

From: LHOOPER@sa18.org

To: volusiaexposed@cfl.rr.com

Subject: st_document2

Date: Wed, 22 Jun 2016 15:04:50 -0400

Dear Volusia Exposed,

This is a copy of the close out memo on the case you requested. The case was disposed on April 28, as you noted, but every time you go back into a document and print it out it gives it that day's date, thus June 22.

The case was actively worked by our attorneys and law enforcement, however the problems with a prosecution are as noted.

Please let me know if you require anything else.

Thank you,

Lynne

OFFICE OF THE STATE ATTORNEY

EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA
BREVARD AND SEMINOLE COUNTIES

PHIL ARCHER
STATE ATTORNEY



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Reply to: Viera

DATE: June 22, 2016
DEPARTMENT: PALM BAY POLICE DEPARTMENT
AGENCY CASE NO: 158167
OFFICER ASSIGNED: JASMINE L. SMITH-CAMPBELL
DEFENDANT/JUVENILE: CLARENCE MAHOGANY X HOWARD
SA#: 0515F20383
COURT CASE NO: 052015CF051096AXXXXX

CHARGE(S): POSSESSION WITH INTENT TO PROMOTE SEXUAL PERFORMANCE BY A CHILD (F2)
POSSESSION WITH INTENT TO PROMOTE SEXUAL PERFORMANCE BY A CHILD (F2)
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POSSESSION OF MATERIAL DEPICTING SEXUAL CONDUCT BY A CHILD - RECLASSIFIED (F3)
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Assistant State Attorney ANDREW CHOISSER reviewed this case and made a decision to no file this case.

REMARKS: Due to insufficient evidence, we would not have a reasonable likelihood of success at trial in this case. There is not enough evidence available to demonstrate beyond a reasonable doubt that the defendant uploaded the child porn images from Brevard County. The usable images were located in a Drop Box account which is a cloud storage service located outside of Brevard County. Multiple attempts made to forensically examine the cell phone suspected of containing child porn were unsuccessful. Additional evidentiary issues are problematic in proving that the defendant was the person who uploaded the child porn images to Drop Box. Multiple individuals resided in and/or stayed in the home proven to be associated with most of the IP addresses from the tip. Records were not available to prove the location of one of the IP addresses believed to be associated with the Drop Box account. The records provided by Drop Box due not identify what specific IP address was associated with what specific child porn.

PHIL ARCHER
STATE ATTORNEY

BY:

ANDREW CHOISSER
Assistant State Attorney