

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS
ADDENDUM TO VIOLATION REPORT DATED 08/10/2018

REPORT CONTAINS CONFIDENTIAL INFORMATION

Date: 09/10/2018 MANDATORY RETAKING FROM: _____

To: Honorable Judge Lisa Davidson From: Bradley Decatur, CPSO
Name: Daniel Alan Biro DC No: E54522 Circuit: 18-1 Melbourne
Case No: 13-55656-CFA UC No: 05-2013-CF-055656-AXXX-XX
Scheduled Termination Date: 09/10/2018

REQUESTING

Violation of Probation Hearing-Warrantless Arrest Conducted
 Warrant for Arrest (Violation of Probation)
 Violation of Probation Hearing without Warrant- (Notice to Appear)
 No further action

TYPE OF REPORT

Non-Compliance with Conditions
 Delinquent Monetary Obligations Only
 Arrest/New Charge
 Warrantless Arrest

LOCATION

At Large
 In Custody
 On Bond
 ROR
 Absconder

Last Known Address _____
721 Palm Drive
Satellite Beach, FL 32937

(1) HOW VIOLATION OCCURRED:

On 09/14/2015, the offender, Daniel Biro, reported to the Melbourne Probation Office, and was instructed on his conditions of probation by Officer Bradley Decatur.

On 01/04/2018, following a violation in September of 2017, where the offender was requested to submit to a search of his residence and denied probation officers access to his home, the court reinstated his probation and modified his conditions to begin his Domestic Violence course within 30 days.

Furthermore, while in court for the violation, the offender questioned the validity of his signature on certain court orders and obligations. Due to this questioning of Probation Officer Bradley Decatur's testimony and character; raising concern that Officer Decatur was falsifying the offender's signature, additional measures were taken to ensure the offender was clearly instructed and his signature was documented.

On 01/08/2018, the offender was re-instructed by Officer Bradley Decatur on his conditions of probation. In addition, Officer Makesha Adderly was present for the instruction and co-signed as a witness to these instructions being given to the offender. The offender's conditions of probation require his completion of a domestic violence program, and payment to the court for fees totaling \$461.00, as well as payment to the Department of Corrections for Costs of Supervision and First Step fees. These fees include \$1800 for Costs of Supervision and \$36.00 for the First Step program.

Since the VOP hearing on 01/04/2018, the offender did comply with court orders and completed his Domestic Violence Course but has only made a single payment of \$20 to the Department of Corrections. The offender is in arrears \$461.00 in court fees, \$1800 for Costs of Supervision and \$16.77 for First Step fees.

The offender has maintained his innocence, of the original charges, since the beginning of probation. However, for three years, Officer Decatur has instructed the offender to pay his court fees and those fees owed to the Department of Corrections. The offender has passively resisted, attesting that he is innocent and will not do any further damage to his name by giving in to false charges. The offender has been informed by Officer Decatur that he signed a plea and agreed to complete certain conditions.

ADDITIONAL VIOLATION(S) AS OF 08/10/2018:

On 03/26/2018, the offender contacted Officer Bradley Decatur by email requesting a travel permit for a wedding in California for a friend of his scheduled for August 7-13, 2018. Officer Decatur responded that he would need the details of the trip as well as his domestic violence course completed and his outstanding financial obligations paid either in full or at least paid up-to-date. The offender had been instructed on several occasions regarding his requests for travel, that if he could pay for travel on his birthday or for friend's wedding's, that he could afford to pay towards his outstanding court and DOC costs. The offender had previously been denied travel due to his financial obligations. As his supervising officer, Officer Decatur could not justify allowing money to be spent on leisure activities when the offender was behind in costs.

On 04/25/2018, the offender filed a motion for travel in regards to a cruise. This cruise, Officer Decatur had been informed by the offender, was a bachelor party or pre-celebration to the wedding scheduled in August.

On 04/26/2018, the court denied the offender's travel request for a cruise scheduled for 06/22/18-06/25/2018.

On 05/14/2018, the offender reported to probation and informed Officer Decatur that his motion was denied but that he intended to file another motion. Officer Decatur informed the offender that even if he were approved by the court for travel to leave the country on a cruise, he would still be responsible to pay certain outstanding costs owed to the Department of Corrections. To Officer Decatur's knowledge, no further filings were made with the court for travel and no money was paid.

On 08/06/2018, the offender was supposed to report for his monthly appointment with Officer Bradley Decatur. He failed to report on that day.

On 08/07/2018, Officer Decatur attempted to contact the offender by phone but had to leave a voicemail message instructing the offender to report. There was no response and the offender did not report.

On 08/08/2018, Officer Decatur attempted to locate the offender at his residence. The offender was not home and a written message was attached to the offender's garbage can and placed in the middle of the driveway so he would be sure to see it when he returned home. The note directed the offender that he missed his appointment, Officer Decatur had been to the house, and he needed to call and report to probation.

On 08/09/2018, Officer Decatur drove by the offender's home and the trash can and note were still in the middle of the driveway indicating the offender had not returned home. The offender was called again and another voicemail was left. An email message was also sent to the offender instructing him to report to probation by 4pm that day. Subsequent texts were also sent to the offender's phone instructing him to call and to report by 4pm.

At approximately 6:40 PM, Officer Decatur received a call from the offender attesting that he had just gotten the officer's messages. He further detailed that he did not know he missed an appointment and that he did not have a date scheduled. Officer Decatur told the offender he needed to report the next morning for his monthly appointment. The offender attested that he would be busy and would not be able to report the next day. Officer Decatur asked the offender when his flight returns from California to which the offender responded with a sigh, and attested on the 13th or 14th.

The offender then went into his continued efforts to explain how the entire justice system is corrupt and that he was tired of being "raped" by the court and law enforcement; that they have taken everything from him including his job and his life. He attempted to claim that he was in California on a trip he reported to Officer Decatur months ago. He was informed the trip was requested but denied. He was never given verbal permission to go or a travel permit to leave the county. The offender

was specifically instructed not to go on this trip unless his fees were paid and the full details were provided to Officer Decatur. When the offender was asked where he was, he responded; "San Francisco", but was unable to recall the exact date of the return to Florida. The offender was instructed that he was in violation of the conditions of his probation and to report to the probation office.

A follow-up email was sent to the offender to gain the exact dates and locations of where he is staying, where the wedding is and when his flight returns. The offender's specific whereabouts are currently unknown and there has been no response, so far, to the email request.

ADDITIONAL VIOLATION(S) AS OF 08/10/2018:

On 08/10/2018; Officer Bradley Decatur sent the offender the following email to the offender:

"Based on our conversation yesterday. I need to be informed of your location for supervision purposes. You need to respond with the specific address and location of where you are staying in California and where the wedding is located. You also need to supply the dates and times of your departure and return to Brevard County. Upon return, I would like you to bring documentation of the wedding such as invite, brochure, RSVP, etc. as proof that this was indeed the event you attended.

Failure to provide any of this information means that I cannot functionally do my job and will therefore constitute a violation of your probation."

On 08/11/2018, Mr. Biro responded with the following:

"Was staying at Kabuki hotel paid by my friend. Changing hotels not sure which one yet. Arrive Tuesday at 11pm. Will send more info when I get it.

I understand we have opposing positions, and I don't want to harm you or your employment. I don't "hate" law enforcement like you mentioned, but do despise the trusted people who committed the despicable felony crimes against me and additional fraud to cover-up their negligence by punishing the victim. I can't even begin to explain to you what that illegal trauma feels like for 5 1/2 years. Please remember it is all fraud and I am demanding justice, of the collusive judges too, however long it must take. DOJ and FBI are also involved. We obviously can't have judges just doing whatever they want.

Please read the background section of the case in the Petition for Writ of Certiorari, which starts several pages in. That is just the basics of the fraud (there is much more) of the Satellite Beach thugs who committed actual felonies to frame me, the actual victim of domestic violence from my then girlfriend, and the IHB police chief's friend. All massive fraud also to the tv news to create a false narrative to cover their jobs and intentionally destroy my life and business. And the judges haven't even been following the rules of law either, completely ignoring them to cover buddies' massive fraud.

My life is nobody's collateral damage for their job. They have put me in hell for 5 1/2 years, and ILLEGALLY AND FRAUDULENTLY destroyed my name, honor, business of 10 years, retirement, future to have a family, dreams, added retaliation for bringing truth to light, etc. The DV class was actually a revictimization class every week for me, reminding me exactly what my ex-gf was doing to ME, and also of the massive traumatizing fraud by the police and courts. I refuse to be anyone's victim anymore.

Thank you for trying to understand."

On 08/15/2018, the offender reported to the Melbourne Probation Office, but Officer Bradley Decatur was unavailable. Since Mr. Biro's 08/11 email there were no additional emails were provided and his whereabouts, until the 15th, were unknown. He attested to changing hotels, but failed to provide exact locations of where he was staying and where the wedding was. Mr. Biro failed to follow directions and provide his exact location.

(2) **OFFENDER'S STATEMENT:**

Mr. Biro responded to an email from Officer Bradley Decatur on 08/11/2018, provided above.

(3) **HISTORY OF SUPERVISION:** ADJUDICATION WITHHELD ADJUDICATED

Original sentence:

<u>Offense Date</u>	<u>Offense</u>	<u>Sentence Date</u>	<u>County</u>	<u>Case Number</u>	<u>Supervision Length</u>
01/06/2013	Ct V: Resist W/O Violence	09/11/2015	Brevard	13-55656-CFA	1 Year Consec to Ct IV

Historical Supervision:

<u>Offense Date</u>	<u>Offense</u>	<u>Sentence Date</u>	<u>County</u>	<u>Case Number</u>	<u>Supervision Length</u>
01/06/2013	Ct II: Culp Neg Inflicts Injury	09/11/2015	Brevard	13-55656-CFA	1 Year
01/06/2013	Ct IV: Battery	09/11/2015	Brevard	13-55656-CFA	1 Year Consec to Ct II

Prior violation(s) of supervision for all periods of supervision and disposition(s) of violation(s) include the following:

09/29/2017 VIOT – Technical Disposed on 01/04/2018 Reinstated, Modified

RESIDENCE: STABLE UNSTABLE ABSCONDED

Resides with: Alone

EMPLOYMENT: EMPLOYED RETIRED/DISABLED STUDENT UNEMPLOYED

Current employer/school name and address: Castle Properties and Investments, LLC – Self Employed

Full-time employment or school attendance Part-time employment or school attendance

RESTITUTION: N/A PAID IN FULL COMPLYING DELINQUENT
Original Obligation: \$RESERVED Current Balance: \$RESERVED

COURT COSTS/FINES: N/A PAID IN FULL COMPLYING DELINQUENT
Original Obligation: \$461.00 Current Balance: \$461.00

ELECTRONIC MONITORING: N/A PAID IN FULL COMPLYING DELINQUENT

COST OF SUPERVISION: N/A PAID IN FULL COMPLYING DELINQUENT
Original Obligation: \$1800.00 Current Balance: \$1800.00

DRUG TEST FEE: N/A PAID IN FULL COMPLYING DELINQUENT
Original Obligation: \$30.00 Current Balance: \$30.00

FIRST STEP FEE: N/A PAID IN FULL COMPLYING DELINQUENT
Original Obligation: \$36.00 Current Balance: \$16.77

PUBLIC SERVICE WORK: N/A COMPLETED COMPLYING DELINQUENT

TREATMENT STATUS: N/A COMPLETED COMPLYING NON-COMPLIANT

Summary of offender's current and prior participation in treatment, educational, and vocational programs:
The offender has completed his Domestic Violence Course.

STATUS OF OTHER SPECIAL CONDITIONS:

(4) RECOMMENDATION:

This officer is requesting a Notice to Appear be issued to the offender for these violations of probation. Due to his failure to pay outstanding fees the offender is in violation of his probation. However, the offender has served three one (1) year misdemeanor terms of probation consecutively and this officer does not believe it is statutorily allowed to order the offender to more time on probation until his fees are paid. Therefore, this officer is requesting the offender's probation be terminated unsatisfactorily, and his court fees be converted to a lien.

*Additionally, if possible, this officer is requesting the Department of Corrections fees for Costs of Supervision be added to the court fees, payable to the Crime Compensation Fund, for services rendered.

This offender has passively resisted all obligations to probation on a plea which he signed and agreed to; financial and educational conditions. As his previous violation reflects, he refused efforts by probation to do the very jobs they are required to uphold per that plea agreement. So often the fees owed to the Department of Corrections are easily waived for offender's who violate and go to jail or prison. However, this offender's violation of probation, due to his refusal to adhere to the plea agreement, will be rewarded if he is not held financially responsible for those obligations despite efforts made to ensure his compliance and the public safety. Ultimately the offender did comply, at the court's direct order, and allowed Probation and Parole to conduct a compliance check of his residence. Specific services and efforts were made, by the Department of Corrections, regarding this offender, therefore those fees are appropriately owed.

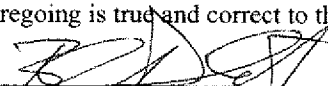
ADDENDUM TO THE RECOMMENDATION:

This officer requested a Notice to Appear yesterday prior to this situation unfolding. Over the last three (3) years the offender has only passively resisted and protested his conditions of probation, attesting his innocent and the corruption of the judicial system and all law enforcement. However, this week, the offender decided to actively resist and defy the very court order and plea he signed and agree to, by disregarding instructions from his supervising officer and leaving his jurisdiction of supervision, both Brevard County and the State of Florida, without the knowledge of his officer, and his current specific whereabouts are unknown. If this officer is expected to uphold the conditions of supervision equally among all my cases, I can only recommend that the offender's absconding status be met with a period of incarceration. In addition to the previous recommendation, this officer respectfully recommends the offender's probation be modified to include a minimal incarcerated sentence for the time since his case was tolled due to this violation, auto term upon release.

ADDENDUM TO THE RECOMMENDATION:

This officer is requesting no further action now, as an NTA was issued to the offender and a new court date is presently set for 10/19/2018. The offender's termination date is scheduled for 09/10/2018 and his probation is tolled. The offender has been unwilling to comply with certain standard conditions of probations and has failed to follow instructions and provide his whereabouts. This officer's continues to respectfully recommend both prior recommendations above.

The foregoing is true and correct to the best of my knowledge and belief.


BRADLEY DECATUR, Officer

Approved: 
LISA BERRY, Supervisor