

PD

STATE OF FLORIDA, - vs - Derek Sean Loughran, Defendant

in the CIRCUIT Court of VOLUSIA County, Florida

Case No. 2005-35136 CFAES

35156  
00282495

### 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

(check one)

- entered a plea of guilty to
- entered a plea of nolo contendere to
- been found guilty by jury verdict of
- been found guilty by the court trying the case without a jury of

the offense(s) of: Stalking, a Third Degree Felony

#### SECTION 1: Judgement of Guilt

The court hereby adjudges you to be guilty of the above offense(s). Now, therefore, it is ordered and adjudged that you be placed on Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

#### SECTION 2: 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 twelve (12) months under the supervision of the Department of Corrections, subject to Florida law.

#### SECTION 3: Probation During Portion of Sentence

It is hereby ordered and adjudged that you be

- committed to the Department of Corrections
- confined in the County Jail

for a term of \_\_\_\_\_ with credit for \_\_\_\_\_ time served. After you have served \_\_\_\_\_ of the term, you shall be placed on Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

DEPT. OF CORRECTIONS  
CORRECTIONS  
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DEC 29 PM 3:26

It is further ordered that you shall comply with the following conditions of Probation during the probationary period.

- (1) Not later than the 5<sup>th</sup> day of each month, you will make a full and truthful report to your officer on the form provided for that purpose.
- (2) You will pay 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. 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 any law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your Probation.
- (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 probationary status and support 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 will pay restitution, costs and/or fees in accordance with the attached order.
- (11) You will report in person within 24 hours of your release from confinement to the probation office in Volusia County, Florida, unless otherwise instructed by your officer. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 1023 Mason Avenue, Daytona Beach, Florida 32117.
- (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.

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DEFENDANT: Derek Sean Loughran

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- (13) After service of 1/2 of the period of Probation, and completion of all Special Conditions of Probation you may be placed by the Department of Corrections on Administrative Probation Status. All Conditions of Probation except for Condition #5 are to be no longer applicable. You shall be required to pay a \$50.00 non-recurring processing fee plus a 4% surcharge to the Department of Corrections.
- (14) You shall pay to the Department of Corrections a \$2.00 per month surcharge for each month you are under supervision pursuant to Section 948.09(1)(2), Florida Statute.
- (15) You shall submit to a reasonable search without warrant by any probation officer or law enforcement officer of your person, property, residence, business premises, vehicle, or personal effects for alcoholic beverages, controlled substances, weapons, firearms, or any other contraband.

**\* \* SPECIAL CONDITIONS \* \***

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

- (16) You shall pay one dollar (\$1.00) per month for each month under supervision to be disbursed to **First Step, Inc.**, a non-profit organization, in accordance with Florida Statute 948.02.
- (17) **You shall pay all costs required by the Final Judgment for restitution/charges/costs/fees in this case as instructed by your officer.**
- (18) You may not associate or have contact in any way with the victim.
- (19) Other: Any contact with minor daughter to be handled through the defendant's mother.
- (20) This period of Probation is to run **CONCURRENT** with any active sentence.

This period of probation 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.

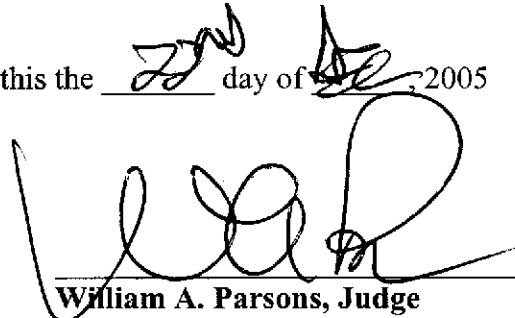
You are hereby placed on notice that the Court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision or return you to a program of regular probation supervision; and if you violate any of the conditions and sanctions of your probation, you may be arrested and the Court may revoke your probation and impose any sentence which it might have imposed before placing you on probation.

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

At the conclusion of this probation period, whether concluded by expiration of the probation term, revocation of probation or termination by the Court, any unpaid balances of court costs, restitution, attorney fees or Crime Compensation Trust Fund fees shall be reduced to a civil judgement against the defendant.

It is further ordered that the Clerk of this Court file this order in his/her office, record the same in the Minutes of the Court, and forthwith provide certified copies of same to the Probation Officer for use in compliance with the requirements of law.

DONE AND ORDERED IN OPEN COURT, this the 23 day of December, 2005  
(nunc pro tunc 12/19/05)

  
\_\_\_\_\_  
William A. Parsons, Judge

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Diane M. Matousek  
Volusia County, Clerk of Court

CLERK OF THE COURT IS DIRECTED TO DELIVER A CERTIFIED COPY OF THIS ORDER TO:  
Booking Desk, Volusia County Jail      Becky Heurman, VCSO

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

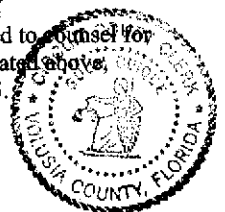
Date: \_\_\_\_\_ Probationer

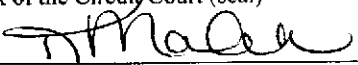
Instructed by: \_\_\_\_\_

**COPIES TO:**

Counsel for the State:  hand delivery in open court  
 U.S. Mail;  interoffice/hand delivery  
Counsel for Defendant:  hand delivery in open court  
 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, this 23 day of December, 2005.



Diane M. Matousek  
Clerk of the Circuit Court (seal)  
By:   
Deputy Clerk

Original: Court  
Copies: Probationer, File (V10920)  
Revised 03/2003 / aa/071 Kelley

FILED ONLY - FILE !!