

DFR 2009-46 EO FI  
DOCKETED  
2/13/2009  
LEGAL  
OC

STATE OF FLORIDA  
OFFICE OF FINANCIAL REGULATION  
DIVISION OF FINANCIAL INSTITUTIONS

IN RE:

MARCEL J. NEAL  
\_\_\_\_\_ /

Administrative Proceeding No.: 0596-FI-1/09

EMERGENCY ORDER OF SUSPENSION AND PROHIBITION  
WITH NOTICE OF RIGHTS

The State of Florida, Office of Financial Regulation, Division of Financial Institutions (hereinafter "Office"), gives notice that it, having determined that Marcel J. Neal (hereinafter "Neal"), a financial institution-affiliated party, has been charged with felony violations involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude, files this Emergency Order of Suspension and Prohibition with Notice of Rights (hereinafter "Emergency Order"), pursuant to the provisions of Sections 655.012 and 655.037(6)(b), Florida Statutes, against Neal, immediately suspending Neal from serving as an employee of Envision Credit Union ("Credit Union") and as a financial institution-affiliated party of any state financial institution, subsidiary, or service corporation, and immediately prohibiting Neal from participation in any manner in the affairs of any state financial institution, subsidiary, or service corporation.

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Envision Credit Union is a Florida state chartered credit union, charter number 40254, with its principal place of business at 440 North Monroe Street, Tallahassee, Florida 32301, and thus a state financial institution, as that term is defined in Section 655.005(1)(p), Florida Statutes.
2. During the period from approximately June 23, 2008 through December 29, 2008,

and at all times material hereto, Marcel J. Neal was a full-time employee of the Credit Union working as a teller at the branch located at 421 Appleyard Drive, Tallahassee. Thus, Neal was a financial institution-affiliated party, as that term is defined in Section 655.005(1)(i), Florida Statutes.

3. On December 29, 2008, deputies of the Leon County Sheriff's Office were called to the Credit Union to investigate the theft of \$3,250.00 of Credit Union funds allegedly taken by Neal. In the course of the investigation, Neal admitted creating fraudulent transactions and taking the money.

4. On January 30, 2009, a two count Information was filed by the State Attorney for the Second Judicial Circuit, in and for Leon County, Florida in the case styled State of Florida v. Marcel J. Neal, Case No.08CF04471. The information charged Neal with violating Section 655.0322(6), Florida Statutes, by defrauding or attempting to defraud Envision Credit Union, a financial institution, and violating Section 812.014(2)(c)1, Florida Statutes, by committing grand theft of more than \$300.00 but less than \$5,000.00. See attached Exhibit 1, which is hereby incorporated by reference as if set forth in its entirety.

5. A violation of Section 655.0322(6), Florida Statutes, is a second degree felony punishable by up to fifteen years in prison.

6. A violation of Section 812.014(2)(c)(1), Florida Statutes, is a third degree felony punishable by up to five years in prison.

7. On February 3, 2008, Neal entered a plea of nolo contendere to Count I of the Information (Bank Fraud) and was sentenced to 40 days in jail (with credit for 37 days) to be followed by thirty-six months of probation during which restitution will be paid. Adjudication of guilt was withheld. See attached Exhibit 2, a copy of the Judgment and Sentence, which is

hereby incorporated by reference as if set forth in its entirety.

8. The Office is responsible for the enforcement of the laws governing financial institutions authorized or chartered by the State of Florida, and financial institution-affiliated persons associated with such institutions, including, but not limited to, directors and officers as well as employees. §§ 655.001, 655.005(1)(i) and (j), 655.012, 655.037(1), (6)(b), and (8), Florida Statutes.

9. Neal's resignation, termination of employment or participation, or separation from Envision Credit Union on December 29, 2008, does not affect the jurisdiction and authority of the Office to issue any notice and proceed against Neal under Section 655.037, Florida Statutes. Section 655.037(8) states:

The resignation, termination of employment or participation, or separation from a state financial institution, subsidiary, or service corporation of the financial institution-affiliated party does not affect the jurisdiction and authority of the office to issue any notice and proceed under this section against such financial institution-affiliated party, if such notice is served before the end of the 6-year period beginning on the date such person ceases to be such a financial institution-affiliated party with respect to such state financial institution, subsidiary, or service corporation.

10. Section 655.037(6)(b), Florida Statutes, states, in pertinent part:

Whenever any financial institution-affiliated party is charged with a felony in a state or federal court, or in the courts of any foreign country with which the United States maintains diplomatic relations, and such charge alleges violation of any law involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude and the charge under such foreign law is equivalent to a felony charge under state or federal law, the office may enter an emergency order suspending such financial institution-affiliated party or restricting or prohibiting participation by such financial institution-affiliated party in the affairs of that particular state financial institution, subsidiary, or service corporation or any other financial institution, subsidiary, or service corporation, upon service of the order upon the state financial institution, subsidiary, or service corporation and the financial institution-affiliated party so charged.

11. Neal's continued service and participation as a financial institution-affiliated party of a state financial institution, subsidiary or service corporation, poses a threat to the interests of the state financial institution, subsidiary, or service corporation, and poses a threat to the interests of the state financial institution's, subsidiary's, or service corporation's depositors, members, or stockholders. Furthermore, Neal's continued service and participation as a financial institution-affiliated party of a state financial institution, subsidiary, or service corporation impairs public confidence in the state financial institution, subsidiary, or service corporation, and the state banking system in general.

12. Although it is unnecessary to find or demonstrate that an immediate danger to the public health, safety, or welfare exists in the context of an emergency suspension and prohibition pursuant to the provisions of Section 655.037(6)(b), Florida Statutes, the Office nevertheless finds that an immediate danger to the public welfare exists.

13. Although it is unnecessary to find or demonstrate that the reasons for concluding that the procedures employed herein are fair under the circumstances, since this action is in the context of an emergency suspension and prohibition pursuant to the provisions of Sections 655.012(3) and 655.037(6)(b), Florida Statutes, the Office nevertheless finds that the procedures used are fair, since the Office has merely used the procedures contained within the provisions of Sections 655.012(3) and 655.037(6)(b), Florida Statutes.

14. The Office concludes, pursuant to Section 655.0321, Florida Statutes, that this Emergency Order shall be a public document, and should Neal request a post-suspension hearing or appeal this Emergency Order, said hearings and proceedings shall be conducted as public proceedings, and that all documents related to such hearing be public documents unless subject to a protective order or made confidential pursuant to federal or Florida law.

AGENCY ACTION

15. Based on the foregoing Statement of Facts and Conclusions of Law, it is ORDERED that:

a. Neal is hereby IMMEDIATELY suspended from any and all positions he holds at any state financial institution, subsidiary, or service corporation.

b. Neal is hereby IMMEDIATELY suspended from serving in the capacity of a financial institution-affiliated party, as the term is defined in Section 655.005(1)(i), Florida Statutes, of any state financial institution, subsidiary, or service corporation he may be a financial institution-affiliated party of.

c. Neal is hereby IMMEDIATELY prohibited from serving in the capacity of a financial institution-affiliated party, as the term is defined in Section 655.005(1)(i), Florida Statutes, of any state financial institution, subsidiary, or service corporation.

d. Neal is hereby IMMEDIATELY prohibited from participation in any manner in the affairs of any state financial institution, subsidiary, service corporation, or affiliate. This prohibition includes, but is not limited to, matters of corporate governance and the following prohibitions regarding stock ownership, transfer, and voting:

(1) Neal shall not vote any stock he owns or controls in any state financial institution, any subsidiary, service corporation or any affiliate, without the prior written permission of the Office.

(2) Neal shall not solicit, procure, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any state financial institution, or any subsidiary, service corporation or affiliate.

(3) Neal shall not solicit or procure any additional stock in any other state financial

institution, or any subsidiary, service corporation or affiliate.

(4) Neal shall not transfer or attempt to transfer: a) any stock he owns or controls in any state financial institution, or any subsidiary, service corporation or affiliate, without the prior written permission of the Office; or b) any proxy, consent, or authorization with respect to any voting rights in any state financial institution, or any subsidiary, service corporation or affiliate, without the prior written permission of the Office.

e. Neal is hereby IMMEDIATELY suspended from serving as a consultant or independent contractor for any state financial institution, or any subsidiary, service corporation or affiliate.

f. Neal is hereby IMMEDIATELY prohibited from serving as a consultant or independent contractor, or other similar position, for any state financial institution, or any subsidiary, service corporation or affiliate, unless, prior to accepting appointment with, and prior to providing any services to, any state financial institution, subsidiary or service corporation as a consultant or independent contractor, or other similar position:

(1) Neal provides a copy of this Emergency Order to the chief executive officer of the state financial institution, subsidiary, service corporation or affiliate, with which Neal seeks to serve as a consultant or independent contractor, or other similar position; and

(2) Neal, and the chief executive officer and the chairman of the board of directors of the state financial institution, or subsidiary, service corporation or affiliate, with which Neal seeks to serve as a consultant or independent contractor, or other similar position, provides written notification to the Office describing in detail the duties and responsibilities of the services Neal desires to provide to the state financial institution, or subsidiary, service corporation or affiliate; and

(3) the Office, in its sole discretion, authorizes Neal to accept appointment with the state financial institution, or subsidiary, service corporation or affiliate, as a consultant or independent contractor, or other similar position.

g. The Office will only rescind or otherwise modify this Emergency Order upon the issuance of an Office Order finding that Neal has demonstrated through a postsuspension hearing that his continued service to or participation in the affairs of the state financial institution, subsidiary, or service corporation does not pose a threat to the interests of the state financial institution's depositors, members, or stockholders, or threaten to impair public confidence in the state financial institution.

h. This Emergency Order shall immediately become final as a result of Neal's February 3, 2009 nolo contendere plea to a felony involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude, even though adjudication of guilt was withheld by the Court.

DONE AND ORDERED in Tallahassee, Florida, this 13<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
Alex Hager, Acting Commissioner  
Office of Financial Regulation

### NOTICE OF RIGHTS

NOTICE IS HEREBY provided that the foregoing Emergency Order is entered pursuant to section 655.037(6)(b), Florida Statutes, and is accordingly effective immediately. Neal is entitled to seek judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure, and are commenced by filing the original notice of appeal with the Clerk of the Office of Financial Regulation, Legal Services Office, The Fletcher Building, Suite 526, 200 East Gaines Street, Tallahassee, Florida 32399-0379, and a copy of the notice of appeal, accompanied by the filing fees prescribed by law, with the First District Court of Appeal, 301 Martin Luther King, Jr. Blvd., Tallahassee, Florida 32399, or the District Court of Appeal in the appellate district where the party resides, or as otherwise provided by law. The notice of appeal must be filed within thirty (30) days of rendition of the Emergency Order.

Neal may also request a post-suspension hearing, to be conducted in accordance with the provisions of sections 120.569 and 120.57, Florida Statutes. Requests for such a post-suspension hearing must comply with the provisions of Rule 28-106.104(2) and either Rule 28-106.201(2) or 28.106.301(2) Florida Administrative Code, and must be filed with:

Clerk  
Office of Financial Regulation  
Legal Services Offices  
The Fletcher Building, Suite 526  
200 East Gaines Street  
Tallahassee, Florida 32399-0379  
(850) 410-9896

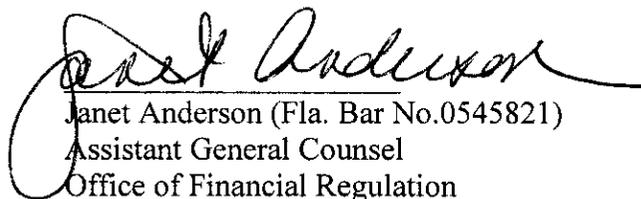
within twenty-one (21) days after Neal, or his agent or representative, receives a copy of this Emergency Order. Should Neal request a post-suspension hearing, he will have the right to be represented by counsel or other qualified representative; to offer testimony, either written or oral;

to call and cross-examine witnesses; and to have subpoenas and subpoenas duces tecum issued on Neal's behalf. Failure to respond within twenty-one (21) days of receipt of this Emergency Order shall be deemed to be a waiver of all rights to a post-suspension hearing, and this Emergency Order shall, without further notice, remain in effect.

Note that the acquittal of the financial institution-affiliated party charged, or the final unappealed dismissal of all charges against such person, will dissolve the Emergency Order, but will not prohibit the Office from instituting proceedings under Section 655.037(1), Florida Statutes. Pursuant to section 120.573, Florida Statutes, Neal is advised that mediation is not available.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Order of Suspension and Prohibition with Rights has been furnished via U.S. Mail, return receipt requested, delivery to addressee only, to Marcel J. Neal, 7304 Wagon Trail Lane, Tallahassee, Florida 32310, and via U.S. Mail, return receipt requested, to Envision Credit Union, through Edith Griner, Executive Vice President, 440 North Monroe Street, Tallahassee, Florida 32301, this 13 day of February 2009.



Janet Anderson (Fla. Bar No.0545821)  
Assistant General Counsel  
Office of Financial Regulation  
The Fletcher Building, Suite 526  
200 East Gaines Street  
Tallahassee, Florida 32399-0379

IN THE CIRCUIT COURT OF THE  
SECOND JUDICIAL CIRCUIT, IN  
AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 08CF04471

SPN 202918

vs.

**\*\*INFORMATION\*\***

Marcel J. Neal

B/M, [REDACTED]

SSN [REDACTED]

Defendant(s).

INFORMATION FOR:

Count I BANK FRAUD (F2) (ref. #2434)

Count II GRAND THEFT (F3) (ref. #4088)

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

WILLIAM N. MEGGS, State Attorney for the Second Judicial Circuit of the State of Florida, charges that in Leon County, Florida, the above-named defendant(s):

COUNT I: Between November 4, 2008 and December 15, 2008, did unlawfully and knowingly execute or attempt to execute a scheme or artifice to defraud a financial institution, subsidiary or service corporation or other entity authorized by law to extend credit, or to obtain money, funds, credits, assets, securities or other property owned by or under the control of Envision Credit Union, a financial institution, subsidiary, service corporation or other entity authorized by law to extend credit by means of false or fraudulent pretenses, representation or promises, contrary to Section 655.0322(6), Florida Statutes.

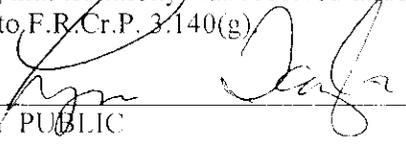
COUNT II: Between November 4, 2008 and December 15, 2008, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of Envision Credit Union, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

STATE OF FLORIDA  
COUNTY OF LEON

WILLIAM N. MEGGS, STATE ATTORNEY  
SECOND JUDICIAL CIRCUIT

  
Erin Cuzzort  
Designated Assistant State Attorney

The foregoing instrument was acknowledged before me on January 29, 2009, by Erin Cuzzort, Designated Assistant State Attorney by William N. Meggs, State Attorney for the Second Judicial Circuit of the State of Florida, who is known to me and did take an oath stating good faith in instituting the prosecution and certifying that testimony was received under oath from the material witness or witnesses for the offense pursuant to F.R.Cr.P. 3.140(g).

  
NOTARY PUBLIC



Lynn Taylor  
Commission # DD560986  
Expires June 6, 2010  
Bonded Troy Farm Insurance, Inc. 800-385-7019

EXHIBIT

tabbles

1

PLEA February 19, 2009 in Courtroom 3C ASA Erin Cuzzort

In the Circuit Court, Second Judicial Circuit,  
 in and for Leon County, Florida

Division: Felony

State of Florida

v.

MARCEL NEAL  
 Defendant

\_\_\_\_ Probation  
 \_\_\_\_ Community Control Violator  
 \_\_\_\_ Retrial  
 \_\_\_\_ Resentence

Case No. 2008CF004471A

FILED  
 2009 FEB -3  
 20

**JUDGMENT**

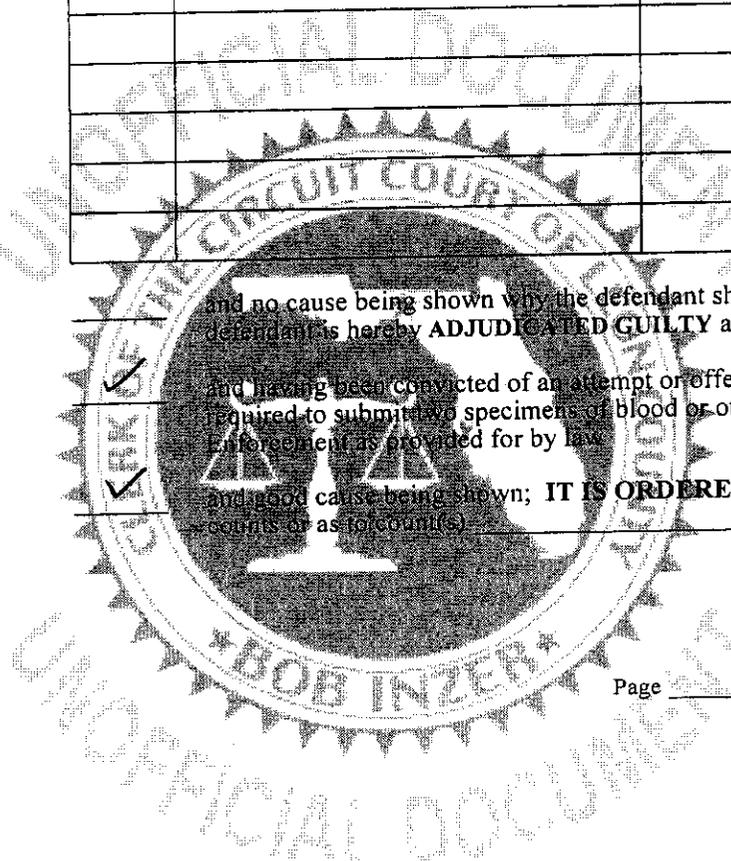
The Defendant, MARCEL NEAL, being personally before this court  
 represented by, A. Thomas, attorney of record, and the state  
 represented by, E. Cuzzort, and having  
 \_\_\_\_\_ been tried and found guilty by jury / by court of the following crime(s)  
 \_\_\_\_\_ entered a plea of guilty to the following crime(s)  
 entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
1	Bank Fraud	655.03226	F-2	08CF4471A	

and no cause being shown why the defendant should not be adjudicated guilty, **IT IS ORDERED** that the defendant is hereby **ADJUDICATED GUILTY** as to all counts or as to count(s) \_\_\_\_\_

and having been convicted of an attempt or offense enumerated in section 943.325, the defendant shall be required to submit two specimens of blood or other biological specimens to the Department of Law Enforcement as provided for by law.

and good cause being shown; **IT IS ORDERED** that **ADJUDICATION OF GUILT BE WITHHELD** as to all counts or as for count(s) \_\_\_\_\_



**EXHIBIT**  
2

State of Florida

v.

MARCEL NEAL  
Defendant

Date of Birth [REDACTED]

Case Number 2008CF004471A

[Signature]

Social Security Number \_\_\_\_\_

**FINGERPRINTS OF DEFENDANT**

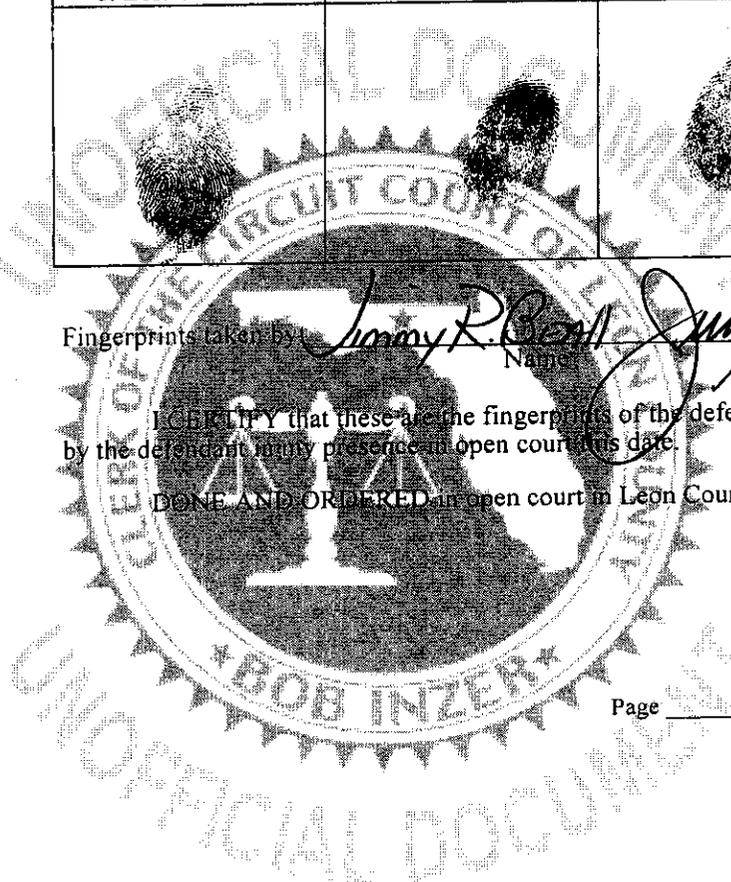
1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little

Fingerprints taken by Jimmy R. Beall Jimmy R. Beall Deputy Sheriff  
Name Title USO #58

I CERTIFY that these are the fingerprints of the defendant, MARCEL NEAL, and that they were placed hereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Leon County, Florida, on FEB 21, 2009

James C. Haususe  
Judge.



Defendant MARCEL NEAL

Case Number 2008CF004471A

OBTS Number \_\_\_\_\_

**SENTENCE**

(As to Count 1)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, A. THOMAS, and having been given an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law; and no cause being shown

(Check one if applicable)

- the Court places the defendant on probation / community control for a period of 36 months years under the supervision of the Dept. of Corrections, the conditions of which are set forth in a separate order.
- the Court having previously on \_\_\_\_\_, deferred imposition of sentence until this date.
- the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences the defendant
- the Court having placed the defendant on probation / community control and having subsequently revoked the defendant's probation/community control.

**It Is The Sentence Of The Court that:**

- The defendant pay a fine of \$ \_\_\_\_\_, pursuant to section 775.083, F.S., plus \$ \_\_\_\_\_ as the 5% surcharge required by section 938.04, F.S
- The defendant is committed to the custody of the Department of Corrections.
- The defendant is directed to the custody of the Sheriff of Leon County, Florida.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, F.S..

**To Be Imprisoned (Check one; unmarked sections are inapplicable):**

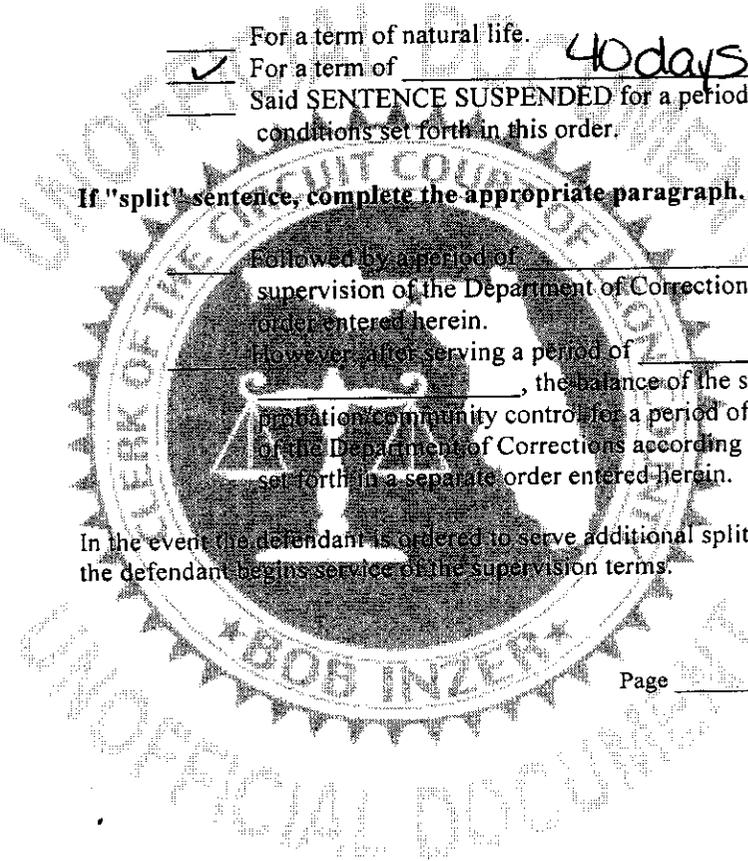
- For a term of natural life.
- For a term of 40 days months / years.
- Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to the conditions set forth in this order.

**If "split" sentence, complete the appropriate paragraph.**

Followed by a period of \_\_\_\_\_ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant be placed on probation/community control for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.



Defendant MARCEL NEAL

Case Number 2008CF004471A

**SPECIAL PROVISIONS**

(As to Count 1)

By appropriate notation, the following provisions apply to the sentence imposed in this count:

Firearm \_\_\_\_\_

It is further ordered that the \_\_\_\_\_ minimum imprisonment provision of section 775.087, F.S., is hereby imposed for the sentence specified in this count.

Drug Trafficking \_\_\_\_\_

It is further ordered that the \_\_\_\_\_ years mandatory minimum imprisonment provision of section 893.135(1), F.S., and fine in the amount of \$ \_\_\_\_\_ is hereby imposed in this count.

Controlled Substance w/in 1,000' of School, Public Park, Comm.Center or Rec. Facility  
Habitual Felony Offender \_\_\_\_\_

It is further ordered that the 3-year minimum imprisonment provision pursuant to 893.13(1)(c), F.S., is hereby imposed for the sentence specified in this count.  
The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), F.S.. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Controlled Substance, Manufacture of Metham-Phetamine/Phencyclidine  
Habitual Violent Felony Offender \_\_\_\_\_

It is further ordered that the \_\_\_\_\_ minimum mandatory provision of section 893.13(1)(g), F.S. is hereby imposed for the sentence specified in this count.

The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), F.S.. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Prison Releasee Reoffender \_\_\_\_\_

The defendant is adjudicated a prison releasee reoffender and has been sentenced to serve 100 percent of the court-imposed sentence in accordance with section 775.082(8)(b).

Law Enforcement Protection Act \_\_\_\_\_

It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with section 775.0823, F.S..

Capital Offense \_\_\_\_\_

It is further ordered that the defendant shall be ineligible for Parole in accordance with the provisions of section 775.082(1), F.S..

Short-Barreled Rifle, Shotgun, Machine Gun, Continuing Criminal Enterprise \_\_\_\_\_

It is further ordered that the 5-year minimum provision of section 790.22(2), F.S., is hereby imposed for the sentence specified in this count.  
It is further ordered that the 25-year minimum sentence provision of section 893.20, F.S., is hereby imposed for the sentence specified in this count.

Dangerous Sexual Felony Offender \_\_\_\_\_

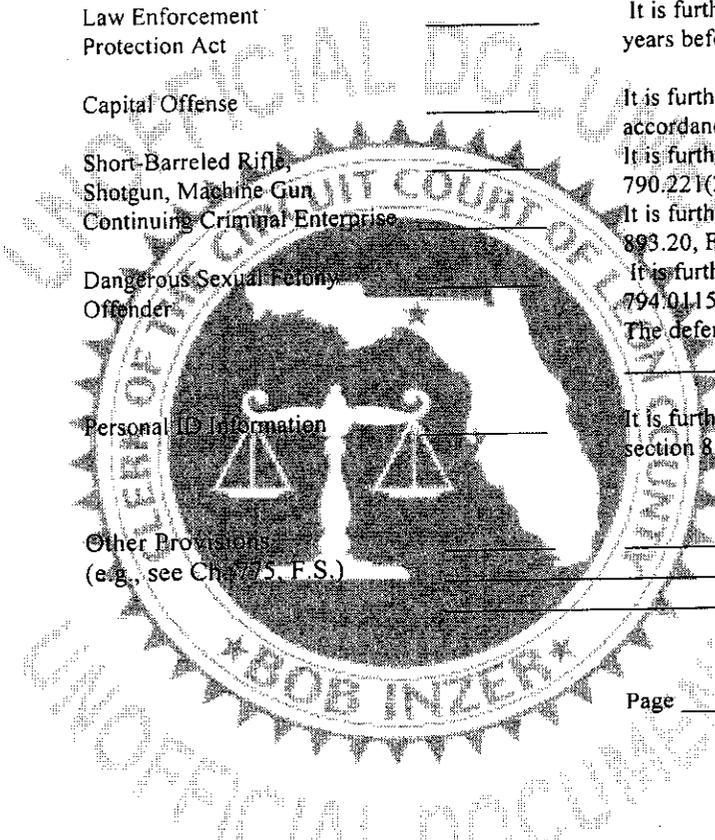
It is further ordered that the minimum imprisonment provision of section 794.0115(2)(e), F.S. is hereby imposed for the sentence specified in this count.  
The defendant shall be imprisoned for a minimum of \_\_\_\_\_ years; or, \_\_\_\_\_ for a term of life.

Personal ID Information \_\_\_\_\_

It is further order that the \_\_\_\_\_ minimum mandatory provision of section 817.568 F.S., is hereby imposed for the sentence specified in this count.

Other Provisions (e.g., see Ch. 775, F.S.) \_\_\_\_\_

\_\_\_\_\_



Defendant MARCEL NEAL

Case Number 2008CF004471A

Other Provisions as to count(s) 1:

Retention of Jurisdiction \_\_\_\_\_

The court retains jurisdiction over the defendant pursuant to section 947.16(4), F.S. (2002).

Jail Credit  \_\_\_\_\_

It is further ordered that the defendant shall be allowed a total of 37 days as credit for time incarcerated before imposition of this sentence.

**CREDIT FOR TIME SERVED IN RESENTENCING AFTER VIOLATION OF PROBATION OR COMMUNITY CONTROL**

*(Check as applicable)*

**IT IS FURTHER ORDERED** that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on count(s) \_\_\_\_\_.  
(Offenses committed before October 1, 1989).

\*\*\*\*\*

**IT IS FURTHER ORDERED** that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on count(s) \_\_\_\_\_.  
(Offenses committed between October 1, 1989 and December 31, 1993).

\*\*\*\*\*

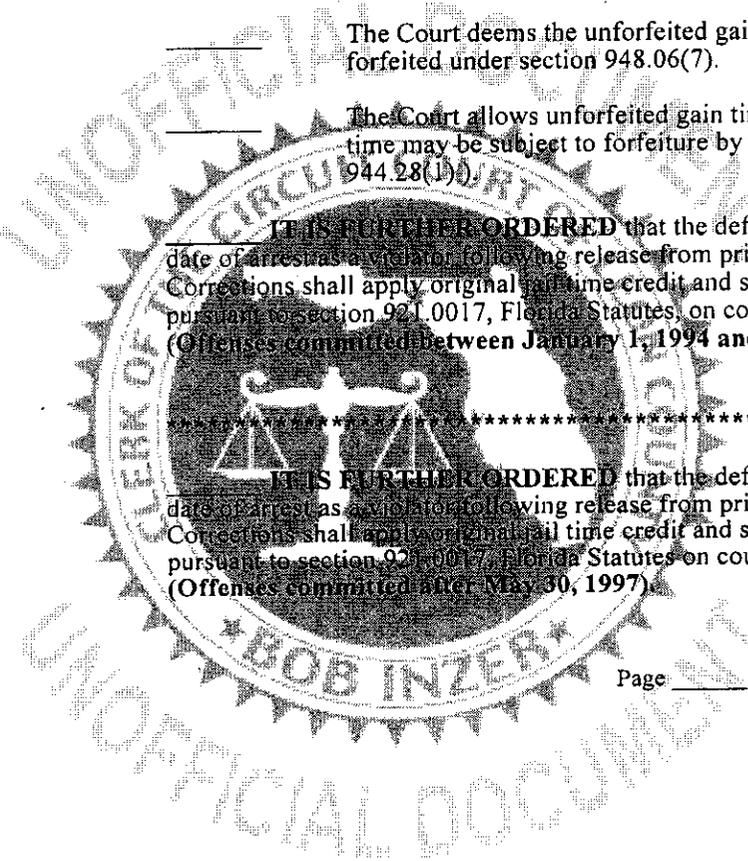
The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(7).

The Court allows unforfeited gain time previously awarded in this case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1)).

**IT IS FURTHER ORDERED** that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on count(s) \_\_\_\_\_.  
(Offenses committed between January 1, 1994 and May 29, 1997).

\*\*\*\*\*

**IT IS FURTHER ORDERED** that the defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes on count(s) \_\_\_\_\_.  
(Offenses committed after May 30, 1997).



Defendant MARCEL NEAL

Case Number 2008CF004471A

**Other Provision Continued:**

Consecutive/Concurrent  
as to Other Counts \_\_\_\_\_

It is further ordered that the sentence imposed as to count(s) \_\_\_\_\_ shall run (check one) \_\_\_\_\_ consecutive to \_\_\_\_\_ concurrent with the sentence set forth in count \_\_\_\_\_ of this case.

Consecutive/Concurrent  
as to Other Convictions \_\_\_\_\_

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (check one) \_\_\_\_\_ consecutive to \_\_\_\_\_ concurrent with the following

(check one)

\_\_\_\_\_ any active sentence being served

\_\_\_\_\_ specific sentences \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

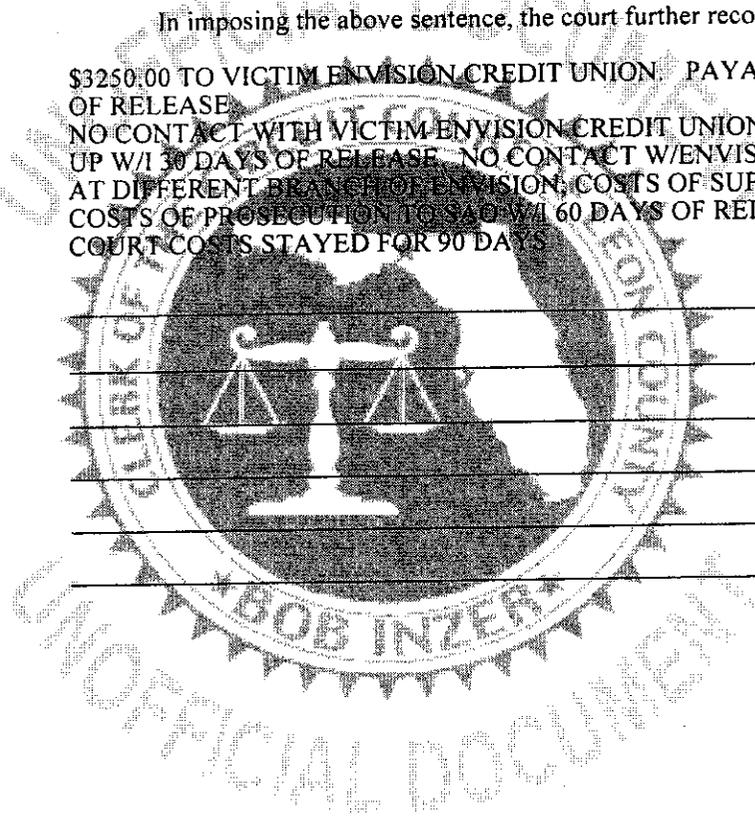
In the event the above sentence is to the Department of Corrections, the Sheriff of Leon County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the Department together with a copy of this judgment and sentence and any other documents specified by Florida Statutes.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends \_\_\_\_\_

\$3250.00 TO VICTIM ENVISION CREDIT UNION. PAYABLE AT \$100.00 A MONTH TO BEGIN W/I 60 DAYS OF RELEASE.  
NO CONTACT WITH VICTIM ENVISION CREDIT UNION. ATTEND AND COMPLETE THEFT CLASS - SIGN UP W/I 30 DAYS OF RELEASE. NO CONTACT W/ENVISION CREDIT UNION EXCEPT TO CLOSE ACCOUNTS AT DIFFERENT BRANCH OF ENVISION. COSTS OF SUPERVISION AND SURCHARGES WAIVED.  
COSTS OF PROSECUTION TO SAO W/I 60 DAYS OF RELEASE AS A CONDITION OF PROBATION  
COURT COSTS STAYED FOR 90 DAYS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Defendant MARCEL NEAL

Case Number 2008CF004471A

**JUDGMENT FOR FINES, COSTS, FEES AND SURCHARGES**

IT IS THE JUDGMENT AND ORDER OF THE COURT THAT DEFENDANT IS LIABLE FOR AND SHALL PAY THE FOLLOWING:

- 1. \$ \_\_\_\_\_ as a fine pursuant to §775.083, F.S.
- 2. \$ \_\_\_\_\_ as the 5% surcharge required by §938.04, F.S..
- 3. ~~\$20.00 as a court cost pursuant to §938.06, F.S. (Crime Stopper Trust Fund).~~
- 4. \$3.00 as a court cost pursuant to §938.01(1) F.S. (Criminal Justice Trust Fund).
- 5. \$50.00 pursuant to §938.03, F.S. (Crimes Compensation Trust Fund).
- 6. \$225.00 (felony) / \$60.00 (misd.) pursuant to §938.05, F.S. (Local Government Criminal Justice Trust Fund).
- 7. \$2.00 as a court cost pursuant to § 938.15, F.S. (County Criminal Justice Education).
- 8. \$2.00 as a court cost pursuant to §938.15, F.S. (City Criminal Justice Education).
- 9. \$50.00 (felony)/ \$20.00 (misd.) as a court cost pursuant to §775.083(2) F.S. (County Crime Prevention).
- 10. \$65.00 as a court cost pursuant to § 939.185, F.S. (County Additional Court Cost).
- 11. \$3.00 as a court costs pursuant to § 938.19 F.S. (Teen Court Assessment).
- 12.  \$50.00 as an application fee pursuant to §27.52(1)(b), F.S. (Indigent Criminal Defense Trust Fund) if the Defendant applied for a Public Defender and the fee has not been paid in full. The first \$50.00 collected by the clerk shall be applied toward satisfaction of this fee.
- 13.  If checked, the Defendant shall pay \$135.00 as costs pursuant to §938.07, F.S. (Driving or Boating Under The Influence).
- 14.  If checked, the Defendant shall pay \$15.00 as costs pursuant to §938.13, F.S. (Misd. Drug Alcohol Assessment)
- 15. **If checked, the defendant shall pay the following as additional statutorily mandated surcharges:**
  - \$201.00 as a surcharge and condition of supervision pursuant to §938.08, F.S. (Domestic Violence Trust Fund).
  - \$151.00 as a surcharge and condition of supervision pursuant to §938.085, F.S. (Rape Crisis Program Trust Fund).
  - \$101.00 as costs pursuant to §938.10, F.S. (Children & Family Services Child Advocacy Trust Fund).
- 16.  \$100.00 (mandatory), or the higher of documented costs of \$ \_\_\_\_\_ for prosecution pursuant to §938.27(8), F.S., payable to: \_\_\_\_\_ To be paid within \_\_\_\_\_ days or if checked  Reduced to a Civil Judgment

- 17.  **IF CHECKED, \$100.00 (mandatory) or the higher costs of \$ \_\_\_\_\_ for indigent legal assistance pursuant to §938.29(1), F.S. To be paid within \_\_\_\_\_ days or if checked  Reduced to a Civil Judgment.**

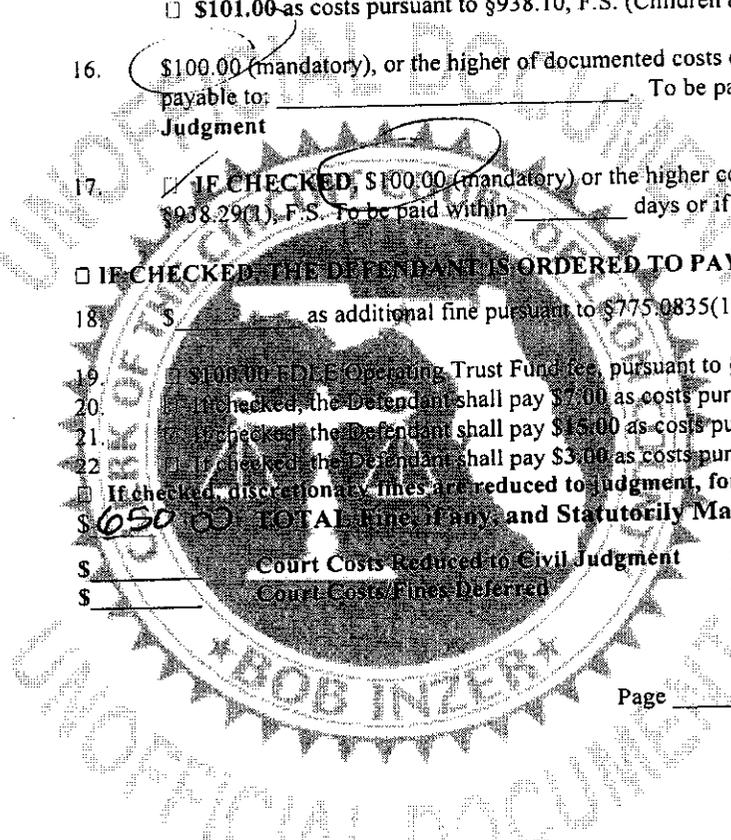
**IF CHECKED, THE DEFENDANT IS ORDERED TO PAY THE FOLLOWING DISCRETIONARY COSTS:**

- 18. \$ \_\_\_\_\_ as additional fine pursuant to §775.0835(1), F.S.. (Optional Fine for the Crimes Compensation Trust Fund).
- 19.  \$100.00 FDLE Operating Trust Fund fee, pursuant to §943.25.  If checked Reduced to a Civil Judgment
- 20.  If checked, the Defendant shall pay \$7.00 as costs pursuant to §318.18(14) F.S. (Replacement of Fine Revenue Fund)
- 21.  If checked, the Defendant shall pay \$15.00 as costs pursuant to §318.18 (13)(a) (Court Facilities Fund)
- 22.  If checked, the Defendant shall pay \$3.00 as costs pursuant to §318.18 (17) (State Law Enforcement Radio System)
- If checked, discretionary fines are reduced to judgment, for which let execution issue.

\$ 050 **TOTAL Fines, if any, and Statutorily Mandated Costs, Fees and Surcharges**

\$ \_\_\_\_\_ Court Costs Reduced to Civil Judgment      \$ \_\_\_\_\_ Application Fee Reduced to Civil Judgment

\$ \_\_\_\_\_ Court Costs/Fines Deferred                              \$ \_\_\_\_\_ Fine Reduced to Civil Judgment



Defendant MARCEL NEAL

Case Number 2008CF004471A

**IT IS FURTHER ORDERED AS FOLLOWS:**

The defendant is ordered to pay the court ordered fine, court costs, fees and surcharges imposed in this case. Payment is due in full today or make payments of a minimum of \$75.00 per month. A \$25.00 administrative fee will be added to the balance. If you are in custody on this charge, your first payment will be due 30 days from the date of your release.

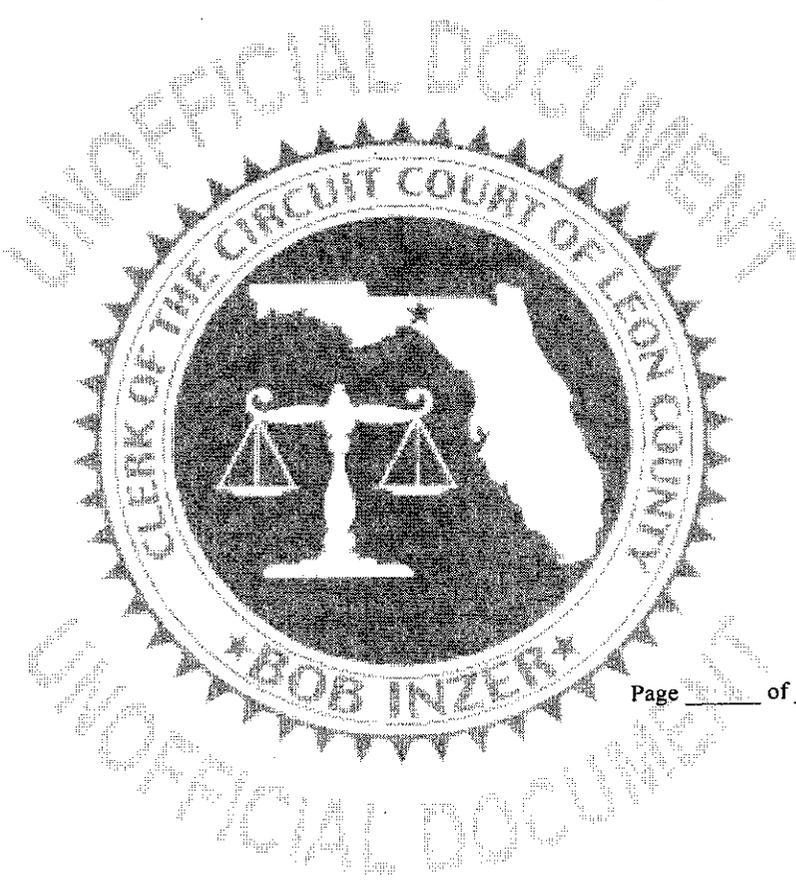
Failure to comply with your payment schedule will result in the suspension of your driver's license pursuant to FS 322.245 and issuance of an Order to Show Cause requiring your appearance in court. Failure to appear in court will result in a Writ of Attachment (warrant) being issued for your arrest.

The defendant must immediately notify the Clerk of Court, in writing, of any change in the defendant's mailing address.

All fines, costs, fees and surcharges must be paid in cash or by money order, travelers check, personal check or credit card, payable to: Clerk of Court, Leon County Courthouse.

DONE AND ORDERED in open court on FEB 3, 2009.

James E. Hausius  
CIRCUIT JUDGE



Printed Copy  
2008 FEB 3 10:58 AM  
Clerk of Court  
Leon County, Florida  
By [Signature] [Signature]  
D.C.