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MR. SENDRA: Well, then on the scheduling the Court could say --

THE COURT: Oh, yeah.

MS. BURGESS: Are we going to --

MR. SENDRA: We haven't started yet, so I'm assuming that --

THE COURT: Right. Well, I think we will probably take, you know, my goal is one day we will have a jury at ten o'clock.

MS. BURGESS: The call is in (trailing off).

THE COURT: Okay. But, you know --

MR. SENDRA: I think Ms. Burgess wants something about that in the ruling.

MS. BURGESS: Oh, I hear there was, I guess, issues between the Bross firm and the client on Monday, okay.

THE COURT: (Whispering, inaudible.)

MS. BURGESS: Yeah.

THE COURT: Okay.

MS. BURGESS: I just wanted to ensure that there was no -- I guess, he said there was probably a complaint filed or something.

THE COURT: All I know is that Mr. Michael Bross announced that Paul Bross was no

1 longer going to be affiliated with his firm.

2 MS. BURGESS: I know that he --

3 THE COURT: And he's right here, right
4 now.

5 (More than one speaker, indiscernible.)

6 THE COURT: Okay, I'm just -- I mean,
7 obviously, he's here right now. So he's come
8 in as cocounsel. I know you were on the case
9 first, but there's no issue with him remaining
10 as cocounsel as far as you're aware?

11 MS. BURGESS: No ma'am.

12 THE COURT: Okay. Well, I just --

13 MS. BURGESS: He finally showed up.

14 MR. SENDRA: ~~Well, I think the issue is~~
15 ~~one that the client filed some kind of Bar~~
16 ~~complaint against him --~~

17 THE COURT: Oh, no, I didn't.

18 MR. SENDRA: -- in the proceedings from
19 last week.

20 THE COURT: Oh, no, no, no. I had -- I
21 gave him a long --

22 MS. BURGESS: You're right, you --

23 THE COURT: No, I gave him -- I gave him

24 --

25 MR. SENDRA: She had asked me earlier

1 on, and I understand why she did.

2 THE COURT: I told him I was
3 disappointed in his lack of posture and
4 attention (trailing off).

5 MS. BURGESS: I think every morning --

6 THE COURT: Yeah. So first comes the
7 mom talk, second comes the hammer. So, we will
8 see where the mom talk --

9 MR. SENDRA: Well, likely we're going to
10 be starting with our witnesses tomorrow.

11 THE COURT: Yes. The only thing now,
12 that might get in the way -- Unfortunately they
13 don't show up here in my personal stuff -- I
14 may have an appointment tomorrow in Melbourne
15 at 5:00.

16 MR. SENDRA: Okay.

17 THE COURT: And I don't know if it's
18 this -- if it's tomorrow -- or if it's next
19 Tuesday.

20 MR. SENDRA: You're talking about the
21 afternoon, so I mean, that would be cutting
22 that a bit short.

23 THE COURT: Right. Well, that would be
24 right, it would be cutting the day short but
25 the -- my only thing -- My only thing is that I

1 don't know how long either of you intend to do
2 jury selection, you may not be long maybe.

3 MR. SENDRA: I think it's --

4 (More than one speaker, indiscernible.)

5 MR. SENDRA: -- but probably not,
6 there's a couple of reasons why.

7 THE COURT: Right. Oh, yeah. Yeah.
8 All right. And are you going to be doing it?

9 MS. BURGESS: Oh, we have to talk.

10 THE COURT: Okay. Okay. Oh, would you
11 like your motion back?

12 MS. BURGESS: I have one.

13 THE COURT: Okay, I can keep this?

14 MS. BURGESS: Yes.

15 THE COURT: I mean, I'm happy to keep it
16 and put it in with all the rest.

17 MR. SENDRA: But the plea, obviously
18 not. Did we get a copy of that jury
19 instruction?

20 MS. STEWART: Yes.

21 MR. SENDRA: Okay. And so, we have to
22 look at that. But we don't have to do that
23 right now.

24 THE COURT: Right. Right, that wouldn't
25 be -- oh, did I get mine back -- yes, I did.

1 Okay. So, these are the only things that are
2 still on the table.

3 MS. STEWART: You know, since we're only
4 just going to pick the jury today, if we have
5 time, we probably could deal with the jury
6 instructions this afternoon.

7 THE COURT: We can do that.

8 MR. SENDRA: Yeah, I don't have a
9 problem --

10 THE COURT: Okay, we can do that.

11 MR. SENDRA: I don't have a problem with
12 that. I know that, at least, the timely --

13 MS. STEWART: I think going in --

14 (More than one speaker, indiscernible.)

15 THE COURT: Right, right. I think
16 that's important.

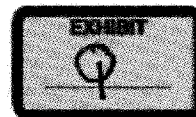
17 MR. SENDRA: Oh, yeah. With some of the
18 questions that we ask.

19 THE COURT: Yes, a very good idea.

20 Okay, we will do that.

21 Okay, where is mister -- oh, there he
22 is.

23 (Whereupon, this proceeding was in
24 recess while other matters were heard by the
25 Court.)



Supreme Court of Florida

THURSDAY, MARCH 8, 2018

CASE NO.: SC18-194
Lower Tribunal No(s):
2018-30,498 (18B) CDR

**IN RE: PETITION FOR DISCIPLINARY REVOCATION OF
PAUL EDWARD BROSS**

The uncontested amended petition for disciplinary revocation, as provided by Rule 3-7.12, Rules Regulating The Florida Bar, with leave to seek readmission after five years, is granted subject to the continuing jurisdiction of this Court. *See Florida Bar v. Ross*, 732 So. 2d 1037, 1040-42 (Fla. 1998). Disciplinary revocation is tantamount to disbarment. *Florida Bar v. Hale*, 762 So. 2d 515 (Fla. 2000). The disciplinary revocation shall be effective ninety days from the date of this order, as agreed by the Bar and petitioner, so that petitioner can close out his practice and protect the interests of existing clients. If petitioner notifies this Court in writing that he is no longer practicing and does not need the ninety days to protect existing clients, this Court will enter an order making the revocation effective immediately. Petitioner shall fully comply with Rule Regulating the Florida Bar 3-5.1(h). In addition, petitioner shall accept no new business from the date this order is filed until he is readmitted.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Paul Edward Bross in the amount of \$6,066.19, for which sum let execution issue.

CASE NO.: SC18-194

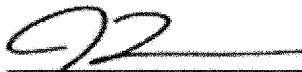
Page Two

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this revocation. As with disbarment, in seeking readmission to The Florida Bar, petitioner "may be admitted again only upon full compliance with the rules and regulations governing admission to the bar." R. Regulating Fla. Bar 3-7.10(n).

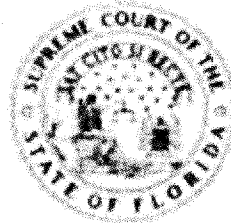
LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON,
and LAWSON, JJ., concur.

A True Copy

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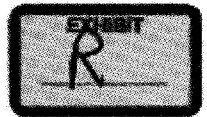
John A. Tomasino
Clerk, Supreme Court



as

Served:

KAREN CLARK BANKOWITZ
PAUL EDWARD BROSS
JOSHUA E. DOYLE
ADRIA E. QUINTELA



Supreme Court of Florida

THURSDAY, JUNE 22, 2017

CASE NO.: SC17-88

Lower Tribunal No(s):

2016-30,574(9C);

2016-30,993(9C);

2017-30,225(9C);

2017-30,607(9C)

THE FLORIDA BAR

vs. PAUL EDWARD BROSS

Complainant(s)

Respondent(s)

The uncontested report of the referee is approved and respondent is suspended from the practice of law for ten days, effective thirty days from the date of this order so that respondent can close out his practice and protect the interests of existing clients. If respondent notifies this Court in writing that he is no longer practicing and does not need the thirty days to protect existing clients, this Court will enter an order making the suspension effective immediately. Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(h). Respondent is further directed to comply with all other terms and conditions of the report and consent judgment.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Paul Edward Bross in the amount of \$2,658.51, for which sum let execution issue.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date

CASE NO.: SC17-88

Page Two

of this suspension.

**LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON,
and LAWSON, JJ., concur.**

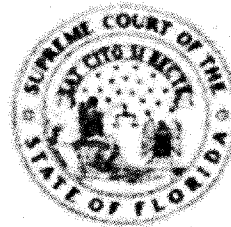
A True Copy

Test:



John A. Tomasino

Clerk, Supreme Court



dd

Served:

KAREN CLARK BANKOWITZ

PAUL EDWARD BROSS

HON. LAWRENCE MICHAEL MIRMAN, JUDGE

ADRIA E. QUINTELA



FLORIDA DEPARTMENT of CORRECTIONS



Governor RICK SCOTT

Secretary JULIE JONES

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December 21, 2017

Honorable Judge Robin Lemonidis
Titusville Court House
Titusville, FL

Re: LOYD, DANA LYNN
Brevard County Case 05-2015-CF-039871-AXXX-XX
DC# E06084

Dear Judge Lemonidis:

The above offender was sentenced on 04/07/17, to a period of (2) years Community Control, followed by a period of (3) years Probation, with the condition of (1) year imprisonment, with credit for (1) day, as a condition of Community Control. The offender was released from jail on Tuesday, 12/05/17. Upon her release from the Orange County Jail, the offender did report to the Cocoa Probation Office. At that time, this Officer was unable to download a copy of the offender's orders, as all documents in the Clerk of Court are sealed and cannot be accessed. This Officer instructed the offender to return to the Probation Office on Thursday, 12/07/17, to go over her paperwork and be instructed at that time.

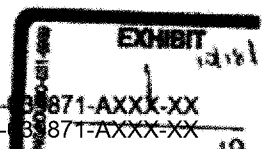
On 12/07/17, the offender did report on time as instructed. This Officer had obtained the Court paperwork and Probation file from the Titusville Probation Office which had been holding the file while the offender was in jail. The file contained the original order dated 04/06/17 and the amended order dated 04/07/17. This Officer had to contact the offender's attorney to obtain a copy of the 3rd amended order dated 07/12/17, again due to the offender's documents in the Clerk of Court being sealed. The offender was then instructed on all (3) orders and conditions, in detail, at that time, and signed.

After the offender left the Probation Office on 12/07/17, this Officer accessed the offender's website, BREVARDSBESTNEWS.COM, which also had a link to a GOFUNDME page that was set up for the offender's legal fees. This Officer then called the offender at home and instructed the offender that every article on BREVARDSBESTNEWS.COM and any mention about the victims on the GOFUNDME page must be removed immediately. The offender stated that she would deactivate her website, BREVARDSBESTNEWS.COM immediately. The offender called this Officer back a few minutes later and advised that she had indeed contacted Go Daddy and asked them to shut her site down. This Officer did try to access articles, by link, and the site was not accessible any longer.

The next day on 12/08/17, Supervisor Samantha Eastman, contacted the offender about her old Facebook page. At that time, Supervisor Eastman instructed the offender to report to the Office. At that time, the offender did report as instructed and advised that her Facebook account had been deactivated. Supervisor Eastman and Officer Sanders both tried to access the offender's Facebook account and the account was not accessible any longer.

The offender had stated that the GOFUNDME account was set up by a third party and she had asked that third party, in front of her attorney as a witness, to deactivate the account and shut it down. The offender stated that this conversation with the third party occurred on 12/12/17. On 12/20/17, the GOFUNDME page was still active. Supervisor Eastman

18-2 Cocoa Probation & Parole Office
1060 W. King St (523), Cocoa, FL 32922 • Phone (321) 634-3570 • Fax (321) 634-3559



contacted the offender, who then contacted Supervisor Eastman back, an hour later and the GOFUNDME page was not accessible any longer. Again, this account was set up by a third party.

The victim, [REDACTED] has been contacting this Officer, Supervisor Eastman and Circuit Administrator Rachel Richardson, as he believes the offender failed to deactivate her accounts within 24 hours.

This Officer believes that the offender has not violated her supervision as she did deactivate her BREVARDSBESTNEWS.COM website and her Facebook account within 24 hours of being instructed on her orders. The GOFUNDME account was set up by a third party and had now been deactivated.

This Officer is asking the Court for direction.

_____ Not a willful violation, remain on supervision.

_____ Set a status hearing to discuss the incident.

_____ Process violation paperwork for further review.

Please advise.

Thank you.

Sincerely,

Margo Sloan, CPSS

Margo Sloan, CPSS
Cocoa 18-2
(321) 269-3719



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

**MARCH 27, 2017
JURY TRIAL**

**SCHEDULED: 8:30 AM
CONVENED: 11:24 AM**

PRESENT:	JUDGE:	ROBIN LEMONIDIS
	COURT CLERK:	JANNIE ROBINSON
	STATE ATTORNEY:	SUSAN STEWART, ASA
	STATE ATTORNEY:	SEAN SENDRA, ASA
	DEFENSE ATTORNEY:	PAUL BROSS
	DEFENSE ATTORNEY:	JESSICA BURGESS
	COURT DEPUTY:	KEVIN HUGHES
	COURT DEPUTY:	MITCH BOSHACK

STATE OF FLORIDA

VS

CASE NUMBER: 05-2015-CF-039871-AXXX-XX

DANA LYNN LOYD

The defendant, Dana Lynn Loyd, present with her attorneys Paul Bross and Jessica Burgess present and ready to proceed with the Jury Trial.

Assistant State Attorneys Susan Stewart, present representing the State of Florida, present and ready to proceed with the Jury Trial.

Court and Counsel addressed preliminary matters.

Court instructed Deputy to bring the Venire in the courtroom.

The following Prospective Jurors entered the courtroom: (11:30 am)

- | | | |
|----|------------|----------------------------|
| 1 | 0000101517 | KRISTA LYNN LITTLE |
| 2 | 0000582472 | MICHAEL DWAYNE PACE |
| 3 | 0000637519 | EILEEN WALKO |
| 4 | 0000413875 | JOHN ROBERT ALLEN |
| 5 | 0000250871 | JONATHAN JAMES WEATHERFORD |
| 6 | 0000212727 | N JOHN FILIPOWICZ |
| 7 | 0000049716 | VIRGINIA MARIE WILLIAMS |
| 8 | 0000263834 | STEPHANIE NICOLE VRBANIC |
| 9 | 0001027844 | ZACHARY TYLER SOLMONSON |
| 10 | 0000335528 | LATASHA RENEE CUSHINGBERRY |
| 11 | 0000090382 | GUS SPRIO ALEX |
| 12 | 0000419423 | JAMES SAMUEL BROWN |

Case # 05-2015-CF-039871-AXXX-XX

Document Page # 162



13	0000275604	LOIS BRENDLE GREENE
14	0000978387	SIMMONE LASHAY GILLYARD
15	0000641420	MARY JO WALKER
16	0000885214	ZANDRA LYNNE MARTZ
17	0000470123	JOHN DENNIS KAVANAUGH
18	0000963996	PENNY LYNN FRITSCH
19	0000888038	JUSTIN MICHAEL CAMPBELL
20	0000596545	JAMES GLENN TAYLOR
21	0000498660	BARBARA LYNN MCGILLICUDDY
22	0000959055	PATRICK JOHN HAYES
23	0000123624	DAVID CARROLL MACON
24	0000122360	STEPHEN PATRICK ONEAL
25	0001004469	VICTORIA VIOLET VENUS MERCADO
26	0000009983	RICHARD CARLTON CADY
27	0000226284	JAMES ROBERT TOMBERLIN
28	0001013816	MIGUEL ANGEL MERCADO ECHEVARRIA
29	0000875139	LASHONTE EVETTE BEVEL
30	0000635939	DAWN MARIE MORRISON

Court spoke briefly with the Venire.

Defense Counsel Paul Bross introduced himself, Co-Counsel Jessica Burgess and the defendant.

ASA, Susan Stewart and ASA Sean Sendra introduced themselves.

Court inquired of the Venire (10:38 am – 12:02 pm)

Court announced witnesses (10:53 am)

Court read the Information filed by the State of Florida a charging document against the defendant, Dana Lynn Loyd to the Venire.

Venire Sworn (11:52 am)

Court gave Prospective Jurors preliminary instructions and instructions as to Innocent Until Proven Guilty, Reasonable Doubt, Burden of Proof and Electronic Device use during the trial.

Court Released the Venire for lunch with instructions to return @ 1:25 pm

Court instructed the Deputy to remove the Jury from the Courtroom

Court recognized the Venire removed from the courtroom (12:08 pm)

Court instructed defendant's supporters in the gallery if any recording of the Venire they will be held in Direct Contempt.

Court Recessed: 12:14 pm

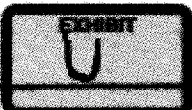
Court Reconvened: 2:10 pm

State vs Loyd
05-2015-CF-039871-AXXX-XX
Page 3

All parties present and ready to proceed with Jury Trial

Court Recessed: 2:41 pm

See Minutes



1 A. That violation report is dated 12/29/17.
2 Q. And you became aware of the purported violation
3 on December 20. Is that correct?
4 A. Yes.
5 Q. Why did you wait nine days to violate her?
6 A. There were some holidays in there, but I think
7 there was a letter sent to the judge in-between there.
8 Q. Who sent the letter?
9 A. I did.
10 Q. What date did you send the letter?
11 A. It would be whenever the letter is dated.
12 12/21, the next day.
13 Q. What did the letter say?
14 A. The letter explained everything in the
15 violation.
16 Q. Who did you send that to?
17 A. Judge Lemonidis.
18 Q. Is that something you would normally do?
19 A. Depends.
20 Q. What does it depend on?
21 A. If it's a technical violation or an egregious
22 violation or if they are a violent felony offender.
23 Depends. Every case and every violation is different.
24 Q. How many times, other than this case, have you
25 sent a letter to a judge?

1 A. I can't answer. Many times.

2 Q. Many times?

3 A. Mm-hmm.

4 Q. "Many" is subject to phenomenon. It's a
5 relative term. What is "many" to you? More than 10?

6 A. Thirty, 40, 50. I have been with the department
7 24 years. A lot.

8 Q. So in this case, what was the catalyst? What
9 caused you to send a letter to Judge Lemonidis?

10 A. Sent the letter and asked -- I guess we were
11 asking. The next page would be the judge's response.

12 Q. My question was, what spurred you to send the
13 letter? What caused you to send the letter?

14 A. The not shutting down the Go Fund Me page.

15 Q. And, again, this was after you became aware of
16 the fact that it was still active on the 20th, the day
17 before?

18 A. Yes.

19 Q. This is the day after, while it's all fresh in
20 your mind. Is that correct?

21 A. Yes.

22 Q. And did you state in your letter that, "This
23 officer believes that the offender has not violated her
24 supervision, as she did deactivate her Brevard County
25 News dot com website and her FaceBook account within 24

1 hours of being instructed on her orders. The Go Fund Me
2 account was set up by a third party and has now been
3 deactivated." Were those your words?

4 A. Yes.

5 Q. And this after you became aware that it was
6 still active on the 20th, the day before?

7 A. Yes.

8 Q. And, yet, some eight days after you authored
9 that letter and sent that to the judge you filed a
10 violation report?

11 A. Because of the instruction --

12 Q. Let me ask the question, please. Is that
13 correct?

14 A. Yes.

15 Q. And did anything change, materially, between the
16 day that you wrote this letter, and the day that you
17 filed the violation report, as far as -- were there any
18 other violations that you became aware of?

19 A. I don't know what you mean by the word
20 "materially."

21 Q. Well, did you do any research that showed that
22 there was another active site that was in violation of
23 the special conditions of Ms. Loyd's terms of community
24 control? Did you receive any additional information
25 from the victim that there is another site that was

1 still up and having information in violation of a
2 special condition of Ms. Loyd's community control?

3 A. No.

4 Q. So were there any additional alleged violations
5 of Ms. Loyd's community control that occurred after you
6 wrote this letter on December 21?

7 A. No.

8 Q. But you want to explain why you wrote that
9 letter, don't you?

10 A. Oh, I know I wrote the letter.

11 Q. Well, more importantly, do you want to explain
12 why you didn't believe she was in violation, and you
13 changed your mind some eight days later?

14 A. No. I can explain that because the response
15 from the judge was to process a violation.

16 Q. So Judge Lemonidis, in response to this -- where
17 is that letter?

18 A. It was, I think, through a phone call from the
19 judicial assistant.

20 Q. Who is supervising the community control agents,
21 the judge or is it you?

22 A. I am.

23 Q. So you sent this letter, and at that time, you
24 didn't believe she was in violation. You believed she
25 was, in good faith, attempting to comply with her

1 special conditions. You say, in your own words, that
2 you believed the offender has not violated her
3 supervision?

4 A. Yes.

5 Q. And, in good faith, you sent that off to the
6 judge, and the only reason you violated her is because
7 the judge says, "Process the violation."

8 A. Yes.

9 Q. That was done via phone call?

10 A. If I -- the response came back, yes.

11 Q. And did you talk with the judge directly?

12 A. No, I did not.

13 Q. Do you know who received that phone call?

14 A. I don't recall.

15 Q. Now, do you know that that occurred?

16 A. Because that's why the violation was completed.

17 Q. How do you know that?

18 A. Because I did the violation.

19 Q. I know you did the violation. There's no doubt
20 about that. We can all agree about that. How do you
21 know the judge called and said, "Process the violation"?

22 A. Because I was there. I remember it happening.

23 Q. When you say, "I was there," where is "there"?

24 A. At work in my office.

25 Q. And if you didn't have direct conversation with

1 the judge, and you weren't there, tell me who did?

2 A. Because it was the judicial assistant responded
3 saying that the direction was to do the violation.

4 Q. Do you recall the name of the judicial
5 assistant?

6 A. No, I do not.

7 Q. Can you tell me what date that occurred?

8 A. Between the 21st and 29th I guess. Again,
9 Chris' is in there. That's why the violation was done
10 on the 29th.

11 Q. Did you put anything in your business records
12 about that contact?

13 A. No.

14 Q. How often does a judge call you and tell you, or
15 a judicial assistant on behalf of a judge, call you and
16 tell you to process a violation?

17 A. Not very often.

18 Q. This is an unusual. Would you agree?

19 A. If anything, we, usually, get the letter back
20 with one of the things checked.

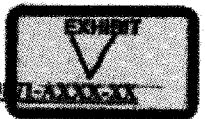
21 Q. But a personal phone call is unusual. Would you
22 agree?

23 A. Yes.

24 Q. You said earlier that these were unusual special
25 terms. You don't have all of the special terms with you

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

Docket #: 05-2015-CF-039871-XXXX-XX
DC#: E06084



**AFFIDAVIT
VIOLATION OF COMMUNITY CONTROL**

Before me this day personally appeared Margo Sloan, CPSO, who, being first duly sworn says that DANA LYNN LOYD, hereinafter referred to as the offender, was on the 6th day of April, A.D. 2017 placed on community control for the offense of CL 1) FALSE REPORT OF CHILD ABUSE, ABANDONMENT OR NEGLECT (F3) in the Circuit Court of Brevard County, for a term of Two (2) years Community Control, followed by a term on Three (3) years Probation, in accordance with the provisions of Chapter 948, Florida Statutes.

Affiant states that the offender was instructed on the conditions of community control on 12/07/17 by Officer Sloan.

Affiant further states that the offender has not properly conducted herself, but has violated the conditions of her community control in a material respect by:

Violation of Condition (11) of the Order of Community Control, by failing to comply with all lawful instructions given to her by the community control officer, and as grounds for belief that the offender violated her Community Control, Officer Sloan states that on 12/07/17, the offender was instructed to remove all information regarding the victim and the victim's father from her Go Fund Me account immediately and the offender did fail to carry out this instruction by failing to immediately remove the information on the Go Fund Me account and the account was disabled on 12/20/17 (13 days later).

Violation of Special Condition (F) of the Order of Community Control, by failing to remove all information from the internet regarding the victim, victim's father and Dean Tong within 24 hours of release, and as grounds for belief that the offender violated her Community Control, Officer Sloan states that on 12/07/17, the offender was instructed to remove all information regarding the victim and the victim's father from her Go Fund Me account immediately and the offender did fail to carry out this instruction by failing to immediately remove the information on the Go Fund Me account and the account was disabled on 12/20/17 (13 days later).

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Margo Sloan, CPSO
Margo Sloan
Correctional Probation Senior Officer

THIS AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO UNDER S. 117.10 OR 92.50, FLA. STAT. Sworn to and subscribed before me this 29th (day) of December (month), A.D. 2017 (year) by Margo Sloan, CPSO, who is personally known to me.

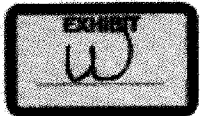
Signature of Attesting Officer Under S. 117.10, F.S. [Signature] Title: CPSO

Notary Public
State of Florida at Large for Brevard County
Approved by Supervisor:

[Signature]
Samantha Eastman, Correctional Probation Senior Supervisor

Date: 12/29/17

(321) 634-3570 / sloan.margo@mail.dc.state.fl.us
Officer Telephone/E-Mail Address



IN THE CIRCUIT COURT IN AND FOR
BREVARD COUNTY, FLORIDA
CASE NUMBER: 05-2015-CF-039871-AXXX-XX

DC#: E06084

STATE OF FLORIDA,

Plaintiff,

vs.

DANA LYNN LOYD

Defendant.

**ORDER DIRECTING CLERK TO ISSUE NOTICE TO APPEAR
FOR VIOLATION OF PROBATION/COMMUNITY CONTROL ARRAIGNMENT
AND TOLLING PROBATION**

THE CLERK is hereby directed to comply and perform the following:
Set for VOP ARRN before the undersigned on:

February 12, 2018 AT 9:00 A.M.

IN Titusville, BREVARD COUNTY, FL.

THE CLERK is to provide a NOTICE TO APPEAR to Defendant at the most
recent/current address for Defendant:

CURRENT ADDRESS: 1294 Estridge Drive
Rockledge, FL 32955

Tolling of Probation is now in effect until this matter is resolved.

DONE AND ORDERED at the Titusville Court House, in Titusville, Brevard County,

Florida this 2d day of Jan 2018.

Robin C. Lemonidis
CIRCUIT JUDGE

CC:
State Attorney's Office
Probation & Parole



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

CASE NO. 05-2015-CF-039871-AXXX-XX

STATE OF FLORIDA

Plaintiff,

vs.

DANA LYNN LOYD,

Defendant.

**MOTION FOR ENLARGEMENT OF TIME
POST CONVICTION RELIEF**

COMES NOW, the Defendant DANA LYNN LOYD, a.k.a., DANA DELANEY, DANA DELANEY LOYD, respectfully moves this Honorable Court to **GRANT** an **ENLARGEMENT OF TIME** attached to her right to seek post conviction relief.

1. The Defendant anticipates filing for post conviction relief alleging in part, ineffective counsel.
2. In March 2017, after a jury trial, the Defendant was convicted for making a false call to the Florida Abuse Hotline.
3. In April 2017, the Defendant was sentenced by the trial judge to two years of community control (one year in jail / one year under house arrest) followed by three years of standard probation, with **special conditions**.
4. These **special probation conditions** included the inability to speak about the particulars of her criminal charge and prosecution. Under these original special probation conditions, the Defendant could **ONLY** communicate the facts of her criminal prosecution to three individuals – her spouse, her mental health professional, and her attorney of record. Effectively placing a “gag order” on the Defendant during the time frame of her probation.

During sentencing, the trial judge restricted the Defendant’s access to attorneys. The trial judge advised the Defendant that she could not “attorney shop”. Without the ability

to discuss her case with attorneys, the Defendant has little chance of having an attorney to sign on as an "attorney of record", so that the Defendant can then discuss the facts surrounding her post conviction relief, without fear of violating her special conditions of probation.

During a November 20, 2018 hearing, the current Court did modify the above mentioned special condition, allowing the Defendant to seek out the representation of legal professionals. However, the Defendant must advise the legal professional of the gag order provisions attached to the Defendant. The Defendant is of the opinion that this required notification would chill legal representatives' willingness to accept the Defendant as a client. This gag order provision obviously ends with the completion of the Defendant's probation.

The trial judge also ordered the Defendant, as a special probation condition, to destroy all of her records and restricted her from possessing any records associated with the criminal prosecution. These special probation conditions severely hampers the Defendant's ability to seek post conviction relief, especially as a pro se petitioner.

During a November 20, 2018 hearing, the current Court did modify the above special condition, allowing the Defendant access to her court records. However, the Defendant is still restricted from **possessing** many of her court records, which impedes her ability to front a post conviction relief motion. This probation provision also ends with the completion of the Defendant's probation.

5. During the Defendant's trial, the Defendant's attorney and the trial judge discussed the possibility that the Defendant may have an ineffective counsel claim against the attorney. The trial judge assured the attorney that she (judge) would assist the attorney in "ward(ing) off" an ineffective counsel claim. *(pg. 115, lines 1-17 trial transcript)*

The trial judge assurance to the Defendant's attorney to help "ward off" an ineffective counsel claim, appears at best to be a judicial bias, and at worst, judicial misconduct.

The Defendant also has concerns, **supported by evidence**, that the **trial judge and the current Court are colluding** to deny the Defendant a fair and impartial Court. The Defendant intentions are to introduce these matters within her post conviction appeal filings.

The Defendant alleges that the special conditions of her probation, ie., the gag order, the order to destroy records, and not being able to possess court records were put in place, in order to impede the Defendant's ability to front a post conviction appeal, to include an ineffective counsel claim. The Defendant is of the belief that this legal impediment was

purposely placed by the trial judge in order to fulfill her declaration of assisting the Defendant's legal counsel in "ward(ing) off" an ineffective counsel claim.

6. On December 29, 2017, after several email communications between the Defendant's victim and the Department of Corrections (DOC), DOC filed a Report of Probation Violation with the Court.

This probation violation (VOP) is currently open with the Court. The VOP case has been delayed several times for several reasons, to include the self recusal of the trial judge, and the inability of the DOC personnel to timely attend depositions, or provide evidentiary email records.

This **open** VOP case has also delayed the Defendant's ability to request early releases from both her community control and standard probation sentences.

The Defendant alleges that certain forces are conspiring to insure that she does not complete her probation prior to the expiration of the post conviction relief time limitation.

Once the Defendant completes her probation, she will be free of all the special conditions that are effectively impeding, thus denying her, her right to post conviction relief and due process.

The Defendant anticipates that her VOP case will soon be resolved, and that the completion of her probation will quickly follow.

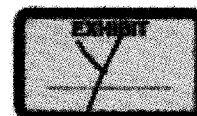
WHEREFORE the Defendant respectfully requests that the Court grant her Motion for the Enlargement of Time, resetting the time to start on the date that the Defendant is no longer under the special conditions of her probation. The Defendant requests hearing time on this motion. The Defendant requests that the Court fully review the Court's trial transcripts and sentencing records.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing was furnished by email to Billie Shadron, J.A. to Judge Reinman, and to the State Attorney's Office via on-line filing on this 22 day of February 2019.

s/ Dana Loyd

DANA LYNN LOYD
1294 Estridge Drive
Rockledge, Fl 32955-2312



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

CASE NO: 05-2015-CF-39871-AXXX-XX

**STATE OF FLORIDA,
Plaintiff,**

v.

**DANA LYNN LOYD,
Defendant.**

**ORDER DENYING DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME
POST-CONVICTION RELIEF**

THIS CAUSE came before the Court upon the Defendant's Motion for Enlargement of Time Post-Conviction Relief filed on February 22, 2019 which the Court will consider pursuant to Rule 3.050, Florida Rules of Criminal Procedure. Based upon a review of the Defendant'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 found guilty by a jury on March 30, 2017 and was sentenced on April 6, 2017 (Exhibit A, Verdict and Exhibit B, Third Amended Judgment). The Defendant's judgment and sentence were per curiam affirmed on December 19, 2017 with a mandate issued on January 12, 2018 (Exhibit C, Decision and Mandate).

b. In her motion, the Defendant requests an extension of time within which to file a post-conviction motion. According to Rule 3.850(b), such a motion must be filed within two years after the judgment and sentence become final.¹ The Defendant's judgment and sentence were not final until the issuance of the mandate on January 12, 2018; therefore, the Defendant has two years

¹ There are three exceptions to the two-year time limit: (1) a claim of illegal sentence; (2) a claim of newly-discovered evidence; or (3) a claim based on a fundamental change in the law held to apply retroactively.

from that date within which to file her motion. The Defendant has failed to demonstrate good cause for an enlargement of time.

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

The Defendant's Motion for Enlargement of Time Post Conviction Relief is **DENIED.**

ORDERED at Moore Justice Center, Viera, Brevard County, Florida, this 12th day of


March, 2019.



MORGAN LAUR REINMAN
CIRCUIT COURT JUDGE

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was furnished by U.S. mail to Dana Lynn Loyd, 1294 Estridge Drive, Rockledge, Florida 32955-2312; and by e-service to the Office of the State Attorney, BrevFelony@sa18.org, this 13th day of March, 2019.



Billie Shadron
Judicial Assistant
Eighteenth Judicial Circuit
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, Florida 32940