



November 14, 2016

Board of Disciplinary Appeals

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF MARK ALAN GREENBERG STATE BAR CARD NO. 24076921	§ § §	CAUSE NO. <u>58353</u>
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PETITION FOR COMPULSORY DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), brings this action against Respondent, Mark Alan Greenberg, (hereinafter called "Respondent"), showing as follows:

1. This action is commenced by Petitioner pursuant to Part VIII of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of this Board's procedures for handling a compulsory discipline matter by attaching a copy of such procedures to this petition.

2. Respondent, Mark Alan Greenberg, may be served with a true and correct copy of this Petition for Compulsory Discipline, its attachments, as well as a notice of hearing, at 2731 N. Federal Highway, #135, Fort Lauderdale, Florida 33306.

3. On or about April 9, 2015, Respondent was charged by Indictment (Exhibit 1) with Counts 1 through 10 – Sexual Performance by a Child and Count 11 – Computer Pornography, in a case styled *The State of Florida v. Mark Greenberg*, in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, State of Florida.

4. On or about June 20, 2016, a Circuit Court Disposition Order in and for Broward County Florida (Exhibit 2) was entered in Case No. 15003610CF10A, styled *State of Florida v. Mark Greenberg*.

5. On or about June 20, 2016, Plea of Guilty or No Contest to Criminal Charges in Circuit Court (Exhibit 3) was entered in Case No. 15003610CF10A, styled *State of Florida v. Mark Greenberg*, in the Circuit Court of the 17th Judicial Circuit of Florida in and for Broward County.

6. On or about September 1, 2016, an Order amending counts 2 – 10 of the indictment (Exhibit 4) was entered in Case No. 15-3610CF10A, styled *The State of Florida v. Mark Greenberg*.

7. On or about September 2, 2016, a Circuit Court Disposition Order in and for Broward County Florida (Exhibit 5) was entered in Case No. 15003610CF10A, styled *State of Florida v. Mark Greenberg*.

8. On or about September 2, 2016, an Order (Exhibit 6) setting out Sex Offender Probation and Community Control Sex Offender Probation was entered in Case No. 15-003610CF10A, styled *State of Florida v. Mark Greenberg*, wherein Respondent was adjudicated guilty of counts 2 through 10 – Sexual Performance by a Child and Count 11 – Computer Pornography and was placed on Sex Offender Probation for a period of five (5) years.

9. On or about September 13, 2016, a Judgment (Exhibit 7) was entered in Case No. 15-3610CF10A, styled *The State of Florida v. Mark Greenberg*, wherein Respondent was adjudicated guilty of counts 2 through 10 – Sexual Performance by a Child, Third Degree Felonies and Count 11 – Computer Pornography, a Third Degree Felony, and was placed on probation for a period of five (5) years. Attached hereto and made a part hereof for all intents and purposes as if the same were copied verbatim herein, are true and correct copies of the following documents in the Greenberg criminal case: Indictment (Exhibit 1), Circuit Court Disposition Order in and for Broward County Florida (Exhibit 2), Plea of Guilty or No Contest to Criminal Charges in Circuit Court (Exhibit 3), Order amending counts 2 – 10 of the indictment (Exhibit 4), Circuit Court

Disposition Order in and for Broward County Florida (Exhibit 5), Order (Exhibit 6), and Judgment (Exhibit 7). Petitioner expects to introduce certified copies of Exhibits 1 through 7 at the time of hearing of this cause.

10. Respondent, Mark Alan Greenberg, whose bar card number is 24076921, is the same person as the Mark Greenberg who is the subject of the Indictment, Circuit Court Disposition Order in and for Broward County Florida, Plea of Guilty or No Contest to Criminal Charges in Circuit Court, Order amending counts 2 – 10 of the indictment, Circuit Court Disposition Order in and for Broward County Florida, Order, and Judgment described above, true and correct copies of which are attached hereto as Exhibits 1 through 7.

11. Attached hereto as Exhibit 8 and made a part hereof for all intents and purposes as if the same were copied verbatim herein is a true and correct copy of an affidavit of Rebecca (Beth) Stevens, Attorney of Record for Petitioner herein, attesting to the fact that Respondent is the same person as the person who is the subject of the Judgment entered in the Greenberg criminal case. Petitioner expects to introduce the original of said affidavit at the time of hearing of this cause.

12. The offenses for which Respondent was convicted are intentional crimes as defined by Rule 1.06(T), Texas Rules of Disciplinary Procedure. They are as well serious crimes as defined by Rule 1.06(AA), Texas Rules of Disciplinary Procedure.

13. Having been found guilty of intentional crimes, and such judgment being final, Respondent should be disbarred as provided in Rule 8.05, Texas Rules of Disciplinary Procedure.


PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that Respondent be given notice of these proceedings as provided by law and, upon hearing of this matter, that the Board enter its order disbarring Respondent and for such other and further relief to which Petitioner may be entitled to receive including costs of court and attorney's fees.

Respectfully submitted,

Linda A. Acevedo
Chief Disciplinary Counsel

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Rebecca (Beth) Stevens
State Bar Card No. 24065381

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the foregoing instrument has been sent for personal service on Mark Alan Greenberg, 2731 N. Federal Highway, #135, Fort Lauderdale, Florida 33306 on this 14th day of November 2016.



Rebecca (Beth) Stevens

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a trial on the merits of the Petition for Compulsory Discipline heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at **9:00 a.m. on the 27th day of January 2017.**



Rebecca (Beth) Stevens

INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Effective February 19, 2015

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SECTION 1: GENERAL PROVISIONS

Rule 1.01 Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

Rule 1.02 General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and

determining disciplinary proceedings. But TRDP 15.01 applies to the enforcement of a judgment of BODA.

Rule 1.03 Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04 Appointment of Panels

- (a) BODA may consider any matter or motion by panel, except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.
- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

Rule 1.05 Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.
 - (1) **Email Address.** The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.
 - (2) **Timely Filing.** Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA

for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

- (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

(4) **Exceptions.**

- (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry is not required to be filed electronically.
- (ii) The following documents must not be filed electronically:
 - a) documents that are filed under seal or subject to a pending motion to seal; and
 - b) documents to which access is otherwise restricted by court order.
- (iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

- (5) **Format.** An electronically filed document must:

- (i) be in text-searchable portable

document format (PDF);

- (ii) be directly converted to PDF rather than scanned, if possible; and

- (iii) not be locked.

- (b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

- (c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

- (1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
- (2) an electronic image or scanned image of the signature.

- (d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

- (e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06 Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition may be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or

her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent's signature.

Rule 1.07 Hearing Setting and Notice

- (a) **Original Petitions.** In any kind of case initiated by the CDC's filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23, the hearing date must be at least 30 days from the date that the petition is served on the Respondent.
- (b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23, the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.
- (c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.
- (d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately

following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08 Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09 Pretrial Procedure

- (a) **Motions.**
 - (1) **Generally.** To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.
 - (2) **For Extension of Time.** All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:
 - (i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;
 - (ii) if an appeal has been perfected, the date when the appeal was perfected;
 - (iii) the original deadline for filing the item in question;

- (iv) the length of time requested for the extension;
 - (v) the number of extensions of time that have been granted previously regarding the item in question; and
 - (vi) the facts relied on to reasonably explain the need for an extension.
- (b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.
- (c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.
- (d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:
- (1) marked;
 - (2) indexed with the title or description of the item offered as an exhibit; and
 - (3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10 Decisions

- (a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

- (b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:
 - (1) as required by the TRDP; and
 - (2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.
- (c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11 Board of Disciplinary Appeals Opinions

- (a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.
- (b) Only a BODA member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.
- (c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12 BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA’s adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13 Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14 Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15 Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

SECTION 2: ETHICAL CONSIDERATIONS

Rule 2.01 Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

- (a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

- (b) A current BODA member must not serve as an expert witness on the TDRPC.
- (c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02 Confidentiality

- (a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.
- (b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.
- (c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction.

Rule 2.03 Disqualification and Recusal of BODA Members

- (a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.
- (b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.
- (c) These rules do not disqualify a lawyer who is a member of, or associated with,

the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him- or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

SECTION 3: CLASSIFICATION APPEALS

Rule 3.01 Notice of Right to Appeal

- (a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule.
- (b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. The form must include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02 Record on Appeal

BODA must only consider documents that were filed with the CDC prior to the classification decision. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

SECTION 4: APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01 Perfecting Appeal

- (a) **Appellate Timetable.** The date that the evidentiary judgment is signed starts the

appellate timetable under this section. To make TRDP 2.21 consistent with this requirement, the date that the judgment is signed is the "date of notice" under Rule 2.21.

- (b) **Notification of the Evidentiary Judgment.** The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21.

- (1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

- (2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

- (c) **Filing Notice of Appeal.** An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

- (d) **Time to File.** In accordance with TRDP 2.24, the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.
- (e) **Extension of Time.** A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02 Record on Appeal

- (a) **Contents.** The record on appeal consists of the evidentiary panel clerk's record and, where necessary to the appeal, a reporter's record of the evidentiary panel hearing.
- (b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and the reporter's record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.
- (c) **Responsibility for Filing Record.**
 - (1) Clerk's Record.
 - (i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record.
 - (ii) Unless the parties stipulate otherwise, the clerk's record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel's charge, any findings of

fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

- (iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk's record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk's record cannot be timely filed, and give the date by which he or she expects the clerk's record to be filed.

(2) Reporter's Record.

- (i) The court reporter for the evidentiary panel is responsible for timely filing the reporter's record if:
 - a) a notice of appeal has been filed;
 - b) a party has requested that all or part of the reporter's record be prepared; and
 - c) the party requesting all or part of the reporter's record has paid the reporter's fee or has made satisfactory arrangements with the reporter.
- (ii) If the court reporter is unable for any reason to prepare and transmit the reporter's record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter's record cannot be timely filed, and give the date by which he or she expects the reporter's record to be filed.

(d) Preparation of Clerk's Record.

- (1) To prepare the clerk's record, the

evidentiary panel clerk must:

- (i) gather the documents designated by the parties' written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);
 - (ii) start each document on a new page;
 - (iii) include the date of filing on each document;
 - (iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;
 - (v) number the pages of the clerk's record in the manner required by (d)(2);
 - (vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and
 - (vii) certify the clerk's record.
- (2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.
- (3) The table of contents must:
- (i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each

document begins;

- (ii) be double-spaced;
 - (iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;
 - (iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and
 - (v) if the record consists of multiple volumes, indicate the page on which each volume begins.
- (e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:
- (1) file each computer file in text-searchable Portable Document Format (PDF);
 - (2) create electronic bookmarks to mark the first page of each document in the clerk's record;
 - (3) limit the size of each computer file to 100 MB or less, if possible; and
 - (4) directly convert, rather than scan, the record to PDF, if possible.
- (f) **Preparation of the Reporter's Record.**
- (1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The

reporter's record must be certified by the court reporter for the evidentiary panel.

- (2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records.
- (3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.
- (4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise appear.
- (5) A court reporter or recorder must not lock any document that is part of the record.
- (6) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.
- (g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.
- (h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record

that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

- (i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

Rule 4.03 Time to File Record

- (a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) If No Record Filed.

- (1) If the clerk's record or reporter's record has not been timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.
- (2) If no reporter's record is filed due to appellant's fault, and if the clerk's

record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

- (i) the appellant failed to request a reporter's record; or
- (ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) **Extension of Time to File the Reporter's Record.** When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04 Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05 Requisites of Briefs

(a) **Appellant's Filing Date.** Appellant's brief must be filed within 30 days after

the clerk's record or the reporter's record is filed, whichever is later.

(b) **Appellee's Filing Date.** Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) **Contents.** Briefs must contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
- (3) an index of authorities arranged alphabetically and indicating the pages where the authorities are cited;
- (4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;
- (5) a statement, without argument, of the basis of BODA's jurisdiction;
- (6) a statement of the issues presented for review or points of error on which the appeal is predicated;
- (7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;
- (8) the argument and authorities;
- (9) conclusion and prayer for relief;
- (10) a certificate of service; and
- (11) an appendix of record excerpts pertinent to the issues presented for review.

(d) **Length of Briefs; Contents Included and Excluded.** In calculating the length of a document, every word and every part

of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer-generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

- (e) **Amendment or Supplementation.** BODA has discretion to grant leave to amend or supplement briefs.
- (f) **Failure of the Appellant to File a Brief.** If the appellant fails to timely file a brief, BODA may:
 - (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;
 - (2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or
 - (3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06 Oral Argument

- (a) **Request.** A party desiring oral argument must note the request on the front cover of the party's brief. A party's failure to

timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

- (b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:
 - (1) the appeal is frivolous;
 - (2) the dispositive issue or issues have been authoritatively decided;
 - (3) the facts and legal arguments are adequately presented in the briefs and record; or
 - (4) the decisional process would not be significantly aided by oral argument.
- (c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07 Decision and Judgment

- (a) **Decision.** BODA may do any of the following:
 - (1) affirm in whole or in part the decision of the evidentiary panel;
 - (2) modify the panel's findings and affirm the findings as modified;
 - (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
 - (4) reverse the panel's findings and

remand the cause for further proceedings to be conducted by:

- (i) the panel that entered the findings; or
 - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.
- (b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08 Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27. The committee must consist of six members: four attorney members and two public members randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09 Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring

a response or other action within a specified time.

SECTION 5: PETITIONS TO REVOKE PROBATION

Rule 5.01 Initiation and Service

- (a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23.
- (b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23, the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02 Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

SECTION 6: COMPULSORY DISCIPLINE

Rule 6.01 Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02 Interlocutory Suspension

- (a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA may suspend the Respondent's license to

practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

- (b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.
- (1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.
 - (2) If the criminal sentence is not fully probated:
 - (i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or
 - (ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.
- (c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court

attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

SECTION 7: RECIPROCAL DISCIPLINE

Rule 7.01 Initiation of Proceeding

The Commission for Lawyer Discipline may initiate an action for reciprocal discipline by filing a petition with BODA under TRDP Part IX and these rules. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02 Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03 Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

SECTION 8: DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01 Appointment of District Disability Committee

- (a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2),

or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

- (b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.
- (c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.
- (d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.
- (e) Should any member of the District Disability Committee become unable to serve, the BODA Chair may appoint a substitute member.

Rule 8.02 Petition and Answer

- (a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service may be made in person or by certified mail, return receipt requested. If service is by certified mail, the return receipt with the Respondent's signature must be filed with the BODA Clerk.
- (b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.
- (c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03 Discovery

- (a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.
- (b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam

ordered by the District Disability Committee.

- (1) **Motion.** The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.
- (2) **Report.** The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.
- (c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04 Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05 Respondent's Right to Counsel

- (a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.
- (b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk

within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06 Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07 Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08 Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

SECTION 9: DISABILITY REINSTATEMENTS

Rule 9.01 Petition for Reinstatement

- (a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.
- (b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms

or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

- (c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02 Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03 Physical or Mental Examinations

- (a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.
- (b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.
- (c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

- (d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.
- (e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04 Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS

Rule 10.01 Appeals to the Supreme Court

- (a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.
- (b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.
- (c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.

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

THE STATE OF FLORIDA

INFORMATION FOR

vs.

I-X - SEXUAL PERFORMANCE BY A CHILD
XI - COMPUTER PORNOGRAPHY

MARK GREENBERG

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

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of *[pthc] Goldberg - Topshop (All Videos, HiRes, 26m20s) ~ opva 2014 kids preteen 10y 11y 12y lolitabay black (2015_01_10 22_40_45 UTC).avi*, and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

COUNT II

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of *(Asian Lolita) Pthc Whew 7Yo Pale Girl Sleeping Dick Play Man Cums Twice Fondled Sucking Kissing Vol15 (2015_01_21_06_12_16 UTC).avi*, and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

Exhibit

1

COUNT III

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of *Jack h'Off - Yogirls Man - Compilation - 7-12y girls - Strip Nice - Complete hard pussy - Analfucks (47m 42s) (2015_01_21_22_50_16 UTC).mpg* , and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

COUNT IV

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of *Pthc 11y Mossi Moscow-JackHoff-SickDaze-Peter-Boil-Fucks-Mossi-Again-And-Older-Brunette-49m17s (2015_03_16_17_15_44 UTC).avi* , and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

COUNT V

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of *PTHC 2013 PedeMom + 8yo Daughter lick vib (2015_02_05_23_04_59 UTC).avi* , and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

COUNT VI

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of *Pthc - 9Yo Linda Takes Dad Up Ass And Sucks His Cum And Swallows (2015_02_06 12_47_51 UTC).mpg* , and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

COUNT VII

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of *PEDO-PTHC-SELECETED - 2014- ONLY THE BEST (57) (2015_02_17 00_59_57 UTC).avi* , and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

COUNT VIII

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of *(Pthc Pedo) Sex with 11 Yo girl, oral, anal, enema (2015_03_03 14_21_10 UTC).avi* , and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

COUNT IX

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of ~~俄羅斯2歲~~ PTHC] Nadya - 12Yo Hq New Russian Complete (2015_03_11_15_32_02 UTC).avi , and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).

COUNT X

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or about the 17th Day of March 2015, in the County and State aforesaid, did knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he knew to include any sexual conduct by a child: a digital video with the file name of (Pthc Pedo) Sex with 11 Yo girl, oral, anal, enema (2015_03_03_14_21_10 UTC).avi , and at the time of said offense, the defendant possessed 10 or more images of any form of child pornography regardless of content, and the content of at least one image contained any movie involving a child, regardless of length and regardless of whether the movie contains sound, in violation of F.S. 827.071(5)(a) and F.S. 775.0847(2) and (3).


COUNT XI

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that MARK GREENBERG on or between the 20th day of February, 2014 and the 17th Day of March, 2015, in the County and State aforesaid, did knowingly compile, enter into, or transmit by use of a computer; or did knowingly cause or allow to be entered into or transmitted by use of a computer; or did receive or disseminate by use of a computer, any visual depiction of sexual conduct of or with any minor, contrary to 847.0135(2).

W/M, DOB 8/9/52
6', 195 LBS

COUNTY OF BROWARD
STATE OF FLORIDA

Personally appeared before me **Dennis Nicewander**, duly appointed as an Assistant State Attorney of the 17th Judicial Circuit of Florida, by MICHAEL J. SATZ, State Attorney of said Circuit and Prosecuting Attorney for the State of Florida in the County of Broward, who being first duly sworn, certifies and says that testimony has been received under oath from the material witness or witnesses for the offense(s), and the allegations as set forth in the foregoing Information would constitute the offense(s) charged, and that this prosecution is instituted in good faith.

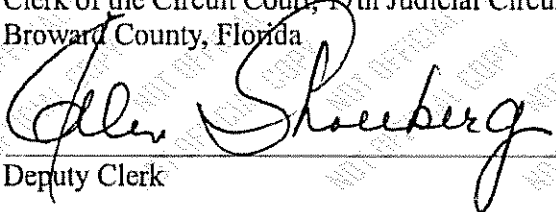

ASSISTANT STATE ATTORNEY, 17TH JUDICIAL CIRCUIT OF

FLORIDA

SWORN TO AND SUBSCRIBED before me this 9th day of April, A.D. 2015.

HOWARD C. FORMAN

Clerk of the Circuit Court, 17th Judicial Circuit,
Broward County, Florida

By: 
Deputy Clerk

To the within Information, Defendant pleaded _____.

HOWARD C. FORMAN

Clerk of the Circuit Court, 17th Judicial Circuit,
Broward County, Florida

By _____
Deputy Clerk

4-8-15 DN Greenberg

CIRCUIT COURT DISPOSITION ORDER IN AND FOR BROWARD COUNTY, FLORIDA

Case Number 15003610CF10A Arrest Number BS15001325 BCCN # 0850305
State of Florida VS Greenberg, Mark AKA _____
Judge Bernard I. Bober Cash bond / Return to depositor / Surety bond / IC
Cash bond number(s) _____

Charges 085-1 Sexual Performance by a Child 11. Comp porn.
085-2 Sexual Performance by a Child
085-3 Sexual Performance by a Child U. Eiglarsh
085-4 Sexual Performance by a Child J. Griffiths
085-5 Sexual Performance by a Child
085-6 Sexual Performance by a Child
085-7 Sexual Performance by a Child
810 Sexual Perf. by a child Open plea

() REMANDED () REMAIN IC () UNTIL PICKED UP BY () UNTIL AFTER POST ADJUDICATORY HEARING OR
BED AVAILABLE AT _____

() Arraignment () Change of Plea () Guilty () No Contest () PSI/PDR () Sentencing / Re-Sentencing
() Trial by Jury () Trial by Court () First VOP/VOCC () Final VOP/VOCC () Admits Allegations
() Convicted by Jury/Court () Acquitted by Jury/Court () Dismissed () Speedy
() Discharged () Nolle Prosequi () Found Incompetent/Placement Pending/ Committed to Child/Family Services
() Adj. Guilty () Adj. Withheld () Adj. Delinquent
() Committed to DJJ/Level () Sentence Withheld () Previous Sentence Vacated
() PSI Ordered returnable 8/26
Adj. and Sentence deferred to 9/1/16 @ 1:30

Type of probation / Community Control:
() Youthful Offender () Drug Offender () Sexual Offender () Habitual Offender () Mental Health () County
PROBATION/COMM. CONTROL: () Revoked () Reinstated () Modified () Terminated
Extended () All previous special conditions apply
WARRANT: () Dismissed () Withdrawn () Served in open court

SENTENCE: (PROBATION / COMM. CONTROL)

COUNT(S): _____
() Years () Months () Days () Probation () Community Control () Followed by
() Years () Months () Days () Probation () Community Control
() each count concurrent/consecutive () Concurrent () Consecutive to case number _____
COUNT(S): _____
() Years () Months () Days () Probation () Community Control () Followed by
() Years () Months () Days () Probation () Community Control
() each count concurrent/consecutive () Concurrent () Consecutive to case number _____

SENTENCE: (INCARCERATION)

COUNT(S): _____ () One year plus one day () _____ () Years () Months () Days
() BCJ () FSP, w/credit for _____ days T/S
() Followed by _____ () Years () Months () Days () Probation () Community Control
() Each count concurrent/consecutive () Concurrent/consecutive () To case number _____
() Any other sentence () Work release () Prison sentence suspended
COUNT(S): _____ () One year plus one day () _____ () Years () Months () Days
() BCJ () FSP, w/credit for _____ days T/S
() Followed by _____ () Years () Months () Days () Probation () Community Control
() Each count concurrent/consecutive () Concurrent/consecutive () To case number _____
() Any other sentence () Work release () Prison sentence suspended

JUDGE AKA

DEPUTY CLERK GF DATE 6-20-16

STATE OF FLORIDA,

vs.

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR BROWARD COUNTY.

CASE NO. 15003610CF10A

JUDGE BERNARD I. BOBER

Defendant.

Greenberg, Mark

PLEA OF GUILTY OR NO CONTEST TO CRIMINAL CHARGES IN CIRCUIT COURT

I am pleading to the charge(s) of:

9 counts of Sexual Performance by a Child
1 count Computer Pornography

I understand the maximum penalty provided by law is:

50 years state
prison

The minimum penalty is:

42.45 months s.p.

My guideline recommended range is:

42.45 - 50 years

And my guideline permitted range is:

Same - 42.45 - 50 years

I understand that if the Court accepts my plea to the charge(s) listed above, my sentence will be:

To Be Determined - Open Plea

Other than the proposed sentence set forth above, no one has made any promises or guarantees to me nor has anyone threatened me or in any way forced me to enter this plea. I am doing this freely and voluntarily.

1. The difference between the pleas of Guilty, No Contest and Not Guilty and the effect of each plea. I understand that a plea of Guilty means that I committed the offense. A plea of Not Guilty means I did not commit the offense and I want a trial. I know that a plea of No Contest or Nolo Contendere is a plea of convenience. If I plead No Contest I know that I am not admitting that I did anything. I am saying that I consider it to be in my best interest to resolve the matter at this time by giving up my rights listed on the front and back of this form.
2. The right to a trial before a Judge or Judge and Jury. Trial by Judge means the Judge will listen to the facts of the case and decide guilt or innocence. Trial by Jury means citizens will listen to the facts of this case and decide whether I am guilty or not guilty of the offense.
3. The right to a lawyer and the right to have a lawyer appointed if I cannot afford one and I am satisfied with the advice and representation I have received from my attorney and am entering this plea with his or her advice.
4. The right to require the State to establish my guilt beyond a reasonable doubt.
5. The right to question witnesses at trial.
6. The right to call witnesses of my own at trial and to have those witnesses subpoenaed by the Court.
7. The right to have the presumption of innocence until the State proves guilt beyond a reasonable doubt.
8. The right to remain silent and not have the fact considered by the Judge or Jury at trial.

Exhibit

3

9. The right to testify at trial, if I wish, and have my testimony considered by the same standards as the other witnesses.

10. I understand that by entering this plea I give up my right to challenge the manner in which evidence against me was obtained and I do not want my attorney to file any motions to suppress evidence.

11. I acknowledge that my attorney and I have reviewed any discovery disclosed by the State. My attorney and I are unaware of any physical evidence for which DNA may exonerate me.

By pleading Guilty or No Contest, I acknowledge that I wish to give up the above-listed rights and have the Judge impose the sentence the Judge deems appropriate, or the sentence listed on the first page (circle one).

I understand that I have the right to be represented by a lawyer at this time. If I cannot afford a lawyer I have the right to have one appointed to represent me.

I am not under the influence of any alcohol or drugs at this time, and I fully understand the Judge's instructions, and what my rights are.

I am not physically or mentally ill or impaired at this time.

I understand if I have any felony convictions in the future, what happens today will be a factor in determining my punishment for that felony.

If the charge to which I am pleading is a sexually violent offense or a sexually motivated offense, or if I have been previously convicted of such an offense, I understand that this plea may subject me to involuntary civil commitment as a sexually violent predator upon completion of my sentence.

I understand that if I am not a U.S. Citizen, what happens today will subject me to deportation subject to the laws and regulations of the Immigration and Naturalization Service.

I understand I have the right to speak to the Judge concerning the sentence before sentencing, and to appeal the judgment and sentence imposed within thirty days, with the right to an attorney to be appointed for such an appeal if I cannot afford one. This appeal must be filed with the Fourth District Court of Appeal in West Palm Beach, Florida, within 30 days of the date the sentence is imposed.

I understand my driver's license, as well as any other state-issued license, may be suspended as a result of the plea I am now entering if the charges against me are drug-related.

I understand this plea may violate any probation, community control or parole I was serving on the date of the offense to which I am now pleading.

If I am found guilty of violating any conditions of probation or community control I understand that I may get sentenced to more severe penalties under the sentencing guidelines.

I have not been threatened or coerced into this plea, and have not been promised any reward or favor for giving up my rights by anyone.

I have read the material on the other side of this page and I understand it.

Having read and understood both sides of this paper, I hereby enter my plea of (check one only):

☐ Guilty ☒ No Contest to the above charges

Attorney's Signature, Bar No.

Defendant's Signature

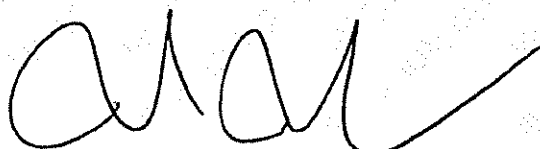
Date of Birth

Sworn to by the above-named Defendant before me this 20 day of June, 2016. I find the plea to be by a Defendant who appears to be alert and intelligent, who understands the nature of the charge(s) and the consequences of the plea. Further, the plea is freely and voluntarily made with a knowing and intelligent waiver of rights. I also find that the facts which the prosecution is prepared to prove are sufficient to sustain the plea.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled to at no cost to you, to the provision of certain assistance. Please contact the Court Administrator's ADA Coordinator at (954) 831-7721 within 2 working days of your receipt of this notice. If you are hearing impaired or voice impaired, call (954) 831 7017 or call the Florida Relay Service at (800) 995-8771 (TTY) or (800) 995-8770 (Voice).

Filed in Open Court,
HOWARD C. FORMAN, CLERK

Bernard I. Bober, Circuit Court Judge

<input type="checkbox"/> 17th Judicial Circuit in and for Broward County <input type="checkbox"/> In the County Court in and for Broward County		Filed in Open Court Howard C. Forman, Clerk SEP 01 2016 By <u>SR</u>
DIVISION: <input type="checkbox"/> Criminal <input type="checkbox"/> Traffic <input type="checkbox"/> Other	<h1 style="margin: 0;">ORDER</h1>	
THE STATE OF FLORIDA VS.		CASE NUMBER NUMBER
<u>Mark Greenberg</u> DEFENDANT		<u>15-3610CF10A</u>
<p style="text-align: center;">2-10. Sex Off. by child.</p> <p style="text-align: center;">CHARGE <u>11. Comp. Pornography</u></p> <p style="text-align: center; font-size: 1.2em;">Cts 2-10 are hereby amended to a 3° F. Per judge.</p>		
<p style="text-align: center;">DONE AND ORDERED THIS <u>1</u> DAY OF <u>Sept.</u> 20 <u>16</u>, IN</p> <p style="text-align: center;">BROWARD COUNTY, FLORIDA.</p> <div style="text-align: center; margin-top: 20px;">  <hr style="width: 80%; margin: 0 auto;"/> <p style="margin: 0;">JUDGE <u>Robert</u>.</p> </div>		
COPIES: BSO - SAO		
112-02 BLANK ORDER		

Exhibit

4

**** FILED: BROWARD COUNTY, FL Howard C. Forman, CLERK 9/1/2016 9:02:26 AM,****
printed:printed:08/31/2016 sbailey /Court Clerk

1 OF 3

CIRCUIT COURT DISPOSITION ORDER IN AND FOR BROWARD COUNTY, FLORIDA

Case Number 15003610CF10A Arrest Number BS15001325 BCCN # 0850305

State of Florida VS Greenberg, Mark AKA _____

Judge Bernard I. Bober Cash bond / Return to depositor Surety bond IC

Cash bond number(s) _____

Charges 085-2 Sexual Performance by a Child M. Eglarsh
085-3 Sexual Performance by a Child J. Griffiths
085-4 Sexual Performance by a Child Dlm for Downward Dept.
085-5 Sexual Performance by a Child Granted
085-6 Sexual Performance by a Child
7-10 Sexual Performance by a Child

11. Comp. Pornography

() REMANDED () REMAIN IC () UNTIL PICKED UP BY () UNTIL AFTER POST ADJUDICATORY HEARING OR
BED AVAILABLE AT _____

() Arraignment () Change of Plea () Guilty () No Contest () PSI/PDR () Sentencing / Re-Sentencing
() Trial by Jury () Trial by Court () First VOP/VOCC () Final VOP/VOCC () Admits Allegations
() Convicted by Jury/Court () Acquitted by Jury/Court () Dismissed () Speedy
() Discharged () Nolle Prosequi () Found Incompetent/Placement Pending/ Committed to Child/Family Services
() Adj. Guilty 2-11 () Adj. Withheld () Adj. Delinquent
() Committed to DJJ/Level () Sentence Withheld () Previous Sentence Vacated
() PSI Ordered

Adj. and Sentence deferred to

Type of Probation / Community Control:

() Youthful Offender () Drug Offender X Sexual Offender () Habitual Offender () Mental Health () County

PROBATION/COMM. CONTROL: () Revoked () Reinstated () Modified () Terminated

Extended () All previous special conditions apply

WARRANT: () Dismissed () Withdrawn () Served in open court

SENTENCE: (PROBATION / COMM. CONTROL)

COUNT(S): 2-11
5 5 Years () Months () Days () Probation () Community Control () Followed by
() Years () Months () Days () Probation () Community Control
() each count concurrent/consecutive () Concurrent () Consecutive to case number _____

COUNT(S): _____
() Years () Months () Days () Probation () Community Control () Followed by
() Years () Months () Days () Probation () Community Control
() each count concurrent/consecutive () Concurrent () Consecutive to case number _____

SENTENCE: (INCARCERATION)

COUNT(S): _____ () One year plus one day () _____ () Years () Months () Days
() BCJ () FSP, w/credit for _____ days T/S
() Followed by _____ () Years () Months () Days () Probation () Community Control
() Each count concurrent/consecutive () Concurrent/consecutive () To case number _____
() Any other sentence () Work release () Prison sentence suspended

COUNT(S): _____ () One year plus one day () _____ () Years () Months () Days
() BCJ () FSP, w/credit for _____ days T/S
() Followed by _____ () Years () Months () Days () Probation () Community Control
() Each count concurrent/consecutive () Concurrent/consecutive () To case number _____
() Any other sentence () Work release () Prison sentence suspended

JUDGE [Signature]

DEPUTY CLERK [Signature] DATE 9-1-16

Exhibit

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2 OF 3

State of Florida VS Greenberg, Mark

Case Number 15003610CF10A

SPECIAL CONDITIONS OF PRISON SENTENCE:

- ☐ Habitual Violent Offender mandatory minimum _____ years Ct(s) _____
☐ Violent Career Criminal mandatory minimum _____ years Ct(s) _____
☐ Prison Release Reoffender mandatory minimum _____ years Ct(s) _____
☐ Firearm mandatory minimum _____ years Ct(s) _____
☐ Other mandatory minimum _____
☐ Habitual Offender Ct(s) _____ ☐ Youthful Offender ☐ Sexual Predator/Offender ☐ Boot Camp
☐ To be given credit for all time previously served in prison, to be calculated by Department of Corrections

SPECIAL CONDITIONS OF PROBATION:

- ☐ _____ days BCI w/credit for _____ days T/S ☐ Electronic Monitor
☐ SAP 30 days ☐ AA/NA 30 days ☐ AFTER CARE 30 days (out of custody) ☐ LIFE SKILLS 30 days
☐ Upon successful completion of drug program jail sentence shall be terminated.
☐ _____ hours of Community Service
☒ \$ 50 COS waived/imposed
☐ Anger Management Program
☐ Blood draw per F.S. 943.325 - 2 samples for conviction of sexual assaults; lewd or indecent acts; homicides (782.04) aggravated battery; home invasion robbery or carjacking
☐ Curfew _____
☐ Drug / Alcohol evaluation and treatment recommended
☒ Forfeit ~~weapon / firearm~~ Computers
☐ Defendant to enter and successfully complete Post Adj. Drug Court.
☐ May transfer probation to _____
☐ May travel _____ for work purposes
☐ No contact with minor children without adult supervision
☐ No contact directly or indirectly with victim(s) or victim's family or others listed
☐ No driving without valid driver's license
☐ No drugs or alcohol
☐ Enter and successfully complete _____
☐ BARC
☐ IRT ☐ followed by _____
☐ HOUSE OF HOPE/STEPPING STONES
☐ SPECTRUM
☐ FOLLOWED BY _____
☒ Other The deft is not subject to GPS monitor.
☐ Drug Ct Monitoring/Hearing set _____
☐ Obtain GED or High School diploma
☒ Psychological/Psychiatric evaluation and treatment necessary w/in 30 days
☐ Random drug/alcohol testing
☐ The Dept. of DHSMV is to withhold issuance of defendant's driver license/privileges for a period of 1 years after the date the deft. was convicted or until deft. is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehab. program approved or regulated by DCF per FS.322.055
☐ Restitution ordered \$ _____ amount reserved
☐ Restitution converted to a civil lien
☐ Upon successful completion of jail sent. probation to automatically terminate
☒ Pay investigative costs:
☐ Crime Lab _____
☐ Expert Witnesses _____
☐ Supp. Cost of Prosecution _____
☐ Toxicology _____
☒ Law Enforcement Agency
☐ Agency #1 PAID \$ 4,017.47
☐ Agency #2 _____ \$ _____
☐ Court costs/fines are not a condition of probation.

D.U.I USE ONLY

Count _____

Years _____

Months _____

Days Probation w/Special Conditions: _____

- ☐ DUI School/level _____ ☐ _____ Days License Suspended ☐ _____ Work Permit
☐ _____ Days Immobilization by _____ Company
☐ _____ Ignition Interlock Program ☐ _____ Hours of Community Service
☐ Evaluation, Treatment and Therapy if necessary
☐ Other _____

To run ☐ Concurrent ☐ Consecutive to Count(s): _____☐ 1st DUI☐ 2nd DUI☐ 3rd DUI☐ 4th DUIJUDGE AMDEPUTY CLERK GFDATE 9-1-16

3 OF 3

State of Florida VS Greenberg, Mark Case Number 15003610CF10A

ORDER ASSESSING CHARGES/COSTS/FEEs

The defendant is hereby ordered to pay the following sums if checked:

FINES

<input type="checkbox"/> () (Count)	Fine Assessed	\$	775.083(1)
<input type="checkbox"/> () (Count)	Surcharge Assessed	\$	817.568(12)
<input type="checkbox"/> () (Count)	5% Surcharge (if fine assessed)	\$	938.04

MANDATORY COSTS

<input checked="" type="checkbox"/> (\$225/Case)	Local Criminal Justice (Trust Fund)		938.05(1)(a)
<input checked="" type="checkbox"/> (\$50/Case)	Crimes Compensation Trust Fund (VC)		938.03(1)
<input checked="" type="checkbox"/> () (\$2/Count)	Local Law Enforcement EDU (\$5 Assessment)		938.15
<input checked="" type="checkbox"/> () (\$3/Count)	Add I Court Cost Clearing Trust (\$5 Assessment)		938.01(1)
<input checked="" type="checkbox"/> (\$50/Count)	Crime Prevention (if fine assessed)(SN1)		775.083(2)
<input checked="" type="checkbox"/> (\$100/Case)	Cost of Prosecution		938.27(8)
<input checked="" type="checkbox"/> (\$20/Count)	Crime Stoppers Trust Fund (if fine assessed)(CSTF)		938.06(1)
<input checked="" type="checkbox"/> (\$2/Count)	Teen Court (T.C.)		938.19(2)
<input checked="" type="checkbox"/> (\$65/Count)	Add I Costs (BOCC) Programs (AC)		939.185(1)(a)

DISCRETIONARY OR SPECIFIC OFFENSE/REQUIRED COSTS

<input type="checkbox"/> () (\$50/Case)	Public Defender Application Fee		27.52(1)(b)
<input type="checkbox"/> () (\$100/Case)	Public Defender Assistance (PD fee imposed)		938.29(1)(a)
<input type="checkbox"/> ()	PD Fee Converted to Civil Lien		938.29(2)(b)
<input type="checkbox"/> () (\$100/Count)	FDLE Operating Trust Fund (OTF)		938.055
<input type="checkbox"/> () (\$201/Count)	Domestic Violence Surcharge (DVC)		938.08
<input type="checkbox"/> () (\$151/Count)	Rape Crisis Trust Fund (RCP)		938.085
<input type="checkbox"/> () (\$151/Count)	Crimes Against Minor (CAM)		938.10(1)
<input type="checkbox"/> () (\$____/Count)	Alcohol & Other Drug Abuse Programs		938.21/938.23
<input type="checkbox"/> () (\$5000/Count)	Commit Prostitution (Cir Crt Adm)		796.07(6)

MISDEMEANORS

<input type="checkbox"/> () (\$60/Case)	Add I Court Costs/Misd/Crim Traf		938.05(1)(b)
<input type="checkbox"/> () (\$10/Case)	Article V Assessment		318.18(19)
<input type="checkbox"/> () (\$30/Count)	Court Facilities Fund (CFF)		318.18(13)(a)
<input type="checkbox"/> () (\$20/Count)	Crime Prevention (if fine assessed) (SN1)		775.083(2)
<input type="checkbox"/> () (\$65/Count)	DOH Admin. Trust Fund		318.18(20)
<input type="checkbox"/> () (\$26/Count)	CC		AOVI-02-D-3

DUI

<input type="checkbox"/> () (Count)	Fine Assessed	\$	Varies
<input type="checkbox"/> () (Count)	5% Surcharge (if fine assessed)	\$	938.04
<input type="checkbox"/> () (\$65/Count)	Add I Costs (BOCC) Programs (AC)		939.185(1)(a)
<input type="checkbox"/> () (\$60/Case)	Add I Court Costs/Misd/Crim Traf(CJC)		938.05(1)(b)
<input type="checkbox"/> () (\$26/Count)	CC		AOVI-02-D-3
<input type="checkbox"/> () (\$15/Count)	County Alcohol & Other Drug Abuse Trust Fund (CDC)		938.13(1)(a)
<input type="checkbox"/> () (\$20/Count)	Crime Prevention (if fine assessed) (SN1)		775.083(2)
<input type="checkbox"/> () (\$50/Case)	Crimes Compensation Trust Fund (VC)		938.03(1)
<input type="checkbox"/> () (\$135/Count)	Emergency Medical Services Trust Fund (EMTF)		938.07

OTHER

<input type="checkbox"/> ()	Waive All Court Costs	
<input type="checkbox"/> ()	Pay Balance of Previously Imposed Costs	
<input type="checkbox"/> ()	Balance of Court Costs/Fees Converted to Civil Lien	
<input type="checkbox"/> ()	Extradition Costs	
<input type="checkbox"/> ()	Defendant may do community service hours @ \$10/hour in lieu of court costs	
<input checked="" type="checkbox"/> ()	Other <u>Child Rescue Coalition \$ 739.77</u>	

JUDGE

DEPUTY CLERK

DATE 9-1-16

STATE OF FLORIDA

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

-VS-

CASE NUMBER 15-003610 FIOA

GREENBERG, MARK
Defendant

DC NUMBER _____

Local Jurisdiction Identification Number:

- ☐ ORDER OF PROBATION ☐ DRUG OFFENDER PROBATION ☐ COMMUNITY CONTROL
☐ COMMUNITY CONTROL/PROBATION ☐ COMMUNITY CONTROL/DRUG OFFENDER PROBATION
☐ DRUG OFFENDER PROBATION/PROBATION ☒ SEX OFFENDER PROBATION
☒ COMMUNITY CONTROL/SEX OFFENDER PROBATION ☐ MENTAL HEALTH PROBATION

This cause coming before the Court to be heard, and you, the defendant, being now present before the court, and you having

- ☐ entered a plea of guilty to ☐ been found guilty by jury verdict of
☐ entered a plea of nolo contendere to ☐ been found guilty by the court trying the case without a jury of

Count cts 2-10. SEXUAL PERFORMANCE BY A CHILD Count _____
Count 11. COMP. PORNOGRAPHY Count _____
Count _____ Count _____
Count _____ Count _____

SECTION 1: JUDGMENT OF GUILT

- ☒ The court hereby adjudges you to be guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on
☐ Probation, ☐ Community Control ☐ Drug Offender Probation ☒ Sex Offender Probation for a period of
five (5) YEARS SO. OF 2-11 under the supervision of the Department of Corrections, subject to Florida law.
(1) EACH SENT CONCURRENT

SECTION 2: ORDER WITHHOLDING ADJUDICATION

- ☐ Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on
☐ Probation, ☐ Community Control ☐ Drug Offender Probation ☐ Sex Offender Probation for a period of
_____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE

It is hereby ordered and adjudged that you be:

- ☐ committed to the Department of Corrections for a term of _____ prison with credit for _____ jail time, followed by
☐ Probation, ☐ Community Control ☐ Drug Offender Probation ☐ Sex Offender Probation for a period of
_____ under the supervision of the Department of Corrections, subject to Florida law.

- or
☐ confined in the County Jail for a term of _____ with credit for _____ jail time. After you have served _____ of the
term, you shall be placed on ☐ Probation, ☐ Community Control ☐ Drug Offender Probation ☐ Sex Offender Probation
for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

- or
☐ confined in the County Jail for a term of _____ with credit for _____ jail time, as a special condition of
supervision.

Defendant:

GREENBERG, MARK

Case #

15-003610 CROA

IT IS FURTHER ORDERED that you shall comply with the following standard conditions of supervision as provided by Florida law:

- (1) You will report to the probation officer as directed.
- (2) You will pay the State of Florida the amount of \$ 50.00 per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
- (3) You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (4) You will not possess, carry or own any firearm. You will not possess, carry, or own any weapon without first procuring the consent of your officer.
- (5) You will live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of your probation, community control, or any other form of court ordered supervision.
- (6) You will not associate with any person engaged in any criminal activity.
- (7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
- (8) You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
- (9) You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
- (10) You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
- (11) You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
- (12) You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
- (13) You will submit to the taking of a digitized photograph by the department. This photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
- (14) You will report in person within 72 hours of your release from incarceration to the probation office in BROWARD County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 3520 W. Broward Blvd. #210 Ft. Lauderdale FL

SPECIAL CONDITIONS

- ☒ FORFEIT COMPUTERS
- ☒ The Defendant is NOT SUBJECT TO GPS MONITOR
- ☒ PSYCHO-SEXUAL w/ 30 DAYS.
- ☒ Pay Investigative Costs:
- ☒ LAW ENFORCEMENT AGENCY - \$4,017.47
- ☐

Defendant:

GREENBERG, MARK

Case #

15-003610CF10A

SPECIAL CONDITIONS - continued

- ☐ 17. You will attend a support group with a focus on _____ at least monthly, unless otherwise directed by the court.

Additional instructions ordered: _____

- ☐ 18. You must successfully complete ☐ Anger Management ☐ Batterer's Intervention Program and be responsible for the payment of any costs incurred while receiving said treatment, unless waived. If convicted of a Domestic Violence offense, as defined in s. 741.28, F.S., you must attend and successfully complete a batterer's intervention program, unless otherwise directed by the court.

Additional instructions ordered: _____

- ☐ 19. You will attend an HIV/AIDS Awareness Program consisting of a class of not less than two (2) hours or more than four (4) hours in length, the cost for which will be paid by you.

- ☐ 20. If you have been found to have committed a crime on or after October 1, 2008 for the purpose of benefitting, promoting, or furthering the interests of a criminal gang, you are prohibited from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

- ☐ 21. You will successfully complete a Post-adjudicatory treatment-based drug court program, as provided in s. 397.334(3), F.S.

- ☒ 22. If you are required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607, F.S., you will undergo an evaluation, at your expense, by a qualified practitioner to determine whether you need sexual offender treatment. If the qualified practitioner determines that sexual offender treatment is needed and recommended, you must successfully complete and pay for the treatment as provided in s. 948.31, F.S.

- ☐ 23. Pay \$1 per month during the term of probation or community control to supplement rehabilitative efforts through First Step Funds, pursuant to s. 948.039(2), F.S.

- ☐ 24. If you are a veteran, as defined in s. 1.01, F.S. or service member, as defined in s. 250.01, F.S., you will participate in a treatment program capable of treating mental illness, traumatic brain injury, substance abuse disorder, or psychological problems.

- ☐ 25. You will successfully complete a post-adjudicatory mental health court program under s. 394.47892, F.S.

- ☐ 26. You will successfully complete a post-adjudicatory military veteran and service members court program under s. 394.47891, F.S.

☐ Other: _____

☐ Other: _____

☐ Other: _____

☐ Other: _____

Defendant: GREENBERG, MARK

Case # 15-003610 CFI0A

- (27) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- (28) If there was sexual contact, a submission to, at the offender's expense, an HIV test with the results to be released to the victim and/or the victim's parent or guardian.
- (29) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections. If you are placed on electronic monitoring, you must pay the department for the cost of the electronic monitoring service.
- (30) Effective for an offender whose crime was committed on or after July 1, 2005, and who are placed on supervision for violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, a prohibition on accessing the Internet or other computer services until a qualified practitioner in the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- (31) Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:
- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
 - Are designated as a sexual predator pursuant to s. 775.21; or
 - Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.

- (32) Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; the following conditions are imposed in addition to all other conditions:
- (a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.
- (b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.
- (33) Effective for offenders whose crime was committed on or after October 1, 2014, and who is placed on probation or community control for a violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition to all other conditions imposed, is prohibited from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program. Visual or auditory material includes, but is not limited to, telephone, electronic media, computer programs, and computer services.

☐
☐
☐
☐

Defendant:

GREENBERG, MARK

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AND, IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, COMMITTED ON OR AFTER OCTOBER 1, 1995 YOU WILL COMPLY WITH THE FOLLOWING STANDARD SEX OFFENDER CONDITIONS, IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

- (15) A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.
- (16) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, child care facility, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- (17) Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- (18) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.
- (19) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- (20) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, child care facilities, park, playground, pet store, library, zoo, theme park, or mall.
- (21) Unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- (22) A requirement that the offender submit a DNA sample to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- (23) A requirement that the offender make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.
- (24) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.

EFFECTIVE FOR PROBATIONER OR COMMUNITY CONTROLLEE WHOSE CRIME WAS COMMITTED ON OR AFTER OCTOBER 1, 1997, AND WHO IS PLACED ON COMMUNITY CONTROL OR SEX OFFENDER PROBATION FOR A VIOLATION OF CHAPTER 794, s. 800.04, s. 827.071, s.847.0135(5) or s. 847.0145, IN ADDITION TO ANY OTHER PROVISION OF THIS SECTION, YOU MUST COMPLY WITH THE FOLLOWING CONDITIONS OF SUPERVISION:

- (25) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher who is a member of a national or state polygraph association and who is certified as a post conviction sex offender polygrapher, where available, and at the expense of the offender.
- (26) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

Defendant:

GREENBERG, MARK

Case #

15-003610 CFIOT

YOU ARE HEREBY PLACED ON NOTICE that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

IT IS FURTHER ORDERED that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

IT IS FURTHER ORDERED that you pay:

Court Costs, Fees, and Fines, as imposed at sentencing, in the total amount of: \$ SEE DISPOSITION

Payments processed through the Department of Corrections will be assessed a 4% surcharge pursuant to s. 945.31, F.S.

Pursuant to s. 948.09, F.S., you will be assessed an amount of \$2.00 per month for each month of supervision for the Training Trust Fund Surcharge.

- ☐
☐
☐

Court Costs/Fines Waived

Court Costs/Fines in the amount of _____ converted to _____ community service hours

Court Costs/Fines in the amount of _____ reduced to civil judgment.

SPECIFIC INSTRUCTIONS FOR PAYMENT: _____

IT IS FURTHER ORDERED that the clerk of this court file this order in the clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED, on

SEPTEMBER 2, 2016

NUNC PRO TUNC

9/1/2016

BERNARD I. BOER, Circuit Judge

I acknowledge receipt of a copy of this order and that the conditions have been explained to me and I agree to abide by them.

Date:

9/2/2016

[Signature]
Defendant

Instructed by:

Chanelle Clarke
Supervising Officer

*** FILED: BROWARD COUNTY, FL Howard C. Forman, CLERK 9/1/2016 1:33:27 PM ***

17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY

DIVISION:
CRIMINAL

DIVISION: FD

JUDGMENT

THE STATE OF FLORIDA VS.

CASE NUMBER

DEFENDANT

Probation Violator

Mark Greenberg

15-3610 CF 10A.

State Attorney

J. Griffin

Court Reporter

L. Chinn

The Defendant,

Mark Greenberg

being personally before this Court represented by

M. Eiglarsh

, his attorney of record, and having:

(Check applicable provision)

- ☐ Been tried and found guilty 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

ADD'L MONIES
IMPOSED

2-10

Sexual performance by a
Child

827.071(5)(a)

3F

775.0847(2) and (3)

11

Computer Pornography

827.071(5)(a)

3F

775.0847(2) and (3)

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

The Defendant is hereby ordered to pay the sum of Fifty dollars (\$50.00) pursuant to F.S. 938.03 (Crimes Comp. Trust Fund). The Defendant is further ordered to pay the sum of Five Dollars (\$5.00) as court costs pursuant to F.S. 938.03(1) and 938.15 Fines imposed as part of a sentence pursuant to F.S. 777.083(1) are to be recorded on the Sentence page(s).

(Check if applicable)

Stayed & Withheld
Imposition of Sentence

☒ The court hereby stays and withholds the imposition of sentence as to count(s) 2-11
and places the Defendant on probation for a period of 5 yrs under the
supervision of the Department of Corrections (conditions of probation set forth in a separate order)

Sentence Deferred
Until Later Date

☐ The court hereby defers imposition of sentence until

(Date)

☒ Pay \$225.00 Trust Fund pursuant to F.S. 938.05(1)(a)

Count(s) _____: _____ DAYS/MONTHS BROWARD COUNTY JAIL W/CREDIT _____ DAYS TIME
SERVED.

The Defendant in open court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing indigence.

JUDGE

I hereby certify that a true and correct copy of the above and foregoing was served on the State Attorney by: ☒ hand delivery () U.S. mail and to the Defense Attorney by: ☒ hand delivery () U.S. mail this 1 day of Sept 2016.

Deputy Clerk
ICC 112-65 JUDGMENT

Exhibit

7

GREENBERG, MARK

DIVISION: AD CRIMINAL	<input type="checkbox"/> ADJUDICATION WITHHELD <input checked="" type="checkbox"/> ADJUDICATED GUILTY	CASE NUMBER 15-3610 CF 10A
---------------------------------	--	--------------------------------------

FINGERPRINTS OF DEFENDANT

1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE
				
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE
				

Fingerprints taken by:



Court Deputy

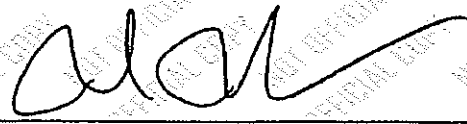
Name & Title

DONE AND ORDERED in Open Court at Broward County, Florida this 1 day of Sept-2016.
I HEREBY CERTIFY that the above and foregoing fingerprints are of the Defendant

Mark Greenberg

and that they were placed thereon by said defendant in my presence

in Open court this date.



JUDGE

AFFIDAVIT


THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Rebecca (Beth) Stevens, Petitioner's attorney of record, who, being by me duly sworn, deposed as follows:

"My name is Rebecca (Beth) Stevens. I am over the age of 18 years, of sound mind, capable of making this affidavit, and state the following:

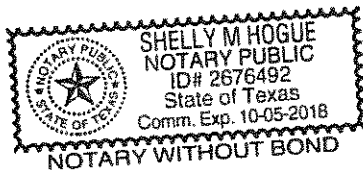
Based upon information and belief, Mark Alan Greenberg, whose Texas Bar Card Number is 24076921, is licensed as an attorney and counselor at law in the State of Texas. Based upon information and belief, Mark Alan Greenberg, named as Respondent in the Petition for Compulsory Discipline filed with the Board of Disciplinary Appeals is one and the same person as the Mark Greenberg who is the subject of the Judgment entered in Case No. 15-3610CF10A, styled *The State of Florida v. Mark Greenberg*, wherein Respondent was adjudicated guilty of counts 2 through 10 – Sexual Performance by a Child, Third Degree Felonies and Count 11 – Computer Pornography, a Third Degree Felony, and was placed on probation for a period of five (5) years."

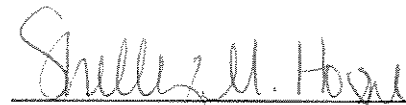
FURTHER Affiant saith not.



Rebecca (Beth) Stevens

SWORN AND SUBSCRIBED before me on the 14 day of November 2016.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Exhibit

8