



1 MS. BURGESS: I don't think so.

2 THE COURT: You know, someone with an
3 infected nose, there's a --

4 MS. BURGESS: And even antibiotics, they
5 shouldn't be mood altering.

6 THE COURT: No, no. I mean usually with
7 any kind of infection, usually the first thing
8 they do is call the drugstore and get an
9 antibiotic prescription called in. I'm just
10 saying.

11 MS. BURGESS: That's what I thought.

12 THE COURT: Yes. Well, okay, sorry. I
13 thought about that.

14 So we will just recess for the day for
15 her to go home and compose herself.

16 MS. BURGESS: Okay.

17 THE COURT: Okay, thank you very much.

18 MS. BURGESS: And how much
19 (indiscernible).

20 THE COURT: Give me a moment, because
21 I'll have to go down and excuse the jurors for
22 the day, because they are very anxious right
23 now to know what's going on.

24 MS. BURGESS: I understand.

25 THE COURT: Yeah, okay. I asked Doris

1 to just tell them that we've been overtaken by
2 events, and that's what -- that's my --

3 MS. BURGESS: I think that's the best
4 answer. Even if she were to make a decision,
5 there could be an ineffective Counsel, just
6 like you said, which is something that I --

7 THE COURT: And I don't want that to
8 happen either. I don't know, I don't even --
9 no.

10 MS. BURGESS: Yeah. Either way we'll
11 proceeding forward for a trial.

12 THE COURT: Well, it won't -- And we're
13 -- I'm going to do anything and everything
14 necessary ward off that for you.

15 MS. BURGESS: Right.

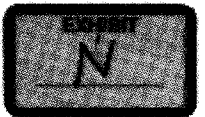
16 THE COURT: So, because I've been where
17 you are, I guess. Okay, thank you.

18 (Whereupon, Venire out.)

19 COURT'S RULING RE DEFENDANT'S MEDICAL CONDITION

20 THE COURT: All right. Ms. Loyd, I do
21 have some concerns about your well-being today.

22 And so, what I'm going to do is recess
23 for the day. And we will be back -- Please be
24 back tomorrow at 8:45, but please do not any
25 over-the-counter medicine, prescribed medicine;



1 has left the room and the -- there it goes --
2 and the door is closed.

3 ISSUE! PRESS ADMONISHED RE
4 WRITING DOWN PROSPECTIVE JUROR'S NAMES

5 THE COURT: I just got a note that I
6 want to show Counsel. (Tenders document.)
7 That was from one of the jurors.

8 COURT DEPUTY: From me.

9 THE COURT: Oh, it wasn't?

10 COURT DEPUTY: I witnessed it, is what I
11 -- it wasn't a juror.

12 THE COURT: No, I mean, it was from --
13 oh, it wasn't from one of the jurors?

14 COURT DEPUTY: No, it was from me. I
15 witnessed it.

16 MR. BROSS: Well, okay. Yeah.

17 THE COURT: Oh, oh, oh, I'm sorry.
18 Okay, right.

19 COURT DEPUTY: It is something I
20 observed.

21 THE COURT: And we know that --
22 (Whereupon, sidebar proceedings out of
23 the hearing of open court.)

24 THE COURT: (Whispering, inaudible.)

25 COURT DEPUTY: I just wanted you to be

1 aware that she was writing those names down,
2 Your Honor.

3 (Whereupon, the following proceedings
4 were had before the Court:)

5 THE COURT: Okay, ma'am, in the orange.
6 I thought I would -- what is your name, please?

7 MS. BANDOR: Kimberly Bandor.

8 THE COURT: Van -- I'm sorry?

9 MS. BANDOR: Kimberly Bandor.

10 THE COURT: V-A-N-D-O-R?

11 MS. BANDOR: Bandor with a "B" as in
12 boy.

13 THE COURT: Excuse me?

14 MS. BANDOR: "B" as in boy.

15 THE COURT: Oh, B-A-N --

16 MS. BANDOR: Bandor.

17 THE COURT: Bandor?

18 MS. BANDOR: Yes.

19 THE COURT: Okay. And, ma'am, are you
20 writing down people's names?

21 MS. BANDOR: I was writing down -- I'm a
22 reporter from Volusia Exposed.

23 THE COURT: I understand you may be a
24 reporter, ma'am, but I don't know if you were
25 present when I spoke to the gentleman with the

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1 face on his shirt.

2 MS. BANDOR: Uh-huh.

3 THE COURT: There is to be no reporting
4 of anyone's name.

5 MS. BANDOR: Okay.

6 THE COURT: Period, end of story.

7 MS. BANDOR: Okay, you said no
8 recording.

9 THE COURT: Yes. May we have the notes
10 that you wrote down, please?

11 MS. BANDOR: Huh?

12 THE COURT: We need the notes that you
13 wrote down. Please hand them to Deputy Bosner.
14 You may not write down anyone's name. You may
15 --

16 COURT DEPUTY: And, Your Honor, anything
17 with the jurors' names on it, I confiscate it?

18 THE COURT: All right, ma'am, please --
19 yes, confiscate that immediately.

20 MS. BANDOR: Can I write down the phone
21 number on the back?

22 COURT DEPUTY: Yes, sure can.

23 THE COURT: There will be no writing of
24 any jurors' names, does that -- is that -- am I
25 clear? How much more clear do I have to be on

1 this?

2 And, sir, in the gray shirt, what is
3 your name?

4 MR. BANDOR: John Bandor.

5 THE COURT: John Bandor. Was Ms. Bandor
6 not present when I explained to you this
7 morning that there was absolutely no writing of
8 any jurors' names? No recording, no writing,
9 no nothing of any juror's name. I told you --

10 MR. BANDOR: You said recording or any
11 device known to you.

12 THE COURT: Okay, writing names, is just
13 as egregious.

14 MR. BANDOR: Okay.

15 THE COURT: And there will be no juror's
16 name published anywhere on any form of media.

17 MS. BANDOR: Okay.

18 THE COURT: Am I clear?

19 MR. BANDOR: You are clear.

20 THE COURT: Because if you -- Ma'am, I
21 am directing you: Do not attempt to write a
22 name --

23 MS. BANDOR: You are clear.

24 THE COURT: Because you will be found in
25 direct contempt of court if you do.

1 And that goes for the rest of you, Mr.
2 Bandor.

3 And what is your name in the green
4 shirt, sir?

5 MR. KATARAKIS: Dean Katarakis
6 (phonetic).

7 THE COURT: Say it again.

8 MR. KATARAKIS: Dean Katarakis.

9 THE COURT: Dean Katarakis?

10 UNKNOWN SPEAKER: Yes.

11 THE COURT: Okay. Mr. Katarakis, are
12 you affiliated with the Bandors?

13 UNKNOWN SPEAKER: Um --

14 COURT DEPUTY: Your Honor, you've
15 already had to warn him about turning off --
16 about the cell phone.

17 THE COURT: Oh, you're the one that had
18 a cell phone at one point and was trying to --

19 COURT DEPUTY: Yes, ma'am.

20 MR. KATARAKIS: Yeah, yes. I don't have
21 a cell phone today. I listened to --

22 THE COURT: All right, Mr. Katarakis and
23 Mr. Bandor, understand right now, I am telling
24 you, along with Ms. Bandor, that if any jurors'
25 name via handwriting, recording of any nature

1 is taken down by you, you will be found in
2 direct contempt of court, because this is an
3 order that I am giving you in the Court that
4 disrupts the orderly functioning of the Court
5 system, because jurors become intimidated and
6 other --

7 And it drives people away from jury
8 duty, which is the most important service one
9 can do for this country besides serve in the
10 military. It is right up there neck and neck.
11 And we are not going to have people coming in
12 here and thwarting that effort.

13 And so, please understand: Contempt is
14 summarily punishable by up to 180 days in jail
15 without Counsel.

16 Summarily. You know what summarily
17 means? Approach the podium tell me why you did
18 what I told you exactly what you weren't
19 supposed to do. And if I decide that you have
20 done it, then out the side door you go in
21 handcuffs.

22 Am I clear?

23 Ms. Bandor, am I clear?

24 MS. BANDOR: Yes.

25 THE COURT: Mr. Katarakis, am I clear?

1 MR. KATARAKIS: Yes.

2 THE COURT: Mr. Bandor, am I clear?

3 MR. BANDOR: Crystal.

4 THE COURT: Okay. Thank you. See you
5 all at 1:30.

6 COURT DEPUTY: Court is in recess until
7 1:30.

8 UNKNOWN SPEAKER: Do I have to come
9 back?

10 THE COURT: No, you don't have to come
11 back. In fact, you're welcome to stay away if
12 you like. You don't have to risk contempt of
13 court.

14 COURT DEPUTY: Sir, if you would wait
15 outside, we're closed now please.

16 UNKNOWN SPEAKER: Okay.

17 COURT DEPUTY: Thank you very much.

18 Do you want me to stamp with my name on
19 it?

20 THE COURT: Yes, thank you. Perfect,
21 thank you.

22 COURT DEPUTY: You want me to write on
23 that piece of paper that that was me?

24 THE COURT: Oh, yes, there we go.
25 (Tenders document.) Thank you very much. I

1 very much appreciate your being vigilant.

2 And, Ms. Burgess, can you please
3 instruct these people to stop, because they're
4 all going to be in jail by the end of this
5 trial if they don't.

6 And I don't know if that's what you
7 desire or not, but I would think not, if these
8 are folks that you might even be remotely
9 friendly with.

10 MS. BURGESS: I will.

11 THE COURT: So please, let them know I
12 am not kidding.

13 MS. BURGESS: I have already spoken to
14 them.

15 THE COURT: If it's -- if it's -- I have
16 -- then clearly, you have not spoken clearly
17 enough or emphatically enough.

18 MS. BURGESS: I know.

19 THE COURT: And I feel that I have been
20 a bit emphatic. I'm not messing around and you
21 better tell them that 180 days in the county
22 jail is child's play when you -- when you are
23 -- when you're accustomed to sentencing people
24 to life, okay?

25 MS. BURGESS: I Understand. I

1 apologize.

2 THE COURT: Not your fault. I
3 appreciate it, though, that if you would tell
4 these people that I mean business.

5 MS. BURGESS: I will tell them.

6 THE COURT: And they are not going to
7 thwart this process.

8 MS. BURGESS: I understand.

9 THE COURT: In any way, shape or form.

10 MS. BURGESS: I will talk to them right
11 now.

12 THE COURT: Thank you.

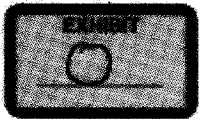
13 MS. BURGESS: I apologize on their
14 behalf.

15 THE COURT: Thank you. It may be safer
16 if they stayed away, if they can't control
17 their impulses a little better.

18 COURT DEPUTY: And their mouths on their
19 way out of the courtroom.

20 THE COURT: Yeah. And their mouths on
21 the way out of the courtroom. They're
22 muttering things on their way out that Deputy
23 Hughes heard.

24 MS. BURGESS: I heard it as well, Judge,
25 and I'm not happy.



1 THE COURT: Okay.

2 MR. BIEBER: We have advised her no --

3 THE COURT: Okay.

4 MR. BIEBER: -- in light of an appeal,
5 if an appeal, if an appeal is done.

6 SENTENCE OF THE COURT

7 THE COURT: Okay. All right. Ms. Loyd,
8 having been found guilty by the jury, I did
9 adjudicate you guilty and I will reaffirm that
10 adjudication today.

11 What I heard was horrifying, absolutely
12 horrifying. You have destroyed the life of an
13 innocent man, and more importantly, an innocent
14 child.

15 If that child ever wishes to -- when
16 that child -- I shouldn't say if, I should say
17 when that child wants to go to college, perhaps
18 you are not familiar because your kids aren't
19 old enough yet, but colleges check the
20 internet. They check social media. They check
21 all of these things before they will even give
22 an applicant an interview.

23 Or they just dismiss them out of hand,
24 if they see things that say: Oops, this kid's
25 got baggage, so we're not going near that child

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STATE VS LOYD DANA LYNN

05-2015-CF-039871-AXXX-XX

Filing 55518479

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STATE VS LOYD DANA LYNN

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1 because there's nothing but trouble coming our
2 way if we admit that one. There's 15 people
3 behind her that will gladly pay the fee and so,
4 why should we accept her?

5 Why should [REDACTED] have had to leave
6 the state? And why should you have prevented
7 him when he wanted to move to Colorado and you
8 -- you by your -- by whatever means it was,
9 found his employer, his potential employer, and
10 caused them to withdraw that employment
11 opportunity, which he testified at trial had
12 been a good one.

13 And he has been forced now to move to
14 another state, to get away from you and your
15 harassing, and your continuous presence in his
16 life. And no one should have to do that in
17 this country. No one.

18 And it is a sham and a shame for you to
19 call yourself -- and I can barely use the word
20 -- a journalist, because you are not. You are
21 what in the 1800s was called a Yellow
22 Journalist, which is doing nothing but
23 muckraking.

24 And I cannot -- I cannot condemn that in
25 any stronger terms, because we have good honest

1 people, who are actually trained to report
2 facts and pursue honest corroborated stories,
3 who are under attack today because of people
4 like you, who are out there pushing what can
5 only be called in the common vernacular "fake
6 news."

7 And it's not news, ma'am. It wasn't
8 even news. You just made it up whole cloth and
9 then you persisted, even after three of the
10 false allegations that you pursued were
11 unquestionably determined to be unfounded. You
12 had to make that last call on April 29th, 2015.

13 And you know what, ma'am, I came into
14 this case having no idea that there was
15 anything but a single phone call. And I make a
16 concerted effort, when I have a feeling a case
17 is going to go to trial, to learn as little as
18 possible about it.

19 And all I did was see you and Ms.
20 Burgess and your cameraman come in here month
21 after month and sit quietly and continue the
22 case. And then we had a couple of sessions
23 where Mr. Sendra essentially agreed to all of
24 the redactions of what had been an hour-long
25 tape, which then became about a 10 minute tape

1 of your conversation with the police agent.

2 But I also heard the tape where you
3 clearly identified yourself as a substitute
4 schoolteacher named Theresa Smith which you
5 absolutely were not. You claimed to have
6 overheard a conversation between children at
7 the school and you implied it was either that
8 day or the day before.

9 And then you proceeded to make an
10 absolutely fallacious report. And for that,
11 you are going to be punished. Because no man
12 should have to -- nor any woman, should have to
13 live their lives in the shadow of embarrassment
14 and humiliation and constant question, because
15 once that bell has been rung, you can't un-ring
16 it.

17 You may have heard of a place called
18 reputation.com and they are -- they are the
19 people that put themselves out there as the
20 ones that go through, that will help people
21 with their online reputations.

22 And I had a client once, who had been
23 arrested on a drug charge. And his father was
24 extraordinarily concerned that when he was
25 applying for college, that these things were

1 going to come up.

2 And on the speakerphone in my conference
3 room, we called reputation.com to inquire about
4 their services. Minimum \$5000 for them to get
5 involved. And then all they could do was pump
6 out enough more information onto the internet
7 to hopefully get this young man's information
8 onto page (2).

9 So, you may have some restitution to
10 pay, ma'am.

11 And [REDACTED] is going to be suffering from
12 this for as long as the internet lives, which
13 unfortunately seems to be rather indefinitely
14 at this point.

15 [REDACTED] is going to be dogged by
16 this for as long as he is a professional, until
17 he retires and no longer has to have other
18 people thinking about who he is and what's he
19 doing, what his credentials are.

20 So, what you have done, ma'am, is
21 irreparable. And what is going to happen to
22 you is going to be finite in comparison, but
23 for the fact that you are going to be a
24 convicted felon for the rest of your life.

25 And that pales in comparison to the

1 position that you have put [REDACTED] and [REDACTED]
2 [REDACTED] in. And if you feel good about
3 that, we've got a bigger problem than I
4 thought.

5 So, at this time, I am going to place
6 you on two years of community control, and the
7 first year is going to be served in the Brevard
8 County Jail. Special condition is that the
9 first year of community control is to be served
10 in the Brevard County Jail.

11 And that will be followed by one year of
12 regular community control and three years of
13 probation.

14 And the one year is to get your
15 attention and let you know what it feels like
16 to be perhaps embarrassed, perhaps
17 uncomfortable and perhaps humiliated.

18 And that will only be for one fraction
19 of the time that the other lives your wrecking
20 ball has impacted are going to feel that.

21 You are now -- You are hereby ordered to
22 take down all information regarding [REDACTED]
23 and [REDACTED] within 24 hours of your
24 release from the county jail.

25 And this is not a First Amendment -- a

1 First Amendment issue, because case law is
2 quite clear that First Amendment privileges and
3 rights can be constrained according to time,
4 place and manner.

5 And then there's also that whole line of
6 cases that I'm sure Mr. Bieber is quite
7 familiar with about yelling "Fire" in a crowded
8 theater, which is quite akin to what you have
9 done. And that is not speech that is protected
10 by the First Amendment.

11 No one -- Neither [REDACTED] nor his
12 daughter, are public people. Therefore, you
13 have no right, no First Amendment right, I
14 believe it is called slander and libel, to do
15 what you have done. And so think about that.

16 So you will take down all information,
17 including anything that came from Dean Tong,
18 within 24 hours of your release; ma'am.

19 Because trust me, this first -- this
20 first 364 days in the county jail is just the
21 beginning. Please do not put me in a position
22 to show you what the rest looks like, if you do
23 not comply with this Court's order. Please do
24 not put me in that position.

25 Secondly, you may not further mention

1 either [REDACTED] or [REDACTED] for any
2 reason, directly, indirectly, through a friend.
3 You can be violated if one of your friends is
4 putting something on their site that gets
5 traced back to you, ma'am.

6 And there is no subject for which you
7 are allowed to post anything about this family.
8 You have done enough damage and I hope the time
9 off-line that you spend will give you plenty of
10 time to think about what a privilege it is to
11 be online, and what you have done to this
12 family.

13 You must and may not lose sight of that
14 ever. And believe me, karma is real and
15 everyone has their day.

16 And the fact that you will not mention
17 the [REDACTED] on any subject for any reason is
18 part of the no contact, direct, indirect, via
19 third-party, via a website, via social media,
20 et cetera.

21 During the term of probation, you are
22 prohibited from using social media. There is
23 no legal right to use social media.

24 You can read the newspaper online. You
25 can send email to friends. But you may not

1 have social media accounts and you may not
2 participate in social media, period.

3 That's a privilege just like a driver's
4 license and it's revoked right now the next
5 five years.

6 You may not blog, write or talk about
7 the [REDACTED] in anyway, [REDACTED] or [REDACTED]

8 You may not own or possess any material
9 related to [REDACTED] or [REDACTED]

10 And those banker boxes, that you
11 referred to, must be turned over to your
12 attorneys, so that as officers of the Court,
13 they can guarantee to me that they have been
14 destroyed.

15 And I am quite sure that Mr. Bieber has
16 an industrial shredder at his office. Now, I
17 am very familiar with your firm and I am 100
18 percent sure you have an industrial shredder.

19 And you mentioned banker boxes full, and
20 you will turn them over to Mr. Bieber
21 immediately. You will direct him -- Your
22 husband can direct him to where they are and
23 make sure that he is provided with every last
24 one of them, because you are going out the side
25 door today, so your husband will have to do

1 this for you.

2 And you will also, within 20 days of
3 your release from custody, you must have signed
4 -- you must have contacted a psychologist and
5 set up a psychological evaluation by a PhD or a
6 Psy-D which includes extensive psychological
7 testing.

8 And that shall be presented to your
9 community control officer. And you must
10 successfully complete any and all follow-up
11 treatment that is recommended.

12 You will also perform 1000 hours of
13 community service as part of the four years of
14 supervision that are going to follow your year
15 in the county jail.

16 And that will be at a minimum of --
17 Well, I should be able to do this, but just to
18 be exact: That will be at a minimum of 22
19 hours a month. Actually let's make it an even
20 25. At a minimum of 25 hours a month.

21 And there shall be no early termination
22 of your supervision. You will serve the entire
23 five years on this probation under these
24 conditions.

25 And, ma'am, you have the right to appeal

1 the judgment and sentence -- No, excuse me.
2 Let me read you the conditions of community
3 control first.

4 You will report to your community
5 control officer at least four times a week, or
6 if unemployed full time, you must report daily.

7 You will maintain an hourly accounting
8 of all of your activities on a daily log, which
9 you will present to your community control
10 officer upon request.

11 You will remain confined to your
12 approved residence under house arrest, except
13 for one hour before and one hour after any
14 approved employment, public service work or
15 other special activity that has been approved
16 in advance by your community control officer.

17 Approval to be away from your residence
18 will be given only for the necessities of life,
19 such as work, church, school, doctor, dentist,
20 grocery shopping, laundry, et cetera. You will
21 not be allowed to leave for any pleasure or
22 recreational activities.

23 Permission to leave your residence must
24 be obtained in advance. And if you leave first
25 and report your absence later, it is still a

1 violation.

2 Any authorization given to you to go to
3 work, doctor, et cetera, means that you must
4 travel directly there and directly back. You
5 may not make any stops along the way unless
6 they have been approved in advance by your
7 community control officer.

8 Your residence means, if you live in a
9 house, it is the boundaries of your yard. You
10 may not go across the street or next door to
11 visit your neighbor.

12 If you live in a mobile home, it is the
13 boundaries of your lot.

14 And if you live in an apartment, it's
15 the four walls of your apartment and the patio
16 or the balcony. You may not use any amenities
17 in the apartment complex such as the swimming
18 pool, tennis courts or the laundromat without
19 first obtaining the permission of your
20 community control officer.

21 Ma'am, you do have the right to appeal
22 the judgment and sentence of this Court. But
23 if you wish to do so, however, you must do so
24 within 30 days of today. And if you cannot
25 afford a lawyer, one will be appointed.

1 And you will -- And I will now, at this
2 time, remand you -- excuse me.

3 You must pay court costs. \$100 cost of
4 prosecution. \$983 to the Brevard County
5 Sheriff's Office.

6 And, Madam Clerk, do we have an
7 indigency application?

8 THE CLERK: No, ma'am.

9 THE COURT: All right. Then that should
10 be it. You are on probation for 60 months, so
11 I can give you 58 months to pay the costs. And
12 make sure that you pay all of the costs.

13 I will now remand you to the custody of
14 the Sheriff to begin serving your sentence.

15 MR. BIEBER: When do you want her to
16 report, Judge, for probation?

17 THE COURT: You must report to probation
18 within 24 hours of your release from custody.
19 And if you are released on a Saturday by
20 chance, you must report before 3:00 PM in Cocoa
21 the very next business day that is a business
22 day.

23 If you are released on a Friday
24 afternoon, you're still on community control,
25 so you may not leave your home without a