

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA** **CIVIL ACTION**

XXX

Petitioner,

and

CASE NO.: 0 CA 00 N

YYY,

Respondent

**ORDER AT TRIAL AND CONTINUING SENTENCING FOR
INDIRECT CRIMINAL CONTEMPT**

This matter came before the court at trial under Rule 3.840 on DDD on the Order to Show Cause dated DDD. It is ordered:

1 Verdict and Findings The court adjudicates the respondent guilty of indirect criminal contempt. The court finds the respondent violated the child support order by:

During at least one month between DDD and DDD the respondent was able to pay the child support ordered but he willfully failed to do so, resulting in an arrearage of \$X as of DDD.

The foregoing conduct is a willful violation of the child support orders in the Final Judgment of DDD and post judgment child support orders. The respondent was presumed able to pay the child support each week that it came due, under §61.14(5) and *Bowen v. Bowen*, 471 So.2d 1274 (Fla. 1985). He did not overcome that presumption. The court makes the foregoing findings and verdict of guilty beyond a reasonable doubt.

2 Mitigation Evidence or Argument The court has advised the respondent of the court's judgment and has inquired if the defendant has any cause why sentence should not be pronounced. The court afforded the respondent an opportunity to present evidence or argument in mitigation of sentence. The court finds there is mitigating evidence: *The respondent has been paying the child support and arrearage payment in the last 12 months. The arrearage has been reduced from \$X on DDD to \$X as of DDD. This evidence indicates the respondent's respect for court orders has revived.*

3 Sentencing Continued The court continues the sentencing hearing in this matter indefinitely in order to give the respondent the opportunity to demonstrate his ongoing respect for the child support order. The respondent is ordered to keep the court, the petitioner and her counsel, if any, advised of his residence and mail address at all times. The respondent must appear before the court at any hearing noticed in this indirect criminal contempt matter. The court or the petitioner will give the respondent notice of any hearing at his last known address reflected in the court file, which is presently (*Address omitted*). The respondent says

this is both a residence and a mailing address. If the respondent fails to appear at any hearing in this matter the court may issue an arrest warrant for him to be arrested and brought before the court.

Done and ordered in Fort Myers, Lee County, Florida, this _____

R. Thomas Corbin, Circuit Judge

Copies provided to:

, *pro se*
(*Address omitted.*)

, Esq.