

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT FOR ALACHUA COUNTY, FLORIDA  
 JUDGMENT AND SENTENCE AND ORDER OF ALACHUA COUNTY SUPERVISED PROBATION

STATE OF FLORIDA

Division C1

vs  
 BENJAMIN FRANKLIN CUNNINGHAM

Case Number: 01-2014-MM-004244-A

This cause coming on this day to be heard before the Court, and the Defendant being now present [X] with counsel [ ] without counsel 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)  
 [X] entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute No.	Level/Degree
001	INDECENT EXPOSURE: EXPOSURE OF SEXUAL ORGANS	800.03	M/F

THE COURT HEREBY:

[X] Adjudicates you Guilty of said offense(s). [ ] Withholds Adjudication of Guilt on said offense(s).

Under authority granted to the Court by Florida Statute Section 948.01(2), it is ORDERED AND ADJUDGED that you are placed on:  
 Alachua County Supervised Probation for a period of \_\_\_\_\_ In all respects live honorably, work diligently at a lawful  
 occupation and support dependents, if any, to the best of your ability, and live within what income is available, or in the alternative, if  
 appropriate, attend school on a full-time basis. Live and remain at liberty without violating any law.

Conditions of Alachua County Supervised Probation are:

Report to the Alachua County Probation Office within 72 hours of the date of this Order excluding weekends and holidays. It is further  
 ordered that you comply with all terms and conditions below within the first \_\_\_\_\_ months of your probation in the manner directed by  
 your probation supervisor. Should you change your residence, education or employment, notify your supervisor within 7 days. You may not  
 move outside the county where you now live without permission from your supervisor or an order from the court. Until your release from  
 probation, report to the Probation Office by the 10th day of each month or as otherwise directed by your probation supervisor. Truthfully  
 answer all inquiries directed to you by your Supervisor and allow your Supervisor to visit your residence or employment site. You must  
 undergo evaluation and comply with all conditions and treatment requirements of any alcohol, drug, mental health or employment programs as  
 directed by your Supervisor or as ordered by the Court.

[ ] Pay \$50.00 per month Level 2 Cost of Supervision to the Department of Court Services.

[ ] Pay \$40.00 Level 1 Cost of Supervision one-time fee to the Department of Court Services. Automatic termination upon completion.

[ ] Cost of Supervision is hereby waived/reduced to \_\_\_\_\_ per month.

[ ] Probation is to be served in the Day Reporting Program. You must comply with all conditions, treatment requirements, sanctions and  
 interventions of the program. You must pay Day Reporting Program fees directly to Alachua County, Department of Court Service as  
 instructed by your supervisor. Alachua County Cost of Supervision is waived.

MONETARY SUMS

The defendant shall pay the following sums:

Alachua Co. Assessment Center Cost - Ch. 94-444, Law of Fla., F.S. 318.18(1)(b)	\$	3.00
Crimes Compensation Trust Fund F.S. 938.03	\$	50.00
Additional Court Cost Clearing Trust Fund/FDLE Court Costs F.S. 938.01	\$	3.00
Law Enforcement Education Fund F.S. 938.15; Ala. Co. Ord. 04-10	\$	2.00
Additional Court Cost Clearing Trust Fund, F.S. 938.05(1) (b) by separate order	\$	60.00
Ct. Facilities, Legal Aid, Law Library F. S. 939.185, Ala. Co. Ord. 05-08	\$	65.00
Teen Court Cost F.S.938.19, Ala. Co. Ord. 05-08	\$	3.00
Crime Prevention BOCC Fund F.S. 775.083(2)	\$	20.00
Crime Stoppers Trust Fund, F.S. 938.06	\$	20.00
State Attorney Cost of Prosecution, F.S. 938.27	\$	50.00
	SUB TOTAL	\$ 276.00

[X] Public Defender Application Fee, F.S. 27.52, (\$50.00)

[X] Appointed Counsel Attorney Fee, F.S. 938.29 (\$50.00)/ Indigency Application Filed - MMAFATTY-X

[ ] Appointed Counsel Attorney Fee, F.S. 938.29 (\$50.00) / Indigency Application not Filed - MMAFAFNA-X

[ ] Fine, F.S. 775.083 in the amount of \_\_\_\_\_

[ ] Fine, F.S. 775.083(1) Fine imposed when Adjudication is Withheld in the amount of \_\_\_\_\_

[ ] \$ \_\_\_\_\_ Fine, F.S. 775.083 Fine imposed on 316.192 (2)(a) or (2)(b) Reckless Driving \_\_\_\_\_

(2)(a) 1st offense (\$25 - \$500), (2)(b) 2nd or subsequent (\$50 - \$1,000)

[ ] \$ \_\_\_\_\_ Fine, F.S. 775.083 Fine imposed on 316.191 Racing on Highways (\$500 - \$1,000) \_\_\_\_\_

[ ] Crime Victim Surcharge 5%, F.S. 938.04 \_\_\_\_\_ Fine required

[ ] Substance Abuse Trust Fund F.S. 938.13(1)(a), Ala. Co. Ord. 94 309 Drugs & Alcohol (\$15.00)

[ ] DOH Admin Trust Fund, F.S. 313.18(19) \$65 applies to F.S. 316.192 Reckless or F.S. 316.191 Racing on Highway \$65.00

[ ] Alcohol & Drug Abuse Trust F.S. 938.21, 938.23; Ala. Co. Ord 94-29 (Court Cost up to the Fine amount authorized)

[ ] Emergency Medical Services Trust Fund F.S.316.192(4) Reckless Driving, F.S.316.061(1) Leaving Scene (\$5.00) Fine required

[ ] Domestic/General Violence Surcharge, F.S. 938.08 (\$201.00)

[X] Rape Crisis Program Trust Fund, F.S. 938.085 (\$151.00)

[ ] Crimes Against Minors Cost, F.S. 938.10 (\$151.00)

[ ] Civil Penalty \$5000.00, for persons charged with Prostitution F.S. 796.07(2)(f), authorized by F.S. 796.07(6).

[ ] Outside Agency Cost of Prosecution, F.S. 938.27 reimbursement to \_\_\_\_\_

Address: \_\_\_\_\_ SUB-TOTAL \$ 527.00

Case: 2014 MM 004244 A



00004571755  
 DR: RIGJAS-X

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 been tried and found guilty by jury/by court of the following crime(s)  
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Count	Crime	Offense Statute No.	Level/Degree
002	DISORDERLY CONDUCT: BRAWLING FIGHTING CORRUPT PUBL.	877.03	M/S

THE COURT HEREBY:

Adjudicates you Guilty of said offense(s).  Withholds Adjudication of Guilt on said offense(s).

Under authority granted to the Court by Florida Statute Section 948.01(2), it is ORDERED AND ADJUDGED that you are placed on Alachua County Supervised Probation for a period of \_\_\_\_\_ In all respects live honorably, work diligently at a lawful occupation and support dependents, if any, to the best of your ability, and live within what income is available, or in the alternative, if appropriate, attend school on a full time basis. Live and remain at liberty without violating any law.

Conditions of Alachua County Supervised Probation are:

Report to the Alachua County Probation Office within 72 hours of the date of this Order excluding weekends and holidays. It is further ordered that you comply with all terms and conditions below within the first \_\_\_\_\_ months of your probation, in the manner directed by your probation supervisor. Should you change your residence, education or employment, notify your supervisor within 7 days. You may not move outside the county where you now live without permission from your supervisor or an order from the court. Until your release from probation, report to the Probation Office by the 10th day of each month or as otherwise directed by your probation supervisor. Truthfully answer all inquiries directed to you by your Supervisor and allow your Supervisor to visit your residence or employment site. You must undergo evaluation and comply with all conditions and treatment requirements of any alcohol, drug, mental health or employment programs as directed by your Supervisor or as ordered by the Court.

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Alcohol & Drug Abuse Trust F.S. 938.21, 938.23; Ala.Co.Ord 94-29 (Court Cost up to the Fine amount authorized) \_\_\_\_\_

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Civil Penalty \$5000.00, for persons charged with Prostitution F.S. 796.07(2)(f), authorized by F.S. 796.07(6). \_\_\_\_\_

Outside Agency Cost of Prosecution, F.S. 938.27 reimbursement to \_\_\_\_\_

Address: \_\_\_\_\_ SUB-TOTAL \$ \_\_\_\_\_

- The cost of collecting the DNA sample required by s. 943.325, Florida Statutes. \$ \_\_\_\_\_
  - Delinquency Fee as per F.S. 322.245 (\$25.00) This fee is not eligible for community service hours if marked. \$ \_\_\_\_\_
  - D-6 Clearance, F.S. 28.24(8)(\$7.00) This fee is not eligible for community service hours if marked. \$ \_\_\_\_\_
- Cost to be paid to Alachua County Clerk of Court No Personal Checks
- TOTAL TO BE PAID \$ 527.00

The Court further Finds and Orders that:

COMMITMENT SANCTIONS AS CONDITION OF PROBATION

- You are committed to the custody of the Alachua County Sheriff's Office Department of the Jail to be imprisoned for a term of 364 days as to both count concurrent
- Your sentence will commence on 12-23-14 at 1040 AM/PM
- Your time to be served on consecutive intervals commencing on the date and time listed: to run concurrent with  
at \_\_\_\_\_ AM/PM to \_\_\_\_\_ at \_\_\_\_\_ AM/PM. 01-2014-MM 41154
- You will be given 112 days credit toward this period of confinement served on this charge(s).
- You may be screened for Alachua County Sheriff's Office Department of the Jail Work Release Program.

Do not report to the Alachua County Sheriff's Office Department of the Jail for commitment under the influence of a controlled substance or after consuming any alcoholic beverage. Reporting to the Alachua County Sheriff's Office Department of the Jail for commitment more than 30 minutes late may result in Violation of Probation. If less than 30 minutes, the time will be added to your release time.

RESTITUTION

- You must pay restitution to victim, \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ and provide proof of payment to your supervisor.
- You must pay restitution to the Clerk of the Court for the victim, \_\_\_\_\_ in the amount of \$ \_\_\_\_\_, plus \$3.50 fee per F.S. 28.24(26)(a) for distribution.
- Monetary obligations of Court Costs/ Fees/ Restitution reduced to Civil Judgment, plus interest at the rate prescribed by F.S. 55.03.
- The Court orders restitution and reserves jurisdiction to establish the amount as per Rule 3.800, Fla.R.C.P.

COMMUNITY SERVICE

- You shall complete \_\_\_\_\_ hours of Community Service and provide proof to your supervisor.
- You may buy out \_\_\_\_\_ hours of the Community Service at the rate of \$10.00 per hour as authorized by F.S. 316.193.
- You qualify to perform \_\_\_\_\_ Community Service hours in lieu of eligible monetary obligations. Your probation supervisor will give instructions. You must sign up for community service within 10 days.

TRAFFIC SANCTIONS

- Show your Supervisor proof of a valid driver's license, registration, Personal Injury Protection (PIP) insurance coverage as ordered by the court.
- You shall attend and successfully complete a twelve (12) hour Driver Improvement Course and provide proof to your supervisor.
- Your driver's license will be Suspended/Revoked for a period of \_\_\_\_\_.
- Your driver's license will be restricted for a period of six (6) months for Business Purposes Only.
- Complete the DART Program through Alachua County Court Services.
- Civil Infraction(s) dismissed by the Court.

OTHER SANCTIONS

- You must report to Alachua County Court Services Office within 72 hours of sentencing to register to perform \_\_\_\_\_ days on the Alachua County Court Services Work Crew and provide proof of successful completion to your supervisor.
- You must not possess or consume any alcohol or illegal drugs; submit to random urinalysis and/or breathalyzer testing.
- After completion of six (6) months of probation the Court will CONSIDER an early termination of probation if the Defendant has complied with all conditions of probation and demonstrated a cooperative and positive attitude.
- You must write a letter of apology as ordered by court to \_\_\_\_\_ and provide proof to your supervisor
- PROSTITUTION, F.S. 796; you must submit to a screen for sexually transmitted diseases and provide proof of screening to your supervisor.
- PETIT THEFT, F.S. 812; you must attend and successfully complete the MilePost Class and provide proof to your supervisor.
- No contact with Victim or Business, (name and address) \_\_\_\_\_
- No Hostile Contact with Victim.
- Do not Possess Weapons/Firearms.
- Enroll and successfully complete the Anger Management Program with no unexcused absences. Provide proof of successful completion to your supervisor.
- Enroll and successfully complete the Batterer's Intervention Program with no unexcused absences. Provide proof of successful completion to your supervisor.

The sentence imposed for Count(s) IV shall run  Concurrent with  Consecutive to the sentence set forth in Count(s) I of this case. If sentences are consecutive and treatment has been ordered, the defendant may continue treatment into second term of probation if unable to complete it by the end of the first probationary term.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

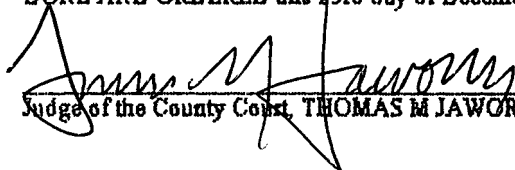
If you fail to complete the terms and conditions of your probation, including payment of all costs, fees, fines, as required, you are subject to arrest and the Court may revoke your probation and impose any sentence which it may have imposed before you were placed on probation.

If a bail bond is currently in effect as to this case and has not been forfeited, that bond is hereby cancelled and the surety is discharged from liability on that bond. Such cancellation and release of liability shall also apply to those bonds in effect and not forfeited in those enumerated cases listed below as being dismissed by a nolle prosequi.

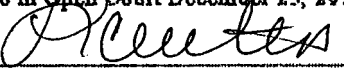
A qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.

Any active warrant, copias or summons in this case against this defendant is hereby quashed.

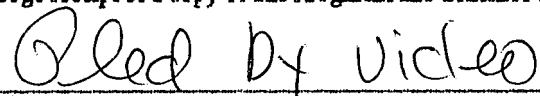
DONE AND ORDERED this 23rd day of December, 2014.

  
\_\_\_\_\_  
Judge of the County Court, THOMAS M JAWORSKI

Filed in Open Court December 23, 2014

By  Deputy Clerk

I acknowledge receipt of a copy of this Judgment and Sentence and Order of Probation.

  
(Defendant's signature)

BENJAMIN FRANKLIN CUNNINGHAM  
(Defendant's Printed Name)

AESO-005  
(Mailing Address)

(City/State/Zip)

List of cases/counts Nolle Prosequi: