

In The Circuit Court Seventh Judicial Circuit,
In and For Volusia County, Florida
Division 42

07/05/2000 15:23
Instrument # 2000-116765
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Case No 99-02153CFAWS

State of Florida

v.

Derek Sean Loughran
Defendant

282495

Order of Probation

This cause coming on this day to be heard before me and you, the defendant, Derek Sean Loughran being now present before me, and you having entered a plea of nolo contendere to offense(s) of

Simple Battery (A Lesser Included Offense), a First Degree Misdemeanor.

Order Withholding Adjudication

Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Probation for a period of one (1) year under the supervision of the Department of Corrections, subject to Florida law.

Having been placed under supervision for a felony offense, you are hereby directed to register at the Sheriff's Office within the county in which you reside within 48 hours of this date, per F.S. 775.13. Failure to do so is a 2nd degree misdemeanor.

Standard Conditions

It is further ordered that you shall comply with the following conditions of supervision during the period of supervision

1. Not later than the 5th day of each month, you will make a truthful report to your officer on the form provided for that purpose.
2. You will pay the State of Florida the amount of \$50 per month toward the cost of supervision, unless otherwise waived in compliance with Florida Statutes, plus a 4% administrative processing fee in accordance with Florida Statute 945.31. the monthly cost of supervision shall be exempted for the number of months, or portion of a month, you are incarcerated in the Tier Two portion of the Non-Secure Drug Treatment Program or any other inpatient treatment facility.
3. 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 under any circumstances. You will not possess, carry or own any weapons (other than a firearm) 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 supervision.
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 maintain or actively seek gainful employment, advise your employer of your supervision status and support your dependents to the best of your ability.
9. You will promptly and truthfully answer all inquiries directed to you by the court or your 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 shall pay the Department of Corrections a \$2 per month surcharge for each month you are under supervision pursuant to Section 948.09(1)(2), F.S.

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VOLUSIA COUNTY
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- 11. You will report in person within 24 hours of your release from confinement to the Probation Office located at 119 South Palmetto Avenue, Daytona Beach, Florida 32114, unless otherwise instructed by your officer.
- 12. You will submit to urinalysis, breathalyzer or blood tests at any time requested by your officer, or the professional staff of any treatment center where you are receiving treatment, to determine possible use of alcohol, drugs or controlled substances. You shall be required to pay for such tests unless your officer waives payment.
- 13. You shall enroll in the Probationers' Education Growth (P.E.G.) Program as directed by your officer, and make a good faith effort to complete the program as determined by the program administrator.

Financial Conditions

- Note: The following financial obligations shall be paid to the Department of Corrections and shall have a 4% processing charge assessed (F.S. 945.31), unless otherwise directed*
- F2 You shall pay **court costs** in the amount of **\$55** to the Clerk of the Circuit Court, Volusia County, Florida. (F.S. 938.05, s. 938.01, s. 938.1B, and s. 938.23).
 - F3 You shall pay **Crimes Compensation Trust Fund** fee in the amount of **\$50** to the Office of the Attorney General, Bureau of Crimes Compensation. (F.S. 938.03)
 - F4 You shall pay court costs in the amount of **\$3** to the Clerk of the Circuit Court, Volusia County, Florida, for the purpose of funding a **Teen Court** in said county. (F.S. 938.19)
 - F8 You shall pay **fin**es in the amount of **\$392.00** to the Clerk of the Circuit Court, Volusia County, Florida. (F.S. 775.083).
 - F9 You shall pay a **Facility Fee** in the amount of **\$100** to the Clerk of the Circuit Court, Volusia County, Florida.

Restitution Conditions

- R2 Restitution is ordered to be paid as follows:
\$200.00 to the victim jointly and severally.
Restitution shall be paid through the Florida Department of Corrections, in equal monthly installments, with the final monthly installment to be paid at least four (4) months prior to your scheduled termination date.

Drug Related Conditions

- D3 You shall obtain a Tasc, or other substance abuse evaluation within 30 days, and if recommended, you shall enter and successfully complete any outpatient and/or inpatient substance abuse counseling within 12 months. You shall also participate in any recommended aftercare or follow-up treatment as directed by your officer. You shall pay all costs related to this condition .
- D4 You shall totally abstain from the consumption of alcoholic beverages. You are prohibited from the use of drugs of any type unless prescribed by a physician.
- D5 You are prohibited from entering any business establishment whose primary purpose is the sale and/or consumption of alcoholic beverages.
- D6 You shall submit to random urinalysis as directed by your officer. You shall pay all costs related to this condition.

Additional Conditions

- A3 You shall perform two hundred (200) hours of Community Service Work at a rate of ten (10) hours per month beginning within thirty (30) days.

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- A13 You shall enter and successfully complete an approved Anger Management Counseling as directed by your officer. You shall pay the cost of said program.
- A21 You shall write a letter of apology within thirty (30) days.
- A30 You may not associate or have contact, directly or indirectly, in any way with the victim or witnesses.
- A99 All fees/fines are to be paid within the first six (6) months of your probation term.

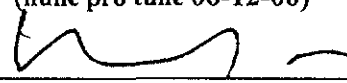
This period of probation/community control is to be tolled upon any incarceration for any other offense, and shall remain tolled until such time as the term of incarceration is completed.

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

It is further ordered that when you have been instructed as to the conditions of supervision you shall be released from custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability.

It is further ordered that the Clerk of this court file this order in the Clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

Done And Ordered In Open Court, this 29 day of **June, 2000**
(nunc pro tunc 06-12-00)



Richard B. Orfinger
Circuit Judge

I acknowledge receipt of a certified copy of this order and that the conditions have been explained to me.

Date: _____

Probationer _____

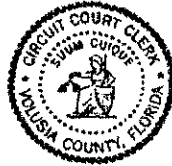
Instructed by _____

Original: Court
Copies: Probationer/File

Copies To:

Counsel for the state:	_____ hand delivery open court	<input checked="" type="checkbox"/> U.S. Mail	<input checked="" type="checkbox"/> interoffice/hand delivery
Counsel for the defendant:	_____ hand delivery open court	<input checked="" type="checkbox"/> U.S. Mail	_____ interoffice/hand delivery

I do certify that a copy hereof has been furnished to counsel for the state and the defendant by the method indicated above, done this 30 day of June, 2000.



DIANE M. MATOUSEK
CLERK OF CIRCUIT COURT

By: *Tampa L. Hegec*
Deputy Clerk

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DIANE M. MATOUSEK
VOLUSIA COUNTY, CLERK OF COURT

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