

IN THE CIRCUIT COURT OF
THE SEVENTEENTH JUDICIAL
CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

STATE OF FLORIDA)
)
)
v.)
)
SEE ATTACHED LIST OF CASES)
)
Defendant)

CASE NO.: **SEE ATTACHED
LIST OF CASES**
JUDGE: CONTINI

**STATE'S MOTION TO DISQUALIFY TRIAL COURT JUDGE FROM ALL PENDING
OPEN CRIMINAL CASES**

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorneys, and moves the Honorable John Patrick Contini, forthwith, to recuse himself from the attached list of pending open criminal cases, pursuant to Rule 2.330 of the Florida Rules of Judicial Administration. As grounds for this motion, the State would allege as follows:

1. The above-styled matters are criminal matters filed by information or indictment by the State Attorney's Office of the 17th Judicial Circuit on behalf of the State of Florida

2. On March 20, 2015, the State Attorney's Office of the 17th Judicial Circuit became aware of an e-mail sent by this Court to Assistant Public Defender (APD) Samuel Perlmutter of the Office of the Public Defender regarding motions for downward

departures in sentencing.¹ The e-mail is an ex parte communication between Judge Contini and APD Perlmutter that provides legal advice to the Public Defender's Office regarding how they may perfect their own motions for downward departure sentences on cases appearing before him (e-mail attached as Exhibit 1). No member of the State Attorney's Office of the 17th Judicial Circuit was provided a copy of this e-mail by the Court.

3. Specifically, Exhibit 1 is an e-mail to APD Perlmutter that also contains an earlier e-mail to Staff Attorney Doug Feuer. In this earlier e-mail dated March 16, 2015, at 2:48:58 PM EDT from Judge Contini to Staff Attorney Doug Feuer and Judicial Assistant Beth Ranalli, Judge Contini stated as follows:

Doug (!) This very helpful Judge - Samantha Feuer, even has the same exact last name as you (Palm Beach Circuit Criminal judge) so if you ever needed confirmation that you were doing the right thing in helping me to *perfect* a great template (of sorts) of an Order for unique downward departure reasons/cases and decisions, you JUST GOT IT! "Feuer" Please read her very thorough and thoughtful opinion, which we can now also use (90% thereof) to check against the good work we've already begun - adding the 4th DCA Montanez case; and of course, we'll have to have the unique facts and testimony in each involved case, memorializing the unique testimony in each respective Order, as we discussed; but please grab this excellent Order, below; and Beth, please save it on my laptop and more importantly,

¹ As attached Exhibit 1 indicates, on March 20, 2015 at 4:11PM, APD Johanna Cipau forwarded Judge Contini's March 16, 2015 e-mail correspondence with APD Perlmutter to ASA Rayna Karadbil. The State hereby recognizes APD Cipau for recognizing and acting upon her ethical obligation to notify the State of this ex parte communication.

onto the desk top computer on my bench, and onto your own desk top too, so we can quickly have YOU also personally adding the edits and adding the text from my individual notes and cases (based on notes from hearings that I provide to you, in the future) and please print this: Doug, and Beth, please see her downward departure 9211.0026(1)(2) Order:

This e-mail to Staff Attorney Doug Feuer states that Palm Beach Circuit Criminal Judge Samantha Feuer's order, which is attached in the e-mail, should be used by the staff attorney to "perfect" Judge Contini's own orders for downward departures. Judge Contini, by including his e-mail to his staff attorney, thereby advises the APD that he intends to use this template to grant motions for downward departure. Then, Judge Contini forwards this e-mail on March 16, 2015 at 3:23 PM to APD (Sam) Perlmutter along with the following encouragement:

Sam, fyi, see the Palm Beach Judge's Order re downward departures generally, not regarding any particular cases... and hopefully, you can perfect your own motions for downward departure (when you believe appropriate) using the excellent research you've already begin, and perhaps some of the Judge's Order and perhaps the cases she relied upon as well, but in either case, maybe there is something of interest (generally) below:

Normally communications between a judge and his clerk are considered to be confidential information. See generally, *Thomas v. Page*, 361 Ill.App.3d 484, 837 N.E.2d 483 (Ill. App. 2 Dist., 2005) and *Investigating Committee of the Judicial Council of the Eleventh Circuit (Williams v. Mercer)*, 783 F.2d 1488

(11th Cir.1986). Judge Contini, however, discloses his communication with his staff attorney to APD Perlmutter and further encourages the public defender to "hopefully, perfect your own motions for downward departure."

4. Judge Contini has attempted to encourage the Public Defender's Office to present a sufficient motion and record for him to grant a motion for downward departure. If not for the actions of an assistant public defender in sending this e-mail to the State, the prosecutors coming into Judge Contini's division would have had no idea that he had proposed, drafted and sent his approval of this template for granting downward departure motions to the Public Defender's Office.

5. By sending an e-mail to the Office of the Public Defender on how to file a motion for downward departure, this Court has removed itself from its role as being neutral and impartial in all matters coming before this Court. As noted by the Florida Supreme Court in *State ex rel. Davis v. Parks*, 141 Fla. 516, 519-520, 194 So. 613, 615 (1939):

This Court is committed to the doctrine that every litigant is entitled to nothing less than the cold neutrality of an impartial judge. It is the duty of Courts to scrupulously guard this right and to refrain from attempting to exercise jurisdiction in any matter where his qualification to do so is seriously brought in question. The exercise of any other policy tends to discredit the judiciary and shadow the administration of justice.

It is not enough for a judge to assert that he is free from prejudice. His mien and the reflex from his court room speak louder than he can declaim on this point. If he fails through these avenues to reflect

justice and square dealing, his usefulness is destroyed...

This concept was reiterated by the Florida Supreme Court in *Rose v. State*, 601 So.2d 1181 (Fla. 1992), a case arising from this Circuit, where the Florida Supreme Court remanded a capital proceeding to determine whether there was an improper *ex parte* communication between the trial judge and the assistant state attorney in the formulation of an order. As noted in *Rose*, "Nothing is more dangerous and destructive of the impartiality of the judiciary than a one-sided communication between a judge and a single litigant." *Id.* at 1183. This same sentiment from the Florida Supreme Court was noted in *State v. Smith*, 708 So.2d 253 (Fla. 1998), another case from this Circuit, where the defendant was granted a new post-conviction evidentiary hearing after an improper *ex parte* communication between the trial judge and the assistant state attorney.

6. Courts of appeal have granted writs of prohibition where a trial court has given unsolicited advice to litigants. In *Chastine v. Broome*, 629 So.2d 293 (Fla. 4th DCA 1993), the Fourth District Court of Appeal granted a writ of prohibition where the trial court judge passed a note to the prosecutor in a first degree murder trial cautioning the prosecutor not to cross-examine a defense witness. In granting the writ of prohibition, the Fourth DCA noted:

When the judge enters into the proceedings and becomes a participant, a shadow is cast upon judicial neutrality so that disqualification is required. Obviously, the trial judge serves as the neutral arbiter in the proceedings and must not enter the fray by giving "tips" to either side. We are also concerned about the manner in which the communication occurred: by passing a note. Such conduct constitutes an impermissible ex parte communication at the sentencing stage of the death penalty proceedings. *Id.* at 295.

Similarly, other Courts of Appeal in this State have reversed decisions based on the fact that trial court judges gave unsolicited advice to litigants. *Great American Insurance Company of New York v. 2000 Island Boulevard Condominium Association, Inc.*, 153 So.3d 384 (Fla. 3d DCA 2014); *Shore Mariner Condominium Association, Inc. v. Antonious*, 722 So.2d 247 (Fla. 2d DCA 1998); *Leigh v. Smith* 503 So.2d 989 (Fla. 5th DCA 1987). Additionally, the Fourth District Court of Appeal has found reversible error where trial court judges have inserted themselves into the litigation of a trial, and remanded the matter for trial before a different judge. *Martin v. State*, 804 So.2d 360 (Fla. 4th DCA 2001) *Lee v. State*, 789 So.2d 1105 (Fla. 4th DCA 2001) *McFadden v. State*, 732 So.2d 1180 (Fla. 4th DCA 1999); *J.F. v. State*, 718 So.2d 251 (Fla. 4th DCA 1998). See also *Evans v. State*, 831 So.2d 808 (Fla. 4th DCA 2002).

7. A trial court, when presented with a motion to disqualify, must limit its review of the motion to a "bare determination of legal sufficiency." *Bundy v. Rudd*, 366 So.2d

440, 442 (Fla. 1978). See also *MacKenzie v. Super Kids Bargain Store, Inc.* 565 So.2d 1332 (Fla. 1990). The purpose of such a limitation is to "ensure public confidence in the integrity of the judicial system." *Livingston v. State*, 441 So.2d 1083, 1086 (Fla. 1983).

8. The e-mail attached as Exhibit 1 to this motion giving suggestions to a litigant as to filing a motion for downward departure is the modern equivalent of the note passed by the trial judge in *Chastine*, which constituted the basis of the granting of the petition for writ of prohibition. Furthermore, the notation by this Court as to the general application of the Order attached to the e-mail applies not only for cases currently pending, but for any case coming before this Court in the future.²

9. Because the Court has removed itself from its position of neutrality and impartiality by suggesting to members of the Office of the Public Defender, which operates as defense counsel in a significant number of cases in this Court, the State of Florida has a well-founded fear that it will not receive a fair

² It is of no significance that Judge Contini's *ex parte* e-mail was not directed to a single case, but, in general, to an entire class of cases that come before him for possible downward departure sentences. In a series of cases, the Fourth District Court of Appeal granted prohibition relief based on general remarks by Judge Barry Goldstein that he would never sentence a defendant to time served on a probation violation. *Torres v. State*, 697 So.2d 175 (Fla. 4th DCA 1997); *Zamus v. State*, 697 So.2d 1012 (Fla. 4th DCA 1997); *Hayes v. State*, 686 So.2d 694 (Fla. 4th DCA 1996). Similarly, Judge Goldstein was disqualified in *Martin*, *supra* based on his general remarks about the necessity of probation to follow incarceration.

trial or hearing in any matter coming before this Honorable Court. Consequently, this Court must disqualify itself from all the cases noted in this motion. Fla.R.Jud.Admin 2.330; *Livingston, supra*; *Bundy, supra*. See also *Chastine, supra*; *McFadden, supra*.

10. No previous motions to disqualify have been filed in any of these matters.

11. This motion is filed within ten days of the discovery of the e-mail from Judge Contini to Samuel Perlmutter, as evidenced in Exhibit 1 to this response.

12. This motion is filed in good faith based on the facts and authorities cited in this motion, and affidavit attached to this motion, consistent with the requirements of Fla.R.Jud.Admin 2.330.

WHEREFORE, the State of Florida respectfully requests that the Motion to Disqualify Trial Judge be granted, and that the Honorable John Patrick Contini disqualify himself from all cases noted in this motion and have the Clerk of the Circuit Court randomly assign each matter to other Circuit Court Judges.

I HEREBY CERTIFY that a copy of the foregoing was furnished by e-mail to Samuel Perlmutter (sperlmutter@browarddefender.org) and Johanna Cipau (jcupau@broward defender.org); Office of the Public Defender; Michael Heise (mheise@rc-4.com) and Melissa Donoho (mdonoho@rc-4.com); Office of Civil and Criminal Regional Counsel, Fourth District; and to all attorneys listed as provided on the Clerk's portal for the attached list of cases, this 26th day of March, 2015.

Respectfully submitted,

MICHAEL J. SATZ
State Attorney

By: 

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AFFIDAVIT OF ASSISTANT STATE ATTORNEY RAYNA KARADBIL

I, Assistant State Attorney Rayna Karadbil, having been duly sworn by the authority listed below, here swear to the following facts:

1. This undersigned ASA is assigned to Division FG, Judge Contini's division.
2. On March 20, 2015 this undersigned ASA received a phone call from Assistant Public Defender Johanna Cipau, an Assistant Public Defender assigned to Division FG, Judge Contini's division.
3. APD Cipau informed this undersigned ASA that she received an e-mail and was forwarding this ASA the e-mail.
4. Immediately after the phone conversation, an e-mail was received from APD Cipau that was sent to APD Samuel Perlmutter, assigned to Division FG, Judge Contini's division, from Judge Contini. Exhibit 1 attached is the print out of the e-mail and attached amended sentencing order in State of Florida v. Paula Fedorko that was received.
5. This undersigned ASA was unaware of the communication or the contents of the communication between APD Samuel Perlmutter and Judge Contini.

EXHIBIT 1

FTU - Rayna Karadbil

From: Johanna Cipau <JCipau@browarddefender.org>
Sent: Friday, March 20, 2015 4:11 PM
To: FTU - Rayna Karadbil
Subject: Fwd: Doug / Beth : Paula Fedorka Sentencing Order.pdf
Attachments: Paula Fedorka Sentencing Order.pdf; ATT00001.htm

Begin forwarded message:

From: "Samuel Perlmutter" <sperlmutter@browarddefender.org>
To: "Shadae Miller" <smiller@browarddefender.org>, "Sara Singer" <ssinger@browarddefender.org>
Cc: "Johanna Cipau" <JCipau@browarddefender.org>, "Ernesto Perez" <eperez@browarddefender.org>
Subject: FW: Doug / Beth : Paula Fedorka Sentencing Order.pdf

Judge Contini sent these attachments regarding Downward Departures

From: John Contini [mailto:johnpcontini@gmail.com]
Sent: Monday, March 16, 2015 3:23 PM
To: Samuel Perlmutter
Subject: Sam: Doug / Beth : Paula Fedorka Sentencing Order.pdf

Sam, fyi, see the Palm Beach Judge's Order re downward departures generally, not regarding any particular cases ... and hopefully, you can perfect your own motions for downward departure (when you believe appropriate) using the excellent research you've already begun, and perhaps some of this Judge's Order and perhaps the cases she relied upon as well, but in either case, maybe there is something of interest (generally) below:

Sent from my iPhone

Begin forwarded message:

From: John Contini <johnpcontini@gmail.com<mailto:johnpcontini@gmail.com>>
Date: March 16, 2015 at 2:48:58 PM EDT
To: "Doug Feuer, Staff Attorney" <dfeuer@17th.flcourts.org<mailto:dfeuer@17th.flcourts.org>>, "Beth Ranalli, JA" <eranalli@17th.flcourts.org<mailto:eranalli@17th.flcourts.org>>
Subject: Doug / Beth : Paula Fedorka Sentencing Order.pdf

Doug (!) This very helpful Judge -- Samantha Feuer, even has the same exact last name as you (Palm Beach Circuit Criminal judge) so if you ever needed confirmation that you were doing the right thing in helping me to *perfect* a great template (of sorts) of an Order for unique downward departure reasons/cases and decisions, you JUST GOT IT! "Feuer" □ Please read her very thorough and thoughtful opinion, which we can now also use (90% thereof) to check against the good work we've already begun -- adding the 4th DCA Montanez case; and of course, we'll have to have the unique facts and testimony in each involved case, memorializing the unique

testimony in each respective Order, as we discussed; but please grab this excellent Order, below; and Beth, please save it on my laptop and more importantly, onto the desk top computer on my bench, and onto your own desk top too, so we can quickly have YOU also personally adding the edits and adding the text from my individual notes and cases (based on notes from hearings that I provide to you, in the future) and please print this: Doug, and Beth, please see her downward departure 921.0026 (1) (2) Order:

Sent from my iPhone

Begin forwarded message:

From: Samantha Schosberg Feuer

<samanthasfeuer@bellsouth.net<<mailto:samanthasfeuer@bellsouth.net>>>

Date: March 16, 2015 at 11:40:02 AM EDT

To: "johnpcontini@gmail.com<<mailto:johnpcontini@gmail.com>>"

<johnpcontini@gmail.com<<mailto:johnpcontini@gmail.com>>>

Subject: Paula Fedorka Sentencing Order.pdf

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CRIMINAL DIVISION "X"

CASE NO.: 2013CF007736AXXX

STATE OF FLORIDA,

vs.

PAULA FEDORKO,
Defendant.

AMENDED SENTENCING ORDER

THIS CAUSE came before the Court on February 11, 2015, for sentencing of Paul Fedorko ("Defendant") for one count of Grand Theft over \$100,000.00, a first-degree felony in violation of sections 812.014(1) and 812.014(2)(a), Florida Statutes, and one count of Money Laundering, a first-degree felony in violation of sections 896.101(3) and 896.101(5)(a), Florida Statutes. Defendant is facing a maximum sentence of up to sixty (60) years imprisonment in the Department of Corrections. After having heard the evidence presented at the sentencing hearing, having reviewed the Defendant's Motion for a Downward Departure,¹ including a Commission Agreement from Comp Air Aviation, letters from the Defendant's husband, the Defendant's daughter, and the Defendant's current employer, having heard argument of counsel for the State and Defense, having reviewed the court file, the record, and the Presentence Investigation Report ("PSI") and being otherwise fully advised in the premises, the Court makes the following findings and legal rulings:

FILED
Circuit Criminal Department

FEB 26 2015

¹ The State did not file a response to the Defense Motion for Downward Departure.

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

STATEMENT OF THE CASE AND FACTS

A. Procedural History

The Defendant was charged by Information on August 12, 2013, with one count of Grand Theft over \$100,000.00, in violation sections 812.014(1) and 812.014(2)(a), Florida Statutes (“Count 1”), and one count of Money Laundering, in violation of sections 896.101(3) and 896.101(5)(a), Florida Statutes (“Count 2”). These charges stemmed from a series of thefts beginning on or around May 10, 2011, and continuing through and including July 15, 2013, where the Defendant stole a total of \$763,997.00 from her employer, Palm Beach County based In-O-Vate Technologies and its owner Richard J. Harpenau (“Harpenau”).

On November 17, 2014, the Defendant entered an open plea of guilty to both Count 1 and Count 2. The Court then ordered the Department of Corrections to complete a PSI. A Criminal Punishment Score Sheet, prepared by the State and approved by the Defendant, revealed a recommended minimum sentence of sixty-nine (69) months in the Department of Corrections.

B. Factual Background

1. Facts Obtained from the Court File and Record

On or about July 16, 2013, Harpenau discovered that the Defendant, his employee/bookkeeper of ten (10) years, had written, appropriated and deposited approximately \$763,997.00 of unauthorized checks from Harpenau’s TD Bank business account into the Defendant’s Wells Fargo bank account. Harpenau discovered the fraudulent activity upon receiving a call from his bank regarding a suspicious \$40,000.00 check that was ultimately stopped prior to being cashed.

Subsequently, on July 17, 2013, Detectives Kenerson and Hoosac of the Palm Beach County Sheriff’s Office met with the Defendant. The Defendant immediately and voluntarily

gave a statement to the Detectives in which she admitted to writing checks from Harpenau's business account to a business entity she controlled without permission or authorization. The Defendant further explained the manner in which she embezzled the funds: the Defendant, who was authorized to sign on Harpenau's business checking account, would login into Harpenau's business bank account online, draft a check made out to a business entity she controlled, Wave Publication, and then move the money from that business account to her own personal account. The Defendant further stated that she used some of the funds to pay off her American Express credit card. In order to conceal the theft, the Defendant would draft the check and then delete any traces of the check in Harpenau's business account.

2. Facts Developed at the February 11, 2015 Sentencing Hearing

The Defendant's husband, William Fedorko, testified he and the Defendant have been married for forty-four (44) years, and they live together with their daughter and grandchild. Mr. Fedorko also testified that he is an airline broker and is due a \$950,000.00 commission from a foreign government in the near future, but was unable to state with specificity the date the funds will be available.² The Court reviewed the Commission Agreement from Comp Air Aviation which was signed on August 7, 2014, and evidenced the apparent commission payment that is due, in the amount of \$950,000.00 to Wave Media/Bill Fedorko. Mr. Fedorko testified that when the commission payment was made, all of it would be used for restitution to repay Harpenau. The Court found Mr. Fedorko's testimony credible, despite the fact that the date of the commission payment was unknown at the time of the hearing.

² Mr. Fedorko stated he was unable to disclose which foreign government due to a confidentiality agreement. Defendant's attorney also stated that he had \$30,000.00 in his trust account to be made as an upfront lump sum restitution payment to the victim immediately after sentencing, as well as the Defendant's ability to pay installations of \$4,000.00 per month.

The Defendant called Harpenau to testify about employing the Defendant for eleven (11) years as his bookkeeper and how they grew the business together from the ground up. Harpenau testified that his business grosses about five (5) million dollars per year or more, and when Harpenau discovered that the Defendant had been stealing money from the business, he felt betrayed by someone he trusted. At that time, the business suffered a hardship and was left in disarray causing Harpenau to have to borrow money to continue operations. Harpenau also substantiated and authenticated the validity and accuracy of an email he sent to the Defendant's lawyer, referenced in the Defendant's Motion for Downward Departure, which stated the following:

The subject monies stole and concealed till the time of arrest created a panic situation where a substantial cash infusion was necessary to continue operations. Company morale suffered and hours and hours of forensic work was conducted....any repaid monies would mitigate the damage done to this company. If the Defendant is imprisoned, the proposed monthly payment may be diminished substantially due to no social security monthly payment, no West Marine payroll and not being able to administer the now profitable business of her daughter she seeded over the past 5 years. (Island Trading) Victim firmly believes if Defendant is assisting with its administration, Island Trading is more likely to generate profit and fulfill the proposed monthly payments. In his opinion the past 18 months has been sufficient in penalizing the Defendant (personal losses and mental anguish). That victim does not believe incarceration will succeed in making more of an impression her of her wrong doing. Victim does believe that Defendant's husband will make good on his promise to pay victim back in full with interest.³

However, he further stated that after the discovery of the theft and to date, his business has since thrived and flourished. Harpenau did not notice any change in the Defendant's behavior over the two (2) and a half years the Defendant stole the funds and was unaware of the Defendant having a drug or alcohol problem. Regarding sentencing, Harpenau specifically stated he felt the Defendant had "suffered enough over the past eighteen months" since the Defendant was

³ The date of the email was not evidenced through the Motion for Downward Departure nor through testimony at the Sentencing hearing.

arrested, and that he believed house arrest and restitution were appropriate forms of punishment for the crime.

The Defendant read a letter to the Court where she expressed regret and remorse, admitting she had “violated her employer’s trust” due to a lapse in judgment. Furthermore, the Defendant admitted “what she did was wrong” and that she was sorry for her actions. The Court found the Defendant to be honest and extremely remorseful.

C. Sentencing Positions

The Defendant seeks a sentence below the recommended Criminal Punishment Code Scoresheet minimum sentence of sixty-nine (69) months imprisonment based on statutorily recognized and non-statutorily recognized factors. She urged this Court to sentence her to probation that would include house arrest. The State is urging this Court to reject the Defendant’s evidence and arguments for mitigation and requests the Defendant be sentenced to eighty-four (84) months imprisonment, despite the Defendant’s lack of any criminal record.

ANALYSIS

A. Legal Standard

Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment. Fla. Stat. § 921.002(b) When a Defendant seeks a downward departure sentence, the Court must engage in a two-step analysis. *Banks v. State*, 732 So. 2d 1065, 1067 (Fla. 1999). First, the Court must determine whether it *can* depart, in other words, whether the defendant has established by a preponderance of the evidence a statutory or non-statutory basis for departure. *Id.* The recognized statutory bases for departure are found in sections 921.0026(2)(a) through (2)(m), Florida Statutes. In the statutory scheme, the Legislature explicitly provided for non-statutory reasons for downward departure. § 921.0026(2), Fla. Stat.

(2013). If the Court determines that there is a legally permissible basis for departure, it must then engage in a second step, that is, a discretionary decision as to whether it *should* depart. *Banks*, 732 So. 2d at 1068. This decision involves the Court exercising its sound discretion in a determination as to whether departure is the best sentencing option based on the totality of the circumstances. *Id.*

B. Statutory Basis for Departure: Section 921.0026(2)(e), Florida Statutes

Harpenau's need for restitution outweighs the need to sentence the Defendant to incarceration. The Defendant has established this statutory mitigator by a preponderance of the evidence through the testimony of Harpenau. Not only is restitution to victims a central penological interest of Florida law, but its purpose is to both compensate the victim as well as serve the rehabilitative, deterrent and retributive goals of the criminal justice system. *Noel v. State*, 127 So. 3d 769 (Fla. 4th DCA 2013); *State v. Hawthorne*, 573 So. 2d 330, 333 (Fla. 1991). Furthermore, in *State v. Prasad*, the Fourth District Court of Appeal noted that "[i]f the harm suffered by the victim as a result of the theft was greater than normally expected, and restitution could mitigate that increased harm, then a downward departure sentence may be justified." 889 So. 2d 204, 205 (Fla. 4th DCA 2004) (citing *Demoss v. State*, 843 So.2d 309 (Fla. 1st DCA 2003)). "In weighing the need for restitution versus the need for imprisonment, a sentencing court must also take into consideration relevant factors such as the nature of the loss, the efficacy of restitution, and the consequences of imprisonment." *Prasad*, 889 So. 2d at 205.

The Court finds, based on the testimony of Harpenau regarding the harm to his business, as well as the email from Harpaneu referenced in the Defendant's Motion for Downward Departure which reflects his belief that any repayment by the Defendant would mitigate the damage to his company, it is apparent that Harpenau's business did suffer a hardship as a result

of the Defendant's theft. The Court rejects the argument that because Harpenau's business is flourishing that there is no need for restitution. The sheer amount of monies stolen, the cash infusion that was necessary to continue operations of the business, and the testimony regarding the Defendant's ability to pay the \$30,000.00 lump sum immediately and \$4,000.00 per month thereafter conclusively establish that the need for restitution outweighs the need for incarceration.

C. Non-statutory Bases for Departure

This Court is not limited to the mitigating circumstances enumerated in section 921.0026, Florida Statutes. *McCorvey v. State*, 872 So. 2d 395, 396 (Fla. 1st DCA 2004); *State v. McLaren*, 763 So. 2d 1171, 1172 (Fla. 4th DCA 2000). This Court may impose a downward departure sentence for reasons not delineated in section 921.0026(2), Florida Statutes, as long as the reason given is supported by competent, substantial evidence and is not otherwise prohibited. *State v. Henderson*, 108 So. 3d 1137, 1140 (Fla. 5th DCA 2013).

In the present case, the Court finds three (3) separate non-statutory bases for a downward departure sentence have been established by a preponderance of the evidence.

1. Harpenau has Expressed a Desire for a Probationary Sentence for Defendant.

As discussed above, Harpenau, the victim in this case, testified, as well as memorialized in his email, that he wishes the Defendant to be sentenced to a probationary sentence that includes house arrest and restitution. The Court observed the demeanor and heard the testimony of Harpenau and finds that he testified honestly and credibly, free from coercion or undue influence from the Defendant. Harpenau is a bright, articulate, and sincere individual, and while certainly not controlling, Harpenau's wishes are relevant. Given the Court's finding that his testimony was voluntary and uncoerced, this Court finds that his wishes constitute a non-

statutory basis for a downward departure sentence in this case. *State v. Bernard*, 744 So. 2d 1134, 1136 (Fla. 2d DCA 1999); *State v. McLaren*, 763 So. 2d 1171, 1172 (Fla. 4th DCA 2000) (noting that a victim's request for leniency as a valid non-statutory basis for downward departure was an open issue); *see also Banks v. State*, 732 So. 2d 1065, 1069 (Fla. 1999) (stating that the victim's wishes are relevant to the sentencing decision).

2. Defendant is Sixty-Five (65) Years Old.

The Defendant is currently a sixty-five (65) year-old grandmother. The Federal Bureau of Prisons defines prisoners fifty (50) years and older as elderly. B. Jaye Anno et al., National Institute of Corrections, *Correctional Health Care: Addressing the Needs of Elderly, Chronically Ill, and Terminally Ill Inmates* 29 (2004); *see also* § 944.02, Fla. Stat. (2013) (defining a prisoner fifty (50) years or older as an elderly offender). Recently, the United States Sentencing Guidelines were amended to provide that a defendant's age may be relevant in determining if downward departure is warranted. U.S. Sentencing Guidelines Manual § 5H.1.1 (2013). Given that the United States Sentencing Guidelines acknowledges that a defendant's age may be a factor in determining whether to downward depart, this Court similarly finds that the Defendant's age may be properly factored into its decision to downward depart.

The Court finds that, despite the fact that the Defendant appears to be in good health, the Court believes a lengthy prison sentence will have a much greater impact on the Defendant than a younger offender, and therefore finds the Defendant's age to be a non-statutory basis for downward departure.

3. Despite the Sophistication and Length of the Ongoing Theft, Defendant is Remorseful.

The Court finds that, while the Defendant's continuous unlawful conduct in writing checks to herself from her employer's business over a two (2) and a half year period without

repaying her employer, on at least twenty (20) separate occasions is neither unsophisticated nor isolated within the statutory definition of those terms, her conduct in totality, especially considering her complete lack of prior criminal convictions, as well as her profound and sincere remorse for her criminal conduct herein support a separate non-statutory reason for a downward departure sentence. *See State v. Strawser*, 921 So. 2d 705, 708 (Fla. 4th DCA 2006) (departure sentence upheld for remorseful defendant without prior record even though criminal conduct did not squarely fit into unsophisticated, isolated and remorseful statutory mitigator).

For these reasons, both individually and collectively, the Court finds the Defendant's remorsefulness to be a non-statutory basis for downward departure.

D. Whether the Court Should Depart

Based on the totality of the circumstances demonstrated and discussed herein and after exercising its sound discretion, the Court finds that it should depart downward. The Court also finds that it would impose the same sentence if one or more of the four (4) stated reasons for departure are subsequently invalidated by an appellate court, leaving one or more valid reasons supporting a downward departure sentence. *See State v. Randall*, 746 So. 2d 550, 552 (Fla. 5th DCA 1999).

E. Sentence

After extensive consideration, the Court sentences Paula Fedorko as follows:

As to Count 1: the Defendant is adjudicated guilty and sentenced to a term of imprisonment of 366 days in the custody of the Department of Corrections, followed by ten (10) years' reporting probation with the first two (2) years being served on house arrest/community control II with a GPS monitor. Besides the standard conditions of probation, the Court imposes the following additional special conditions:

- a) \$30,000 in restitution to be paid immediately to Richard Harpenau/In-O-Vate Technologies prior to incarceration
- b) Prior to release from incarceration in the Department of Corrections, the Defendant is to be fitted with a GPS monitor and placed on house/arrest community control II
- c) Restitution to Richard Harpenau/In-O-Vate Technologies, upon release from the Department of Corrections, in the amount of \$763,997.00 at a rate of at least \$4,000 per month until entire restitution is paid in full.
- d) An 8 hour theft abatement course
- e) 1000 hours of community service to be done at a rate of 100 hours per year
- f) Court costs in the amount of \$519.05
- g) Fine in the amount of \$10,000.00
- h) Defendant may petition the Court for early termination only after five years of community control and after the entire restitution amount is paid in full.

As to Count 2: the Defendant is adjudicated guilty and sentenced to 366 days incarceration in the custody of the Department of Corrections followed by two (2) years house arrest/community control II with a GPS monitor. The incarceration is to run concurrent with Count 1, but the term of community control is to run consecutive to the two (2) year term of community control II on Count I.⁴

It is further

ORDERED and ADJUDGED that the State of Florida shall have fifteen (15) days to perfect an Appeal of this Court's sentence.

⁴ It is the intent of this Court for the Defendant to serve 366 days in the Department of Corrections followed by ten (10) years probation with two (2) years community control II with a GPS monitor followed by another two (2) years community control II with a GPS monitor with all the aforementioned special conditions to remain.

DONE and ORDERED in Chambers, at West Palm Beach, Palm Beach County,
Florida, this 26th day of February, 2015.



SAMANTHA SCHOSBERG FEUER
CIRCUIT JUDGE

COPIES FURNISHED:

State Attorney's Office
Michael J. Rachel, Assistant State Attorney

Jason S. Weiss
Atterbury, Goldberger & Weiss, P.A
250 Australian Avenue South
Suite 1400
West Palm Beach, Florida 33401

APPENDIX to:

State's Motion To Disqualify Trial Court Judge from All Pending Open Criminal Cases

| Court Case No: | Defendant First Name | Defendant Last Name |
|-----------------------|-----------------------------|----------------------------|
| 85014473CF10A | CHRISTOPHER | HULSKAMPER |
| 88023453CF10A | JESUS | TORRES |
| 91014800CF10A | PHILLIP | SHEA |
| 94000367MM10A | NILS | ELIASSON |
| 94020457MM10A | ELIAS | NASARIO |
| 00009646CF10A | OBDULIO | CARRILLO |
| 01019710CF10B | OSCAR | QUINTEROS |
| 04003073CF10A | BENJAMIN | ELISHA |
| 04020211CF10A | NICK | WALTERS |
| 05010322CF10A | HAZ | BENNETT |
| 05016647CF10A | JEFFREY | POWELL |
| 05018436CF10A | JOSE | TREJOS |
| 05018779CF10A | JEFFREY | POWELL |
| 06002059CF10A | QUINTEN | CASTLE |
| 06003166CF10A | LISA | IBRAHIM |
| 06007287CF10A | DARRELL | DEMPS |
| 06019895CF10A | MARLON | SAM |
| 07002627CF10A | STEVEN | MERRITT |
| 07004738CF10A | ALBERTO | SUAREZ |
| 07017042CF10A | ALFRED | STEWART |
| 07017449CF10B | JERMAINE | HALL |
| 07017717CF10A | ALFREDO | TOMATTIS |
| 07019353CF10A | ROBERT | SWAILES |
| 07020965CF10A | ALFRED | STEWART |
| 08000305CF10A | KIZZY | PHILLIPS |
| 08000530CF10A | HARRY | FELICIANO |
| 08000701CF10A | LEM | MCKINNNEY |
| 08001375CF10A | THELMA | THOMAS |
| 08004498CF10A | EDWIN | GOULD |
| 08004604CF10A | EDDIE | VARGAS |
| 08007059CF10A | FREDERICO | ABREU |
| 08008094CF10A | ASHLEY | CLEVELAND |
| 08008267CF10A | WARREN | SATER |
| 08009486CF10A | MICHAEL | JONES |
| 08011487CF10A | WESLEY | DAVIS |
| 08012097CF10A | DANIEL | TURNER |

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| 08013385CF10A | SHAWN | DISCHERT |
| 08014002CF10A | WESLEY | DAVIS |
| 08014953CF10A | WESLEY | DAVIS |
| 08022255CF10A | ANGEL | DELAFUENTE |
| 08023331CF10A | DARRELL | DEMPS |
| 08024593CF10A | JEANINE | HARNON |
| 09001974CF10B | ARMANDO | RIVERO |
| 09003578CF10A | DARRELL | DEMPS |
| 09005162CF10A | RICHARD | PELISSIER |
| 09005162CF10B | CREIGHTON | MCMORRIS |
| 09006906CF10A | RODLEY | ERMILUS |
| 09011353CF10A | ONDRA | NELSON |
| 09011435CF10A | KENNETH | MOTON |
| 09012701CF10A | ASHLEY | WALDEN |
| 09013632CF10A | DEXTER | WARE |
| 09014460CF10A | EUGENE | THOMAS |
| 09015203CF10A | KIPLYN | HIBBERT |
| 09017907CF10A | RALANTE | ARCHIBALD |
| 09020197CF10A | NATACHA | FOND ROSE |
| 09020288CF10A | KATHARINE | MCBRIDE |
| 09022512CF10A | DARRELL | DEMPS |
| 09022872CF10A | PHILIP | BRUNO |
| 10000097CF10A | CHRISTOPHER | WALSH |
| 10000233CF10A | STUART | FLAUGHER |
| 10000481CF10A | CEDRIC | WARD |
| 10000797CF10A | JUSTIN | WALKER |
| 10001293CF10A | ANDREW | RAMSAY |
| 10001425CF10A | JUAN | GUANILO |
| 10002091CF10A | IRVING | GOLDSTEIN |
| 10002373CF10A | STUART | FLAUGHER |
| 10003692CF10A | JARELL | BLOUNT |
| 10004284CF10A | OCTAVIUS | JACKSON |
| 10004395CF10A | MICHAEL | AZADI |
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| 10006821CF10A | LINDSEY | TUCKER |
| 10006935CF10A | CHARLES | SMITH |
| 10007579CF10A | RICHARD | ROEDERER |
| 10010042CF10B | EDWARD | DOBBINS |
| 10010578CF10A | RODNEY | COATES |
| 10010968CF10B | ANTONIO | MENESES |
| 10013296CF10A | MICHAEL | HAYNES |
| 10013335CF10B | ROY | ROBERTS |

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| 10014487CF10A | DELTON | HOLLIS |
| 10014551CF10B | EMILIO | ALFONSO |
| 10014724CF10A | DAVID | IGLESIAS |
| 10014724CF10B | ROBERT | CUMLEY |
| 10014864CF10A | JERMAINE | THOMAS |
| 10015959CF10A | DORINDA | DAWESWILLIAMS |
| 10017469CF10B | MORRIS | WARREN |
| 10018817CF10A | SEAN | FIELDS |
| 10019068CF10A | MARK | ESPINAL |
| 10019144CF10B | MORRIS | WARREN |
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| 10022473CF10A | TREMAINE | BEARD |
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| 11000366CF10A | ORMANDO | WESBY |
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| 11001795CF10A | MIXON | JUSTE |
| 11002984CF10A | MICHAEL | WILSON |
| 11003397CF10A | SHANE | HARDISON |
| 11004496CF10A | RONALD | BREWER |
| 11004783CF10A | LAUSHA | WILLIAMS |
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| 11006398CF10A | KEVIN | RICHARD |
| 11007206CF10A | REGINALD | CHATMAN |
| 11007314CF10A | REGINALD | CHATMAN |
| 11008266CF10A | BARRINGTON | PARAQUE |
| 11008989CF10A | REINALDO | BERNARD |
| 11009021CF10A | STEVIE | JOHNSON |
| 11009326CF10A | JAVA | JACKSON |
| 11009525CF10A | RICHARD | SENESE |
| 11009863CF10A | CECILIA | ALONSO |
| 11009890CF10A | DAVID | LANCI |
| 11010334CF10A | MICHAEL | LAWRENCE |
| 11010564CF10A | GEOFFREY | MCMORRIS |
| 11011573CF10A | OSCAR | APARICO |
| 11011667CF10A | GAIL | HUGGINS |
| 11012563CF10A | ORMANDO | WESBY |
| 11012885CF10A | PATRICK | JACKSON |
| 11012927CF10A | KELVIN ROMAR | LANIER |
| 11013036CF10A | MICHAEL | LAWRENCE |
| 11013390CF10A | DONNELL | JOHNSON |
| 11013639CF10A | MARIO | CHOROT |
| 11013923CF10A | PATRICK | ABOITE |

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| 11013993CF10A | ANDREW | MASKOF |
| 11014029CF10A | ORMANDO | WESBY |
| 11014080CF10A | ESTON | ANDERSON |
| 11014184CF10A | JACOB | ROBINSON |
| 11014418CF10A | JAMES | BEESON |
| 11014440CF10A | STEVENSON | OLIBRICE |
| 11014906CF10A | DESTINY | CLARK |
| 11014984CF10A | NICHOLAS | SIDDONS |
| 11015463CF10A | MICHAEL | WILSON |
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| 11015791CF10A | DONNELL | JOHNSON |
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| 11016620CF10A | SAMUEL | DANIELS |
| 11018007CF10A | DANIEL | ACQUAVELLA |
| 11018388CF10A | DETRAY | POPE |
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| 11019476CF10A | KEON | BRASWELL |
| 11019902CF10A | ISMAEL | AVILA |
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| 11020774CF10A | EARNEST | LEWIS |
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| 11020830CF10A | DAMIAN | OSORIO-CASTELLANO |
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| 12000529CF10A | ANTHONY | KOVACH |
| 12000557CF10A | ANGELINA | CHALELA |
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| 12001010CF10A | WIKY | JEAN |
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| 12002361CF10A | ANTVONTE | SANDERS |
| 12002778CF10A | ERNEST | LOUIS JR |
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| 12003326CF10A | MIKHAIL | MCCREATH |

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| 12003659CF10A | CHRISTLEPHER | ZETRENNE |
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| 12003868CF10A | JUAN | GODOY |
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| 12009300CF10A | JORGE | ROCHE |
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| 12010070CF10A | CLEOPHAS | HALL |
| 12010086CF10A | JAMIE | VALDERRAMA |
| 12010177CF10A | WILLIAM | GILES |
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| 12011285CF10A | JEREMY | FINKLIN |
| 12011596CF10A | PEDRO | RAMIREZ |
| 12011780CF10A | JEREMY | NIEVES |
| 12011920CF10A | BRYAN | MCGRIFF |
| 12012178CF10A | STEVEN | PARRISH |
| 12012374CF10A | JIMMIE | BRADDEY |
| 12012562CF10A | ILEANA | MOREJON |
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| 12012960CF10A | RENE | ST PIERRE |
| 12013015CF10A | JASON | NIXON |
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| 12013281CF10A | ADRIANNA | EGGERS |
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| 12013354CF10A | JOSEPH | SHEARS |
| 12013369CF10A | DWYANE | FUNCHESS |
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| 12013828CF10A | STARR | WEST |
| 12013849CF10A | DETRAY | POPE |
| 12013910CF10A | JERQUIAN | BROWN |
| 12014222CF10A | KEVIN | SINGH |
| 12014310CF10A | STEPHEN | HANKERSON |
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| 12014716CF10A | JASON | MOREAU |
| 12015136CF10A | KENYATTA | GRANT |
| 12015193CF10A | EVELYN | DANIEL |
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| 12018849CF10A | RITESH | SUKHLALL |

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| 13000154CF10A | TANIA | EPSTEIN |
| 13000316CF10A | STEPHEN | HANKERSON |
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| 13002910CF10A | ROBERT | LEE |
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| 13003093CF10A | BRANDON | WILSON |
| 13003143CF10A | DAVID | POST |
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| 13004004CF10A | CASMAN | FAIRCLOUGH |
| 13004005CF10A | NANDRANE | FAIRCLOUGH |

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| 13004007CF10A | GREG | WILLIE |
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| 13005943CF10A | TERRANCE | GIBBONS |
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| 13006921CF10A | BRIAN | HODGSON |
| 13006922CF10A | ANNE MARIE | SUE |
| 13006930CF10A | PATRICK | MORRISON |
| 13006997CF10A | GLENNIS | NEAL |
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| 13007042CF10A | DANIEL | ACQUAVELLA |
| 13007355CF10A | LUIS | CARDONA |
| 13007432CF10A | JOSEPH | MARTIN |
| 13007509CF10A | JOHNNY | SHARP |
| 13007567CF10A | REGINALD | MOSES |
| 13007591CF10A | JUSTIN | WALKER |
| 13007743CF10A | JOHN | POWERS |
| 13007809CF10A | LUDWIG | GALICIA |
| 13007810CF10A | NEYDA | OSORIO |
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| 13007955CF10A | ANDREW | REYNOLDS |
| 13008247CF10A | JOSEPH | CUTRONE |
| 13008283CF10A | ANTOINE | MURPHY |
| 13008295CF10A | DAVID | POST |
| 13008611CF10A | ERIC | WILSON |
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| 13008939CF10A | JOSHUA | MITCHELL |
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| 13009587CF10A | ERNEST | CHARLES |
| 13009842CF10A | JOSE | GRANADOS |
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| 13009932CF10A | JOE | BARDALES |
| 13010008CF10A | NAPOLEON | THOMAS |
| 13010057CF10A | MARQUITA | WEAL |
| 13010157CF10A | FABIAN | SAUREZ |
| 13010230CF10A | SHENNYFER | COPPOLA |
| 13010424CF10A | JEREMY | GHERARDI |
| 13010523CF10A | ANNA | GUTHRO-CLIFFORD |
| 13010535CF10A | YOSVEL | HERNANDEZ |
| 13010553CF10A | WILBERT | PROSPER |
| 13010587CF10A | RYAN | RAIMONDI |
| 13010756CF10A | VYACHESLAV | MORGENSHTEYN |
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| 13011089CF10A | JEREMY | GHERARDI |
| 13011097CF10A | THOMAS | POUNCEY |
| 13011115CF10A | PETER | HOOFATT |
| 13011156CF10A | DOYENE | MORRIS |
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| 13011400CF10A | TIFFANY | GRAHAM |
| 13011412CF10A | ENIEE | AUSTIN |
| 13011524CF10A | IAN | WILLIAMS |
| 13011595CF10A | JEREMY | GHERARDI |
| 13011668CF10A | HARRINS | SINSMYR |
| 13011798CF10A | ROMARIO | ELIACIN |
| 13011875CF10A | CHEHADI | CHEHADI |
| 13011902CF10A | GEORGE | ORTIZ |
| 13011919CF10A | ROBERT | PEREZ |
| 13011933CF10A | JOSEPH | MARTIN |

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| 13012082CF10A | NANCY | WEAVER |
| 13012340CF10A | BARBARA | VALENTINE |
| 13012472CF10A | GEOFFREY | SMART |
| 13012490CF10A | SHANE | MCKANE |
| 13012536CF10A | DEMETRIUS | JONES |
| 13012578CF10A | JORGE | MARTINEZ |
| 13012657CF10A | MARGARITA | RODRIGUEZ |
| 13012717CF10A | JONATHAN | WASKIW |
| 13012792CF10A | ANDRES | MONTENEGRO |
| 13012793CF10A | DIEGO | PINHEIRO |
| 13012794CF10A | PEDRO | TORRES |
| 13012824CF10A | CARLOS | DELCID |
| 13012837CF10A | MARK | MURDOCK |
| 13012852CF10A | JIMMY | PALMER |
| 13012874CF10A | DENNIS | LARAVELASQUEZ |
| 13012892CF10A | DOUGLAS | EATON |
| 13012949CF10A | ROBERT | GUINAN |
| 13012962CF10A | DAVID | CASTILLO |
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| 14009931CF10A | TYRONE | BRADFIELD |
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| 14012422CF10A | ANTHONY | HORMAECHE |

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| 14012755CF10A | JENNIFER | GIALLANZA |
| 14012868CF10A | JAMES | PERKINS |
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| 14013085CF10A | JUSTIN | LATIBEAUDIÈRE |
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| 14013165CF10A | MACK | SMART |
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| 14013249CF10A | CARMEN | LOUIMA |
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| 14013859CF10A | SUSIE | LOGAN |
| 14013929CF10A | JESSICA | DEGRACIA |
| 14014025CF10A | JIMMY | ROBLES |
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| 14014100CF10A | MARVIN | DAVIS |
| 14014101CF10A | JONATHAN | FERGUSON |
| 14014112CF10A | DAISY | CHAVERRI |
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| 14014434CF10A | DAVID | SCOTT |
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| 14014488CF10A | GREGORY | HOLLINS |
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| 14014731CF10A | KELVIN ROMAR | LANIER |
| 14014732CF10A | HORATIO | TIHANYI |
| 14014733CF10A | CHENEQUA | AUSTIN |
| 14014755CF10A | ANTHONY | WINN |
| 14014776CF10A | JOEL | PASCAL |
| 14014858CF10A | JEFFREY | FORREST |
| 14014893CF10A | ALONSO | BUDGE |
| 14014974CF10A | CARL | THOMAS |
| 14014991CF10A | JOSE | LUNA |
| 14015002CF10A | QUINCY | JEAN |
| 14015049CF10A | ANDRE | MIMSHAW |
| 14015061CF10A | JASON | THOMPSON |
| 14015073CF10A | LINDSEY | TUCKER |
| 14015074CF10A | DERRICK | ROUNDTREE |
| 14015081CF10A | REGINALD | CHATMAN |

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| 14015163CF10A | LISA | GRANT |
| 14015169CF10A | IAN | SMIGELS |
| 14015202CF10A | DAVID | MILGRAM |
| 14015204CF10A | JOSEPH | SELLARO |
| 14015230CF10A | DEXTER | WARE |
| 14015276CF10A | TAVARES | MCCOY |
| 14015280CF10A | TAYLOR | MANIERO |
| 14015300CF10A | MARIO | WALKER |
| 14015350CF10A | WILLIE | HICKS |
| 14015424CF10A | DANNY | MARTIN |
| 14015447CF10A | MAURICE | HERRING |
| 14015448CF10A | ELMER | ROULHAC JR |
| 14015470CF10A | KENNETH | MARSHALL |
| 14015472CF10A | CHRISTIAN | ROBINSON |
| 14015538CF10A | NORRIS | SMITH |
| 14015554CF10A | ALBERTO | NIJBORG |
| 14015555CF10A | ALEX | CADEAU |
| 14015588CF10A | ELIZABETH | POZO |
| 14015622CF10A | ALLICIA | LIVINGSTON |
| 14015646CF10A | CHAVANNE | BARRETT |
| 14015673CF10A | DEMONTAE | HEATHE |
| 14015673CF10A | DEMONTAE | HEATHE |
| 14015707CF10A | DUSTIN | LOWTHER |
| 14015795CF10A | GROVER | WILLS |
| 14015812CF10A | JEFFREY | SMALL |
| 14015830CF10A | JUAN | SOSA |
| 14015840CF10A | MARCEL | CLERMONT |
| 14015845CF10A | ELMER | RODRIGUEZ-NAVARRO |
| 14015955CF10A | SABRINA | TAYLOR |
| 14015962CF10A | TYLER | ALLEN |
| 14015997CF10A | WHITNEY | JOHNSON |
| 14016013CF10A | MATTHEW | GEIMER SR |
| 14016040CF10A | ROBERT | SANDERS |
| 14016087CF10A | JORDAN | NEVAREZ |
| 14016123CF10A | MELISSA | HONEYCUTT BERMAN |
| 14016135CF10A | CARL | KNAUB |
| 14016149CF10A | JOSEPH | MORTENSEN |
| 14016174CF10A | GEORGIA | CAMPBELL |
| 14016177CF10A | LIAS | CORKER |
| 14016283CF10A | ERROL | BROOMFIELD |
| 14016294CF10A | JESSE | KOFF |
| 14016462CF10A | CHARNESHIA | ELLISON |

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| 14016477CF10A | EUGENE | OUZTS |
| 14016585MM10A | WIKY | JEAN |
| 14016609CF10A | DEMETRIUS | REED |
| 14016623CF10A | TAVARES | SPILLMAN |
| 14016633CF10A | TALVIN | JOHNSON |
| 14016662CF10A | SHARON | HICKMAN |
| 14016689CF10A | JASON | MCWHORTER |
| 14016715CF10A | NICHOLAS | PISCOPO |
| 14016743CF10A | QUINCY | JEAN |
| 14016757CF10A | DAKOTA | KIERNAN |
| 14016835CF10A | CHARLES | SINCLAIR |
| 14016902CF10A | JOHNNY | OWENS |
| 14016926CF10A | TERELLE | BROWN |
| 14017012CF10A | ANGELA | POSTELL |
| 14017028CF10A | ENIEE | AUSTIN |
| 14017046CF10A | BRIAN | FRANCIS |
| 14017069CF10A | LAWRENCE | MCGRIFF |
| 14017084CF10A | NARDRICA | HYLTON |
| 14017085CF10A | ROSEMARIE | REID |
| 14017106CF10A | BYRON | BOWERS |
| 14017107CF10A | ALAND | JUSTE |
| 14017144CF10A | ADAM | TATE |
| 15000049CF10A | JARCARA | MANSFIELD |
| 15000188CF10A | AUSTIN | ACEVEDO |
| 15000223CF10A | ROSA | CRANE |
| 15000355CF10A | KIMBERLY | MAITLAND |
| 15000438CF10A | JULIAN | WATSON |
| 15000473CF10A | KEVIN | MCCARTHY |
| 15000492CF10A | QUINCY | JEAN |
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| 15000559CF10A | DIOGENES | TRINIDAD |
| 15000571CF10A | JULIUS | SLAUGHTER |
| 15000595CF10A | ADAM | TATE |
| 15000596CF10A | QUINCY | JEAN |
| 15000620CF10A | CHAD | KITTLES |
| 15000644CF10A | IAN | HARRIS |
| 15000678CF10A | ALEXANDER | TELFORD |
| 15000696CF10A | CHERISE | UTER |
| 15000705CF10A | CAMELITA | DUMERVE |
| 15000792CF10A | TERRENCE | WIGGINS |
| 15000811CF10A | PATRICK | NIESTERCZUK |
| 15000867CF10A | HUSSAIN | ALDAWOOD |

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| 15000886CF10A | CHRISTOPHER | BELL |
| 15000896CF10A | MAURICE | LEE |
| 15000897CF10A | KEVIN | HARRISON |
| 15001006CF10A | AUNDRE | ACHAIBAR |
| 15001024CF10A | ENIEE | AUSTIN |
| 15001049CF10A | TIMOTHY | MORSE |
| 15001084CF10A | KORY | SANDERS |
| 15001173CF10A | JARCARA | MANSFIELD |
| 15001288CF10A | JOSE | LUNA |
| 15001310CF10A | TERESA | PAYNE |
| 15001333CF10A | JOSEPH | NUGENT |
| 15001381CF10A | ISAIAH | PIERRE |
| 15001389CF10A | JOSE | LUNA |
| 15001405CF10A | OSCAR | MIDENCE |
| 15001468CF10A | EVELINA | MOSLEY |
| 15001481CF10A | SHAWDEY | MCDOWELL |
| 15001498CF10A | MICHAEL | SMITH |
| 15001552CF10A | ROBERT | TARTAGLIA |
| 15001572CF10A | KIRKLAND | THOMAS |
| 15001615CF10A | BRIAN | SCHWEITZER |
| 15001708CF10A | JAMES | SAINT-FORT |
| 15001734CF10A | COLIN | RAMSAY |
| 15001771CF10A | MICHAEL | RAMOS |
| 15001775CF10A | IAN | HARRIS |
| 15001801CF10A | ROBERT | LEWIS |
| 15001853CF10A | CARLOS | LOYNAZ |
| 15001859CF10A | DIEGO | SALAZAR |
| 15001862CF10A | KENNETH | STEIN |
| 15001867CF10A | EDWIN | ALEXIS |
| 15001957CF10A | JOHN | LINNEAR |
| 15002027CF10A | AMAURY | ARRIETA |
| 15002031CF10A | AMADO | VAZQUEZ-ORTIZ |
| 15002048CF10A | SHAHINE | GARSHASB |
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| 15002092CF10A | GARY | MILLER |
| 15002198CF10A | ANDREW | DANJUMBO |
| 15002341CF10A | RICHARD | BAKER |
| 15002379CF10A | MEGAN | BEIGHEY |
| 15002465CF10A | ROBERT | GRABOWSKI |
| 15002504CF10A | SHAMIER | CASSIS |
| 15002674CF10A | LAUREN | SCHEIRTERLE |
| 15002741CF10A | IRVING | HOROWITZ |

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| 15002784CF10A | MERCEDES | PRESHA |
| 15002813CF10A | TAMARA | LEWIS |
| 15002823CF10A | MITCHELL | CIMINELLI |
| 15002895CF10A | BONITO | BORNEUS |
| 15002939CF10A | BRANDY | HONORAT |
| 15002983CF10A | JOSE | FARIAS |
| 15003386CF10A | CALVIN | PARKER |
| 15003644CF10A | CLAUDIO | RICO |
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