRIBUTIONS

in violation of (F.S.) 496.413 After an investigation of the offense and your background it appears that the interests of the State of Florida and your own will best be served by the following procedures, therefore:

On the authority of R.J. LARIZZA, State Attorney, in and for the Seventh Judicial Circuit, Florida, prosecuting in this matter for said violation will be deferred for a period of Eighteen Months from this date provided you abide by the following conditions:

- (1) You shall refrain from violation of any law (Federal, State and Local). In the event of a criminal arrest while on the Program you are subject to automatic dismissal.
- (2) No later than the fifth day of each month, or at the direction of your Pretrial Intervention Officer, you will make a full and truthful report to your officer on the form provided for that purpose.
- (3) You shall:
 - (a) maintain or actively seek gainful employment, such as weekly job employment logs or
 - (b) pursue a course of study as a full-time student;
 - (c) advise your employer of your Pretrial Intervention Supervision and current charges or provide a current pay sub for verification; and
 - (d) support your dependents to the best of your ability
- (4) You shall **immediately** inform the Pretrial Intervention Officer of any change in residence, employment or arrest.
- (5) You will allow an investigation of your personal background and make yourself available for the services of the Pretrial Intervention Program. You shall also answer truthfully all inquiries by your Pretrial Intervention Officer and allow the officer to visit your home, employment, school or elsewhere, and carry out all instructions.
- (6) You will pay to the State of Florida at the rate of **\$50.00** per month toward the cost of your supervision, plus a 4% administrative processing fee in accordance with Florida Statutes 945.31 and 948.09. Waived
- (7) You will not use intoxicants to excess and will be required to submit to urinalysis as directed by your Pretrial Intervention Officer.
- (8) You shall not leave the county of your residence without first procuring the consent of your Pretrial Intervention Officer. *Employment purposes will be authorized upon notification to probation officer.*
- (9) You shall pay to the Department of Corrections a **\$2.00 per month** surcharge fee for each month you are under supervision pursuant to Section 948.09(1)(2), F. S. *If the cost of supervision is waived for any months of supervision, this fee shall be exempt for the same period.*
- (10) You shall **pay one dollar (\$1.00) per month** for each month under supervision to be dispersed to **First Step, Inc.**, a non-profit organization, in accordance with Florida Statute 948.02
- (11) You shall **pay a mandatory one time Drug Fee of Thirty Dollars (\$30.00)**, as directed by your Pretrial Intervention Officer.

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CLERK OF DISTRICT COURT
SEVENTH JUDICIAL CIRCUIT
TALLAHASSEE, FL

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**** SPECIAL CONDITIONS ****

NOTE: ALL FINANCIAL OBLIGATIONS SHALL BE PAID TO THE DEPARTMENT OF CORRECTIONS AND SHALL HAVE A 4% PROCESSING CHARGE ASSESSED AS REQUIRED BY F. S. 945.31, UNLESS OTHERWISE DIRECTED.

(12) You shall pay a total of **\$100.00**, for **cost of prosecution**, as directed by your officer, in accordance with Florida Statute 939.01.

(13) You shall pay law enforcement **investigative costs** in the amount of \$ 9,755.56, to be dispersed to **Florida Department of Law Enforcement** in accordance with Florida Statute 939.01 to:

- Volusia County Sheriff's Office
- Daytona Beach Police Department
- Holly Hill Police Department
- Ormond Beach Police Department
- Port Orange Police Department
- Deland Police Department
- Orange City Police Department
- Edgewater Police Department
- Oak Hill Police Department
- Daytona Beach Shores Police Department
- Other: Florida Department of Law Enforcement

(14) You shall be required to do the following conditions as directed and approved by your Pretrial Intervention Supervisor:

- a) Substance abuse evaluation and any recommended treatment
- b) Anger Management Class
- c) Mental health evaluation and any recommended treatment
- d) Moral Reconciliation Therapy Program (MRT)
- e) Anti-Theft/Impulse Control Class
- f) Parenting Class
- g) Write a letter of apology
- h) Have no contact, directly/indirectly, with victim(s): _____
- i) Do not trespass or return to scene of offense
- j) Must perform _____ hours of community service or pay at the rate of \$10 per hour to non-profit organization such as First Step of Volusia County, Florida.
- k) Sign the Disqualification Consent Agreement if requested and/or required.
- l) OTHER: _____
- m) OTHER: _____

(15) You shall pay restitution in the amount of \$ 192.48 to the following:
 Jointly and severally liable with co-defendant(s): _____
Name: ██████████ c/o Lambert Law
Address: North Halifax Avenue
Daytona Beach, Florida 32118
Phone: ██████████

You shall pay restitution in the amount of \$ _____ to the following:
 Jointly and severally liable with co-defendant(s): _____
Name: _____
Address: _____

Phone: _____
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- (16) You may be considered for early termination upon completion of all conditions, no new law violations and after six (6) months of supervision.

It is understood that this agreement is a deferral of prosecution. If its terms are violated in any essential respect, or if any conditions are not completed within sixty (60) days prior to termination date, the prosecution may be commenced. If the agreement is not violated, no criminal prosecution concerning this charge will be instituted in this circuit. The initial charge will be dismissed and the State of Florida will be barred from prosecution. It is also understood that if this agreement is revoked that I will not be given any credit for time spent on Pretrial Intervention toward any sentence I might receive as a result of a conviction from the charge stated herein.

Defendant's Initials: DS Defense Counsel Initials: CS Assistant State Attorney's Initials: _____

By signing this agreement, the defendant waives his or her rights to a speedy trial in this cause under the Constitution and Laws of Florida and the United States of America. The supervision period will begin upon the signing of the contract by the State.

Defendant's Initials: DS Defense Counsel Initials: CS Assistant State Attorney's Initials: _____

I HEREBY STATE THAT THE ABOVE HAS BEEN READ TO ME THIS DATE. I UNDERSTAND THE TERMS AND CONDITIONS OF MY PRETRIAL INTERVENTION/DEFERRED PROSECUTION, AND AGREE TO COMPLY WITH THESE TERMS AND CONDITIONS AS STATED HEREIN ABOVE.

DocuSigned by:
[Signature]
12/21/2022 | 8:56 AM PST
KIMBERLY ANN KILPATRICK
1680 LAMBERT AVENUE
FLAGLER BEACH, FL 32136

Mark Interlicchio 12/21/22
MARK INTERLICCHIO
ASSISTANT STATE ATTORNEY

DocuSigned by:
Chelsea Simmons
DEFENSE ATTORNEY
CHELSEA SIMMONS, NEJAME LAW, P.A., 189
SOUTH ORANGE AVENUE SUITE 1800,
ORLANDO, FL 32801

M. Schindelheim
PROGRAM ADMINISTRATOR
Department of Corrections

Name: M. Schindelheim (print)
Phone: 386-947-3520