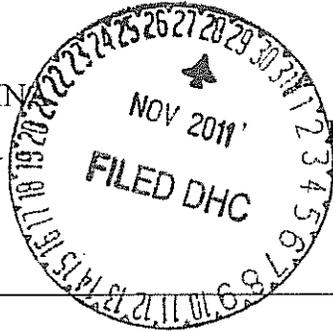


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
11 DHC 32

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

RUSSELL F. CRUMP, Attorney,  
Defendant

CONSENT ORDER OF  
INTERIM SUSPENSION

THIS CAUSE came on for consideration before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C.A.C. 1B §.0115(d). Plaintiff, the North Carolina State Bar, is represented by Mary D. Winstead and Defendant, Russell F. Crump, appears pro se. Based upon the pleadings, review of certified copies of documents, and upon consent of the parties, the undersigned makes the following:

FINDINGS OF FACT

1. Defendant was licensed to practice law in North Carolina in 1999.
2. Defendant's address of record with the North Carolina State Bar is 12921 SW 1st Road, Suite 107-303, Newberry, FL 32669.
3. On September 28, 2011, Defendant tendered a plea of nolo contendere in the Circuit Court of the Eighth Judicial Circuit of Florida to one count of child abuse, a 3<sup>rd</sup> degree felony. Defendant's plea was accepted by the court and Defendant was sentenced to community control for 90 days followed by 364 days in the Alachua County Jail, to be followed by 48 months probation.
4. The North Carolina State Bar will file a formal complaint against Defendant alleging he has violated the Revised Rules of Professional Conduct based upon his felony conviction and the conduct on which the conviction was based.

Based upon the foregoing Findings of Fact the undersigned makes the following

CONCLUSIONS OF LAW

5. The crime of which Defendant was convicted is a criminal offense showing professional unfitness as defined in 27 N.C.A.C. 1B, §.0103 (17).

6. 27 N.C.A.C. 1B §.0115 provides that the Chair may enter an order suspending the member from practicing law pending disposition of disciplinary proceedings before the Disciplinary Hearing Commission based on the conviction of such a crime.

7. An order suspending Defendant's law license on an interim basis is necessary for the protection of the public and to uphold the standing of the legal profession.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

ORDER

The license to practice law in North Carolina of Russell F. Crump is hereby SUSPENDED until the conclusion of all disciplinary proceedings before the North Carolina State Bar relating to Defendant's felony conviction in the Circuit Court of the Eighth Judicial Circuit of Florida and the conduct underlying such conviction.

This the 10 day of November, 2011.

Sr B. of  
Ronald G. Baker, Chair  
Sharon B. Alexander  
Disciplinary Hearing Commission

CONSENTED TO:

Maryl Winstead  
Mary D. Winstead, Deputy Counsel  
Attorney for Plaintiff

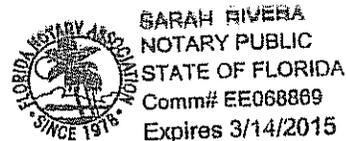
\_\_\_\_\_  
Date

Russell F. Crump  
Russell F. Crump  
Defendant

11-10-11  
Date

Sworn to and subscribed before me  
This the 10<sup>th</sup> day of November, 2011.

Sarah Rivera  
Notary Public Sarah Rivera  
County of: Alachua  
My commission expires: 3/14/15



IN THE CIRCUIT COURT OF  
THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

- Community Control Violator
- Probation Violator

STATE OF FLORIDA  
vs

Russell Flint Crump  
Defendant

Case: 01-2011-CF-3953-A  
Division: I

JUDGMENT

The defendant Russell Flint Crump, being personally before this court represented by Larry Turner, Esq., the attorney of record, and the state represented by Bill Ezzell and having

- been tried and found guilty by jury/by court of the following crime(s)
- entered a plea of guilty to the following crime(s)
- entered a plea of nolo contendere to the following crime(s)
- admitted to violating probation
- been found in violation of probation at hearing

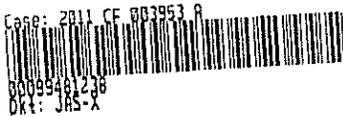
Count	Crime	Offense Statute Number(s)	Degree of Crime
<u>I</u>	<u>Child Abuse</u>	<u>827.03(1)</u>	<u>3F</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

The qualifying offender per F.S. 943.325(1)(b)(5) is required to submit an FDLE-approved blood or biological specimen, F.S. 943.325(7). Unless the defendant has been declared indigent by the court, he/she shall pay the actual costs of collecting the approved biological specimens required under F.S. 943.325.

DONE AND ORDERED in Open Court in Gainesville, Alachua County, Florida this 28 day of September, 2011



Mark W. Moseley  
Judge of the Circuit Court

Filed in Open Court September 28 2011 by Amberland D.C.

I HEREBY CERTIFY THAT A COPY OF THIS Judgment was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant pro se this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY Deputy Clerk: \_\_\_\_\_



J.K. "Buddy" Irby, Clerk of the Circuit & County Court, Eighth Judicial Circuit of Florida, in and for Alachua County, hereby certifies this to be a true and correct copy of the document now of record in this office. Witness my hand and seal this 15 day of November.  
J.K. "Buddy" Irby, Clerk of the Circuit & County Court.  
By: [Signature]  
Deputy Clerk

(1)

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

9/28/11 DATE  
Am Hazard D.C.

vs.

RUSSELL FLINT CRUMP

Defendant.

CASE NO: 2011CF3953A  
CRIMINAL DIVISION

**PETITION TO ENTER PLEA OF GUILTY/NOLO CONTENDERE**  
(The Defendant must initial each paragraph that pertains to him/her and indicate not applicable [N/A] to those that do not)

*RF* 1. My full name is Russell Flint Crump and I am also known as \_\_\_\_\_ I am 39 years of age. I have gone to school up to and including law school

*RF* 2. I am represented by an attorney, who is Larry Gibbs Turner, Esq. I have told my attorney all the facts and circumstances about the charges against me, motions I believe should be filed, defenses I believe I may have and witnesses I believe I may have (including alibi witnesses). My attorney and I have discussed the allegations and charges against me, the evidence in this case, including depositions, witnesses disclosed by the State, arrest reports and motions that may be filed on my behalf. My attorney and I have discussed the physical evidence in this case and whether any DNA associated with that physical evidence could exonerate me. I am satisfied that my attorney has sufficiently explained the State's case against me, as well as any defenses that I may have against the State's case against me. I understand that by entering this plea, I waive (give up) those issues and defenses. I am fully satisfied with my attorney's representation in these matters and I have no concerns about the adequacy of my attorney's investigation and preparation of my case.

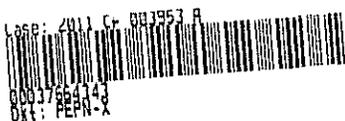
Initial the paragraph that applies.

a.  I believe that my attorney is fully informed on all such matters. S/he has properly investigated all witnesses (including alibi witnesses), facts of this case, defenses available to me, and motions appropriate to file on my behalf.

*RF* b.  Because I wish to accept the State's plea offer, at my request and with my agreement, my attorney has not fully investigated my case nor talked to all of the witnesses.

*RF* 3. I wish to ~~withdraw my prior plea of not guilty, if one has been entered, and plead guilty~~ no contendere to the charge(s) of:

CASE NUMBER	COUNT	CRIME	OFFENSE STATUTE NUMBER(S)*	DEGREE OF CRIME
	1	Child Abuse	827.03 (1)	3d



\*Cite entire statute number including applica.

*LGT (9)*

*RL*

4. I understand that I have the right to plead not guilty to any offense charged against me or, if I have entered a plea of not guilty, to persist in that plea and proceed to trial. If I elect to proceed to trial, I understand that I have a right to be tried by a jury and at that trial I have the right to the assistance of counsel, the right to compel the production of evidence and the attendance of witnesses on my behalf, the right to confront and cross-examine witnesses against me, and the right not to testify if I so choose. I have the right to take the witness stand at my sole option, and if I do not take the witness stand, I understand the jury, at my request, will be told this may not be held against me. I understand that by pleading guilty/nolo contendere to the charge(s) I waive and give up my rights as listed in this paragraph, and that there will be no trial. I further understand that if I plead guilty/nolo contendere, the Judge may ask me questions about the offense(s) to which I have pleaded. I am not required to answer those questions and if I decline to answer those questions, my refusal may not be used against me by the Judge or anyone else. If I answer those questions under oath, on the record, and in the presence of counsel, the answers may later be used against me in a prosecution for perjury.

*RL*

5. I understand that if I plead guilty/nolo contendere I give up my right to a direct appeal. I further understand, however, that I do not give up my right to appellate review by collateral attack as that term has been explained to me by my attorney.

*RL*

b. I have been advised that the statutory maximum possible sentence for the charge(s) to which I am pleading is 5 years imprisonment and for a fine of \$ 5,000.00.

*N/A*

a. The mandatory minimum penalty is \_\_\_\_\_.

*N/A*

b. The Court cannot withhold adjudication of guilt

*N/A*

c. The Court cannot place me on probation.

*N/A*

7. If I am presently on probation/early prison release/parole, I understand that by pleading guilty or nolo contendere in this case it may cause revocation of my probation/early prison release/parole and that this could result in a sentence of imprisonment in that case. I further understand that if revoked, any sentence in this case may be consecutive to (in addition to) any sentence in the case in which probation/early prison release/parole is revoked.

*RL*

8. I believe that I am competent to enter this plea. My physical and mental health are presently satisfactory. The exceptions are:

NONE

*RL*

9. At this time I am taking the following medications: ATACAN

I am not under the influence of any drugs or intoxicants to the extent that my normal faculties are impaired.

*RL*

10. My attorney has advised me of considerations bearing on the choice of which plea to enter, and the advantages and disadvantages of such plea, and the likely results thereof, as well as possible alternatives available to me. The PLEA AGREEMENT contained on Page 4 was concluded by me and my attorney with my full and complete consent and agreement. I fully agree with the efforts of my attorney and to the terms of the plea agreement. I BELIEVE THAT MY ATTORNEY HAS DONE ALL THAT A COMPETENT ATTORNEY COULD DO TO COUNSEL AND ASSIST ME. I AM SATISFIED WITH THE ADVICE AND HELPS/HE HAS GIVEN ME. Even though I have been assisted and advised by my attorney, the decision to plead guilty/nolo contendere is mine alone and is made by me after considering the advice and counsel of my attorney.

*RL*

11. I am entering this plea freely, knowingly, intelligently and voluntarily because I believe it to be in my best interest to do so (Initial the paragraph that applies.)

       a. I admit that I am guilty of the charge(s) I am pleading guilty to.

*RLX*

       b. I believe that the plea is in my best interest even though I say that I am innocent of the charges.

       c. I believe that the plea is in my best interest even though I neither admit nor deny that I am guilty of the charge(s) I am pleading nolo contendere to.

*RL*

RL 12. I understand that I will be required to pay statutorily mandated costs that will be assessed against me, and in some cases mandatory fines, and that the Court may assess additional discretionary costs, fines and restitution. I have no objection to the costs, fines and restitution, which have been fully disclosed to me by my attorney and are set forth in the Notice of Financial Obligations. A copy of the Notice can be obtained at [www.circuit8.org](http://www.circuit8.org).

RL 13. I understand that the Court may require me to pay restitution or costs of investigation.  
RL a. In the following amount(s): \$ 3,800.00 RL  
\_\_\_\_\_ b. To be determined by the Court at a later hearing.

RL 14. I understand that Probation & Parole Services, Department of Corrections, may be asked to conduct a pre-sentence investigation and submit a report to the Judge prior to my sentencing.  
\_\_\_\_\_ a. I request a pre-sentence investigation.  
X b. I waive my right to a pre-sentence investigation.  
\_\_\_\_\_ c. I am not entitled to a pre-sentence investigation.

RL 15. My attorney has advised me that at trial the State could present evidence to establish the facts set forth in the probable cause affidavit and I agree that the Court may rely upon documents in the court's file, including the probable cause affidavit, for a factual basis for this plea.

RL 16. I understand that if I am not a citizen of the United States, this plea may cause me to be deported.

RL 17. **JIMMY RYCE WARNING:** My attorney has advised me that if I am now pleading to a "sexually violent offense" or if I have previously been convicted of a "sexually violent offense" as that term is defined in Section 394.912(9), Florida Statutes, my plea in this case could subject me to the provisions of the Jimmy Ryce Civil Commitment Act, Florida Statutes, Section 394.910, et seq., which allows the State to commit to a secure treatment facility, for an indefinite period of time, a person who has been convicted of a sex offense, and who is determined to be likely to commit a violent sexual offense in the future.

MA 18. I have read and understand that the information contained in Attachment(s) \_\_\_\_\_, attached hereto and incorporated herein, pertaining to \_\_\_\_\_ applies to me and my case(s).

MA 19. This document has been translated into \_\_\_\_\_ for the Defendant by \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

MA 20. The State and the Defendant stipulate and agree that the Defendant is entitled to credit for time I have already served in this/these case(s) as follows: \_\_\_\_\_. I agree that if the Judge gives me credit for time served as stipulated, and if the Department of Corrections likewise gives me credit for time served as stipulated, I waive/give up the right to complain or appeal concerning credit for time served.

RL 21. Unless otherwise agreed to in the PLEA AGREEMENT below, I recognize that if I have been told by my attorney that I might receive probation or a light sentence, this is merely his/her opinion or estimate and is not binding on the Judge. I further understand that if I am sentenced to incarceration in the county jail or state prison, that I cannot rely upon anyone's, including my attorney's, estimation of how much time I will actually serve as a result of my plea. I understand that credit for gain time, past or future, will be determined by the Department of Corrections, and that the Judge in this case has no control over that determination. Other than the terms of the PLEA AGREEMENT below, if any, no promise or suggestion of any kind has been made to me, directly or indirectly, by my attorney or by any officer or agent of any branch of government, federal, state or local, to get me to enter this plea, nor has anyone subjected me to any force, threat, duress, intimidation or pressure to influence me in any way to enter this plea.

RL

PLEA AGREEMENT



The Defendant and the State, pursuant to the provisions of Fla.R.Crim.P. 3.171, agree as follows (NO ABBREVIATIONS):

See attached Exhibit A.



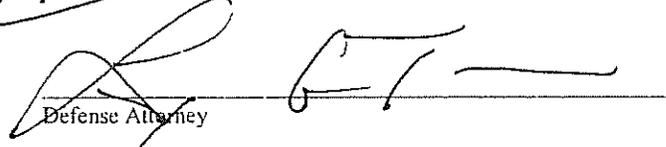
J.K. "Buddy" Irby, Clerk of the Circuit & County Court, Eighth Judicial Circuit of Florida, in and for Alachua County, hereby certifies this to be a true and correct copy of the document now of record in this office. Witness my hand and seal this 15 day of November.  
J.K. "Buddy" Irby, Clerk of the Circuit & County Court.  
By [Signature]  
Deputy Clerk

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT I HAVE READ AND UNDERSTAND THIS ENTIRE DOCUMENT. THE INFORMATION IN EACH PARAGRAPH INITIALED BY ME IS TRUE. THE INFORMATION IN THE PARAGRAPHS NOT INITIALED BY ME DOES NOT APPLY TO ME OR MY CASE.

Signed and dated this 27 day of September, 2011.

  
\_\_\_\_\_  
Defendant

Signed by me this 28 day of Sept, 2011.

  
\_\_\_\_\_  
Defense Attorney

Signed by me this 28 day of Sept, 2011.

  
\_\_\_\_\_  
Prosecuting Attorney



J.K. "Buddy" Irby, Clerk of the Circuit & County Court, Eighth Judicial Circuit of Florida, in and for Alachua County, hereby certifies this to be a true and correct copy of the document now of record in this office. Witness my hand and seal this 15 day of November.  
 J.K. "Buddy" Irby, Clerk of the Circuit & County Court.  
 By [Signature]  
 Deputy Clerk

**CERTIFICATE OF COUNSEL**

The undersigned attorney for the Defendant certifies as follows:

22 To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in this petition are voluntary and in all respects accurate and true. S/he fully understands them.

23. I have read and explained to the Defendant the allegations contained in the Information(s), as well as the maximum penalty for each count. I have discussed with the Defendant the facts and circumstances about the charges and any lesser included offenses. I have explained to the Defendant the possible penalties to which s/he may be subjected as a result of this plea. (Initial the paragraph that applies.)

     a. I believe the Defendant and I are fully informed on all such matters. I have fully investigated this case and all witnesses for and against the Defendant (including alibi witnesses if any were revealed to me). I have discussed with the Defendant the defenses available to him/her and motions that might be filed on the Defendant's behalf.

LOT

Because the Defendant wishes to accept the State's plea offer, with the Defendant's agreement, I have not fully investigated his/her case or talked to all of the witnesses.

24. The plea of guilty/nolo contendere being entered by the Defendant is in accord with my understanding of the facts, the law and possible defenses. If the Defendant is to receive a sentence of incarceration, I have not promised the Defendant that s/he will serve a specific length of time incarcerated. I have made no promises to the Defendant that are not set forth in this agreement to induce him/her to enter this plea, nor have I threatened, coerced or intimidated the Defendant in any way to induce him/her to enter this plea.

25. Having discussed this matter fully with the Defendant, it is my opinion that s/he is mentally and physically competent, and there is no mental or physical condition which would affect his/her understanding of these proceedings. I have no reason to believe that s/he is under the influence of drugs or alcohol at this time. The exceptions to this are listed in Paragraph 8.

26. I have explained to the Defendant the difference between a direct appeal and a collateral attack upon his/her conviction. I have advised the Defendant that if s/he is now pleading to a "sexually violent offense" or if s/he has previously been convicted of a "sexually violent offense" as that term is defined in Section 394.912(9), Florida Statutes, s/he may be subject to the provisions of the Jimmy Ryce Civil Commitment Act, Section 394.910, et. seq., Florida Statutes, which allows the State to commit to a secure treatment facility a person who has been convicted of a sex offense and who is determined to be likely to commit a violent sexual offense in the future.

Signed by me this 28 day of Sept, 2011

[Signature]  
 Defendant's Attorney

**ORDER ACCEPTING PLEA**

Based upon the sworn testimony of the Defendant in open court, based upon my review of the court file(s), and based upon the dialogue between the Defendant, the Defendant's attorney, the Prosecuting Attorney, and the Judge, I find that the above plea was freely, knowingly, intelligently and voluntarily entered by the Defendant; I find that there is a factual basis to support the plea; and, I find that the Defendant was represented by a competent attorney with whom the Defendant says s/he is satisfied.

In addition to documents in the court file(s), I have relied upon the following information for a factual basis:

IT IS ORDERED AND ADJUDGED that the Defendant's plea be

accepted

rejected

accepted conditionally: \_\_\_\_\_

DONE AND ORDERED in open Court this 28<sup>th</sup> day of Sept, 2011 Mark W. Moseley

[Signature]  
 Circuit Judge

EXHIBIT A

1. The Defendant will plead nolo contendere to the one (1) count INFORMATION charging him with Child Abuse pursuant to 827.03(1), a third degree felony. This is a "best interest" plea with the Defendant maintaining that he is innocent (Alford plea).
2. The Defendant will be adjudicated guilty.
3. State and the defense stipulate and agree that this is not a sex offense and does not subject the Defendant to any sex offender sanctions. If this proves incorrect, the Defendant will be permitted to withdraw his plea.
4. The Defendant will be sentenced to twelve (12) months in the Alachua County Jail, which will be preceded by up to ninety (90) days of Community Control. The purpose of the Community Control is to allow the Defendant to appropriately resolve his various clients' issues and to notify The Florida Bar. The Defendant may surrender to the Alachua County Jail anytime prior to, but no later than, the expiration of the ninety (90) days. *Turn In Dec. 31<sup>st</sup> by 5pm to Alachua County Jail. mwm*  
*(369 days) mwm*
5. Upon the Defendant's release from the Alachua County Jail, he will serve forty-eight (48) months on regular probation, less credit for the time he served on Community Control.
6. In addition to the conditions of "regular" probation as set forth in Fla. Stat. 948.03(1), the Defendant's probation will include:
  - Mandatory curfew from 10:00 p.m. to 6:00 a.m.
  - The Defendant will have a psychological/psychiatric evaluation by an appropriate mental health professional and will participate in and successfully complete treatment as recommended. It is specifically agreed and understood, however, that the Defendant denies any wrongdoing in this case and that he will not be required to admit to any misconduct which he has consistently denied and his refusal to admit to such misconduct will not give rise to or trigger a violation of probation.
  - The Defendant will have no contact with A.W., either directly or indirectly. However, it is understood that this does not limit the Defendant in any way from attending or participating in activities and events

*ZZ*

involving his biological children to include, but not to be limited to, school activities, church activities, and other extracurricular activities.

- The Defendant shall not view, own or possess any obscene or pornographic materials.
- As part of his treatment program, the Defendant will be required to take polygraph examinations as directed by his treatment provider.
- The Defendant may not obtain or use a post office box.
- If deemed necessary by his probation officer and if ordered by the Court, the Defendant will be subject to electronic monitoring.
- The Defendant will submit to warrantless searches by his community control or probation officer of his person, residence or vehicle.

Handwritten signature or initials in black ink, appearing to be 'ZL' or similar.

IN THE CIRCUIT COURT, EIGHTH JUDICIAL CIRCUIT

STATE OF FLORIDA

vs.

CASE NO. \_\_\_\_\_

DIVISION \_\_\_\_\_

COUNTY \_\_\_\_\_

Defendant \_\_\_\_\_

**NOTICE OF FINANCIAL OBLIGATIONS "GENERAL"**

The defendant may be obligated to pay one or more of the following:

**MANDATORY COSTS THESE COSTS SHALL NOT BE WAIVED BY THE COURT**

- a. \$ 280.00 Felony Costs pursuant to FLA. STAT. § 938.03 (\$50.00) (Crimes Compensation Trust Fund); FLA. STAT. § 938.01(1) (\$3.00) (Additional Court Cost Clearing Trust Fund); FLA. STAT. § 938.05(1)(a) (\$225.00) (Local Government Criminal Justice Trust Fund); FLA. STAT. § 938.15 (\$2.00) (Criminal Justice Education & Training), Alachua Ord. #04-10, Baker Ord. # 03-1, Bradford Ord. #86-02, Gilchrist Ord. #81-9, Levy Ord. #04-04 and Union Ord. #K2-01.
  - b. \$ 115.00 Misdemeanor Costs pursuant to FLA. STAT. § 938.03 (\$50.00) (Crimes Compensation Trust Fund); FLA. STAT. § 938.01(1) (\$3.00) (Additional Court Cost Clearing Trust Fund); FLA. STAT. § 938.05(1)(b) (\$60.00) (Local Government Criminal Justice Trust Fund); FLA. STAT. § 938.15 (\$2.00) (Criminal Justice Education & Training) Alachua Ord. #04-10, Baker Ord. # 03-1, Bradford Ord. #86-02, Gilchrist Ord. #81-9, Levy Ord #04-04 and Union Ord. #82-01.
  - c. \$ 50.00 Attorney Application Fee - per affidavit pursuant to FLA. STAT. § 27.52(1)(b).
  - d. \$ 100.00 Felony Costs for the State Attorney - All felony, VOP or VOCC cases, regardless of adjudication pursuant to FLA. STAT. §938.27(8).
  - e. \$ 50.00 Misdemeanor Costs for the State Attorney - All misdemeanor or VOP cases, regardless of adjudication pursuant to FLA. STAT. § 938.27(8).
  - f. \$ 100.00 Felony Costs of Legal Assistance - All felony, VOP or VOCC cases, regardless of adjudication pursuant to FLA. STAT. §938.29(1)(a).
  - g. \$ 50.00 Misdemeanor Costs of Legal Assistance - All misdemeanor or VOP cases, regardless of adjudication pursuant to FLA. STAT. § 938.29(1)(a).
  - h. \$ \_\_\_\_\_ TOTAL Liquidated Damages, Other Than Capital or Life Felonies: FLA. STAT. § 960.293(2)(b): \$50.00 per day of sentence (Cost of Sentence Incarceration).
  - i. \$ 250,000.00 Liquidated Damages, Capital or Life Felonies: FLA. STAT. § 960.293(2)(a) (Cost of Sentence Incarceration).
  - j. PREVIOUSLY ORDERED FINANCIAL OBLIGATIONS ARE REDUCED TO CIVIL JUDGMENT. FLA. STAT. § 938.30(6).
  - k. PAY PREVIOUSLY ORDERED FINANCIAL OBLIGATIONS.
- COUNTY SPECIFIC:**
- l. \$ 3.00 ALACHUA COUNTY ONLY - Alachua County Assessment Center, LAWS OF FLORIDA 94-4444.
  - m. \$ 65.00 ALACHUA, BAKER, BRADFORD, GILCHRIST, LEVY ONLY - County Funding/Legal Aid/Law Library/Teen Court - Assessment of Additional Court Costs pursuant to FLA. STAT. § 939.185: Alachua Ord #05-08, Baker Ord #04-35, Bradford Ord. #08-03, Gilchrist Ord. #04-15, Levy Ord. #04-04.
  - n. \$ 48.75 UNION COUNTY ONLY - County Funding/Legal Aid/Law Library/Teen Court - Assessment of Additional Court Costs pursuant to FLA. STAT. § 939.185, Ord. #04-02.
  - o. \$ 3.00 ALACHUA, BAKER AND BRADFORD ONLY - Teen Court - pursuant to FLA. STAT. § 938.19, Alachua Ord. #05-08, Baker Ord. #05-54, Bradford Ord. #05-26.

**DISCRETIONARY FINES**

- a. \$ \_\_\_\_\_ TOTAL Standard Fine: \_\_\_\_\_ pursuant to FLA. STAT. § 775.083(1): a) Life Felony: up to \$15,000.00; b) 1<sup>st</sup> or 2<sup>nd</sup> Degree Felony: up to \$10,000.00; c) 3<sup>rd</sup> Degree Felony: up to \$5,000.00; d) 1<sup>st</sup> Degree Misdemeanor: up to \$1,000.00; e) 2<sup>nd</sup> Degree Misdemeanor or non-criminal violation: up to \$500.00; f) Alternatively, may impose double offender's pecuniary gain or victim's pecuniary loss PLUS 5% surcharge pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1). PLUS \$50.00 FELONY / \$20.00 MISD. Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2).
- b. \$ \_\_\_\_\_ TOTAL Additional Fine for Offense Resulting in Injury/Death up to \$10,000.00. FINE: \_\_\_\_\_ pursuant to FLA. STAT. § 775.083(1). PLUS 5% surcharge pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1). PLUS \$50.00 Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2). [Additional findings required]

**MANDATORY FINES (DUI and BUI § 316.193)**

- a. \$ \_\_\_\_\_ FINE \$ \_\_\_\_\_, PLUS \$135.00 court costs pursuant to FLA. STAT. § 938.07, PLUS 5% surcharge \_\_\_\_\_ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), PLUS \$50.00 FELONY / \$20.00 MISD. Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2).
  - First Conviction (\$500-\$1000 / .15-DUI / .20-BUI or higher or minor in vehicle \$1000-\$2000)
  - Second Conviction (\$1000-\$2000 / .15-DUI / .20-BUI or higher or minor in vehicle \$2000-\$4000)
  - Third Conviction (more than 10 years-\$2000-\$5000 / .15-DUI / .20-BUI or higher or minor in vehicle - not less than \$4000)
  - Third Conviction (within 10 years - no more than \$5000 / .15-DUI / .20-BUI or higher or minor in vehicle - not less than \$4000)
  - Fourth or Subsequent (not less than \$2000 or more than \$5000 / .15-DUI / .20-BUI or higher or minor in vehicle - not less than \$4000)

**DISCRETIONARY COSTS (DUI and BUI § 316.193 / § 327.35)**

- a. \$ \_\_\_\_\_ Court Cost, in Addition to Any Fine, up to amount of fine authorized. Enumerated FLA. STAT. §316.193 (DUI), Pursuant to FLA. STAT. §938.23, 938.21 & 893.165.

**RESTITUTION/REIMBURSEMENT (§ 775.089)**

- a. \$ 3.50/PAYMENT Clerk of Court fee: per payment for receiving and disbursing all "restitution" payments, pursuant to FLA. STAT. § 28.24(26)(a).
- b. \$ 5.00/MONTH Clerk of Court fee: per month / all partial payment "other than restitution" payments, pursuant to FLA. STAT. § 28.24(26)(b).
- c. \$ 25.00/FEE Clerk of Court fee: For setting up payment plan, a one time administrative processing charge in lieu of a per month charge, pursuant to FLA. STAT. § 28.24(26)(c).
- d. \$ 3,800.00 Restitution imposed by separate Civil Restitution Lien Order, or as may be determined at hearing, after notice, within 60 days. [ Number of Liens \_\_\_\_\_ ] FLA. STAT. § 960.292(2).
- e. COURT MAY RESERVE JURISDICTION FOR THE IMPOSITION OF RESTITUTION/REIMBURSEMENT PAYMENT REQUIREMENTS.

**DISCRETIONARY COSTS**

- a. \$ \_\_\_\_\_ Public Defender Costs and Fees: (if requested), "by separate order with specificity of agency", or as may be determined at hearing, after notice, within 60 days, FLA. STAT. § 938.29. *This is in addition to the mandatory imposition listed above.*
- b. \$ \_\_\_\_\_ Medical Expenses incurred while in county jail pursuant to FLA. STAT. § 951.032.
- c. \$ 7185 Misdemeanor Probation (Only by County Court) supervising agency's fee (Court Services or Clerk of Court) Not less than \$40/month pursuant to FLA. STAT. § 948.09(2)(d).
- d. \$ 1,800.00 Costs of Investigation and Prosecution (if requested), "by separate order with specificity of agency", or as may be determined at hearing, after notice, within 60 days, FLA. STAT. § 938.27. *This is in addition to the mandatory imposition listed above.*
- e. \$ \_\_\_\_\_ Florida Crimes Lab (FDLE) Violations of FLA. STAT. § 893.13 pursuant to FLA. STAT. § 938.25, by separate order.

Defendant \_\_\_\_\_

Case Number \_\_\_\_\_

f. \$ \_\_\_\_\_ State Attorney Worthless Check Fees (if participating in diversion program):  a) \$25.00, if face value does not exceed \$50.00, # of checks \_\_\_\_\_;  b) \$30.00, if face value does not exceed \$300.00, # of checks \_\_\_\_\_;  c) \$40.00, if the face value is more than \$300.00, # of checks \_\_\_\_\_, FLA. STAT. § 832.08(5).

**REIMBURSEMENT FOR SPECIFIC CRIMES**

- a. \$ \_\_\_\_\_ Specimen Collection Expense: FLA. STAT. § 943.325(10)(a). Applies to ALL felony, VOP or VOCC cases.
- b. \$ \_\_\_\_\_ Victim's Initial Forensic Physical Examination: FLA. STAT. § 960.28(5) [applies to ch. 794 (sexual battery); ch. 800 (lewd and lascivious) (payable to Crimes Compensation Trust Fund)].
- c. \$ \_\_\_\_\_ Child Abuse/Abandonment/Neglect Physical Examination/Photographs: FLA. STAT. § 39.304(5) (ONLY IF Defendant is parent or legal custodian).
- d. \$ 100.00 Florida Crimes Lab (FDLE Lab) Violations of FLA. STAT. § 893.13 pursuant to FLA. STAT. § 938.25, by separate order.
- e. \$ \_\_\_\_\_ Victim Assistance Award - Debt to State Pursuant to FLA. STAT. § 960.17.

**OTHER SPECIFIC CRIMES - FINES / CIVIL PENALTIES / SURCHARGES**

- a. \$ \_\_\_\_\_ Non-support of Dependents (FELONY) (Fine) pursuant to FLA. STAT. § 827.06(3); 4<sup>th</sup> or subsequent OR regardless of prior convictions if arrearage is more than one year in an amount of \$5,000 or more: Treat as third-degree felony (fine up to \$5,000). FINE: \_\_\_\_\_, PLUS 5% surcharge \_\_\_\_\_ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge pursuant to FLA. STAT. § 938.06(1), PLUS \$50.00 Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2).
- b. \$ 3.00 Criminal Traffic Offenses (\$3.00 Surcharge), State Agency Law Enforcement Radio System Trust Fund, pursuant to FLA. STAT. § 318.18(17), all criminal offenses listed in FLA. STAT. § 318.17.
- c. \$ 15.00 Criminal Traffic Offenses - State Court Facilities Surcharge, pursuant to FLA. STAT. § 318.18(13)(a) & Alachua Ord. #04-10, Baker Ord. #04-16, Bradford Ord. #04-25, Gilchrist Ord. #04-14, Levy Ord. #04-04 and Union Ord. #04-1.
- d. \$ 5.00 Reckless Driving (fine required), Emergency Medical Services Trust Fund, pursuant to FLA. STAT. § 316.192.
- e. \$ 201.00 Domestic Violence (\$201.00 Surcharge) Domestic Violence Trust Fund pursuant to FLA. STAT. § 938.08. Violations of FLA. STAT. § 784.011 (assault); FLA. STAT. § 784.021 (aggravated assault); FLA. STAT. § 784.03 (battery/felony battery); FLA. STAT. § 784.041 (felony battery); FLA. STAT. § 784.045 (aggravated battery); FLA. STAT. § 784.048 (stalking); FLA. STAT. § 784.07 (assault or battery LEO + special people); FLA. STAT. § 784.08 (assault or battery on victim 65+ years old); FLA. STAT. § 784.081 (assault or battery on specified officials or employees); FLA. STAT. § 784.082 (assault or battery BY a detainee); FLA. STAT. § 784.083 (assault or battery on code inspectors); FLA. STAT. § 784.085 (battery on child by using fluids); FLA. STAT. § 794.011 (sexual battery); FLA. STAT. § 741.28 (domestic violence).
- f. \$ 151.00 Crimes Against Minors and certain other offenses (\$151.00 Court Costs) Statewide Guardian Ad Litem/DCF Children Advocacy Trust Fund pursuant to FLA. STAT. § 938.10, in addition to any other costs or penalty required by law for any offense against a minor in violation of FLA. STAT. § 784.085 (battery on child by using fluids); FLA. STAT. ch. 787 (kidnapping; false imprisonment; luring or enticing a child; custody offenses); FLA. STAT. § 784.079 (sexual battery); FLA. STAT. § 796.03 (procuring person under age of 18 for prostitution); FLA. STAT. § 796.035 (selling/buying minors into sex trafficking and prostitution) FLA. STAT. § 800.04 (lewd or lascivious offenses committed upon/presence less than 16 years of age); FLA. STAT. ch. 827 (abuse of children); FLA. STAT. § 847.012 (harmful materials, sale/distribution to minors or using minors in production prohibited); FLA. STAT. § 847.0133 (prohibition of certain acts in connection with obscenity); FLA. STAT. § 847.0138 (transmission of material harmful to a minor by electronic device or equipment); FLA. STAT. § 893.147(3) (delivery of drug paraphernalia to minor); FLA. STAT. § 847.0145 (selling/buying minors); FLA. STAT. § 847.0135(5) (certain computer transmission); FLA. STAT. § 985.701 (sexual misconduct); or any offense in violation of FLA. STAT. § 775.21 (Florida Sexual Predators Act), FLA. STAT. § 823.07 (abandonment/discarding of iceboxes, refrigerators, etc.), § 847.0125 (retail display of materials harmful to minors), FLA. STAT. § 847.0134 (displaying, selling, or distributing materials within 2500 feet of school) or FLA. STAT. § 943.0435 (sex offenders required to register).
- g. \$ 151.00 Rape Crisis (\$151.00 Surcharge) Rape Crisis Program Trust Fund pursuant to FLA. STAT. § 938.085, in addition to any sanction imposed for a violation of FLA. STAT. § 784.011 (assault); FLA. STAT. § 784.021 (aggravated assault); FLA. STAT. § 784.03 (battery/felony battery); FLA. STAT. § 784.041 (felony battery); FLA. STAT. § 784.045 (aggravated battery); FLA. STAT. § 784.048 (stalking); FLA. STAT. § 784.07 (assault or battery LEO + special people); FLA. STAT. § 784.08 (assault or battery on victim 65+ years old); FLA. STAT. § 784.081 (assault or battery on specified officials or employees); FLA. STAT. § 784.082 (assault or battery BY a detainee); FLA. STAT. § 784.083 (assault or battery on code inspectors); FLA. STAT. § 784.085 (battery on child by using fluids); FLA. STAT. § 794.011 (sexual battery).
- h. \$ 500.00 Violations of FLA. STAT. § 796.07(2)(f) (Soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness or assignation) pursuant to FLA. STAT. § 796.07(6); FELONY - 3<sup>RD</sup> OR SUBSEQUENT VIOLATION Shall be assessed a civil penalty of \$500.00 if violation results in disposition other than acquittal or dismissal. [Shall be paid through Clerk of Court to disburse to Eighth Judicial Circuit Court Administrator.] [See judgment and sentence for additional non-monetary penalties.]
- i. \$ \_\_\_\_\_ Assault or Battery on 65+, FLA. STAT. § 784.08(1). Fine not to exceed \$10,000. FINE: \_\_\_\_\_, PLUS 5% surcharge \_\_\_\_\_ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), PLUS \$50.00 Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2). [See judgment and sentence for additional non-monetary penalties.]
- j. \$ \_\_\_\_\_ Enumerated Thefts (FLA. STAT. § 812.012-812.037) (supplemental fine): Pursuant to FLA. STAT. § 812.032, amount not to exceed twice gross value gained or twice gross loss caused, whichever is greater. FINE: \_\_\_\_\_, PLUS 5% surcharge \_\_\_\_\_ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), PLUS \$50.00 Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2). [Upon Motion of the State Attorney] PLUS costs of investigation and prosecution by separate order.
- k. \$ 15.00 COUNTY SPECIFIC:  
ALACHUA COUNTY ONLY - Misdemeanor Offenses Involving Unlawful Use of Drugs and Alcohol - Local Substance Abuse Program Cost, pursuant to FLA. STAT. § 938.13 & Ord. 04-10

**DRUGS or ALCOHOL - OTHER THAN DUI or BUI**

a. \$ \_\_\_\_\_ COURT COST, IN ADDITION TO ANY FINE, up to amount of fine authorized. Enumerated ch. 893 (drug abuse); FLA. STAT. § 856.011 (disorderly intoxication); FLA. STAT. § 856.015 (open house parties); ch. 562 (beverages); ch. 567 (alcoholic beverages local option); ch. 568 (intoxicating liquors where prohibited). Pursuant to FLA. STAT. §§ 938.23, 938.21 & 893.165. [IF DUI *or* BUI, SEE DUI *or* BUI SECTION ON PAGE ONE]

**THE COURT WILL ORDER THE TOTAL FINANCIAL OBLIGATIONS TO BE PAID AS FOLLOWS:**

- a. Through defendant's probation officer in equal monthly installments in an amount sufficient to pay the total sum in full three months before the end of the probationary period.
- b. Through the \_\_\_\_\_ County Clerk of Court.
- c. Civil judgment(s) shall be entered for the ordered sums. Entry of a civil judgment may result in the suspension of defendant's driving privileges.
- d. Pursuant to FLA. STAT. § 938.30, defendant's financial obligations are converted into a court-ordered obligation to perform community service hours at the rate of the current minimum wage and defendant must show proof of completion to the \_\_\_\_\_ County Clerk of Court or the probation officer.

The foregoing costs are in addition to any financial obligation the Court may order by separate order of probation or community control.

By signing this document I acknowledge that I have been advised of the above listed financial obligations that may be imposed by the Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

DEFENDANT \_\_\_\_\_

WITNESS \_\_\_\_\_