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Suspected swindler and others move through circuit criminal court system



Lacy Harris sits with her father Emanuel Harris before the start of court action on Wednesday morning.

Story and Photos By Jeff M. Hardison ©July 7, 2016 @6:57 p.m.

BRONSON – A woman suspected of committing a felony level of fraud by allegedly swindling when she reportedly stole from the taxpayers of Levy County continued through the legal system Wednesday morning (July 6).

Sometimes the wheels of justice turn slowly, and that is allowed if the defendant surrenders his or her right to a speedy trial – because that right is among the guarantees of Americans under the United States Constitution.

Lacy Shae Harris, 26, represented by attorney Shannon Smith of the Smith Law Firm of Chiefland, is seeking Pre-Trial Intervention, according to what was said in open court before Eighth Judicial Circuit Court Judge Mark W. Moseley on Wednesday morning.



Assistant State Attorney Darla Whistler is the prosecutor listed for the Lacy Shae Harris case. Whistler is the attorney at the right of this

picture, sitting with other members of the Office of Eighth Judicial Circuit State Attorney William Cervone.

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Smith told the judge that he had been in discussion with Assistant State Attorney Darla Whistler, a member of the Office of Eighth Judicial Circuit State Attorney William Cervone, about the matter. Records show that Whistler is the assistant state attorney tasked with prosecuting this case on behalf of the people of Florida.

The defense is in the process of submitting a PTI referral form, Smith said.

Smith said he “would like to push this out another 46 to 60 days.”

Judge Moseley set the date for consideration of a possible PTI in this case to be on Aug. 10, as of the July 6 hearing. Case schedules can change. Court dockets are not as firm as granite, but they are not as loose as quicksand either.

The outcome of a PTI could mean that Harris goes completely free from a criminal record, if the plea-negotiated agreement Assistant State Attorney Whistler makes with private defense attorney Smith is like the bargain granted by the judge in a deal on Wednesday where defense attorney M. Michael O’Steen represented a young man charged with a felony drug violation.

In that plea bargain, to which State Attorney Cervone’s staff agreed, made it so that as long as the defendant remains off of alcohol and other drugs, and pays fines and fees within 18 months, performs some community service and meets other court-imposed sanctions, then he will live the rest of his life as if he was never convicted of the drug crime.

The defendant in that case entered a nolo contendere plea (“no contest”); however he admitted in court that he was guilty of the felonious drug crime. He had no previous criminal record, according to what was said in court on Wednesday.

Judge Moseley told the young man in no uncertain terms that the defendant must meet his court-ordered financial obligations and live within the bounds set by the PTI. While this is a second chance for all intents and purposes, it is not without risk for the person who does not commit to a PTI agreement completely.

The judge warned this PTI-deal recipient that some people have failed to complete their obligations, and that failure brings consequences that are stronger than a person who violates the rules of his or her probation.

As for the suspected swindler and thief, Harris is the former office manager of the Levy



County Cooperative Extension office. She was arrested at her home in Ocala on April 14. She is charged with fraudulent use of a credit card that is paid for by tax dollars.

The Levy County Cooperative Extension office is the home of Levy County 4-H, as well as Nature Coast Master Gardeners and it also provides office space for agricultural agent Anthony Drew.

In February of 2016, Levy County Coordinator Freddie Moody and Levy County Clerk Danny Shipp discovered employee Harris was responsible for numerous credit card charges on the Levy County Agricultural Extension Office’s credit card.

Lacy Harris

Investigators so far have determined Harris made less than \$20,000 worth of charges to companies such as Wal-Mart, Amazon, Vivid Seats LTD and ticketsatwork.com on the card funded by Levy County taxpayers. If the tally exceeds \$20,000, that bumps the charge up on the scale of felonious crimes, according to Florida Statutes.

None of these credit card purchases had been authorized by supervisors and were deemed to be fraudulent, according to what Levy County Sheriff’s Office investigators uncovered.

LCISO investigators determined the charges made to the credit card were only for Harris’ own personal use.

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Harris has since posted a \$20,000 bond and been released, according to records.

Additional investigation has determined Harris could be responsible for additional thefts as they relate to the Ag Extension Office and additional charges could be filed, LCSO spokesman Lt. Scott Tummond has said.

Although Harris lives in Marion County, which is in the Fifth Judicial Circuit (Citrus, Hernando, Lake, Marion and Sumter counties), she has been charged with committing the crime in Levy County, which is part of the Eighth Judicial Circuit (Alachua, Baker, Bradford, Gilchrist, Levy, and Union counties). Hence, she is in the Eighth Circuit for prosecution of the alleged crime.

This one felony charge of fraud for less than \$20,000 in value (Florida Statute 817.034 {4a3}) is a third degree felony, meaning the maximum prison sentence is five years, according to Florida law.

There is no mandatory minimum sentence for this crime.

There are longer maximum prison sentences for fraud that involves theft of higher value, because then it is a higher degree of a felony, according to law.

Depending on the PTI deal struck between Harris and the state of Florida via attorney Smith, she may not do any jail time, nor have to live on probation.

Circuit Court Judge Moseley warned the male defendant who scored a PTI windfall on Wednesday that if he violates the rules of PTI, then it is not like probation. There is a stronger likelihood of incarceration as a result of violating the trust given to the defendant, who is given a chance to quit breaking the laws of the state of Florida.

Until or unless she is convicted, Harris, like any and all other suspected criminals in America, maintains a presumption of innocence. If Harris is acquitted, or if she completes a PTI arrangement where her charge may be later expunged, then her presumption of innocence continues with her for the rest of her life.

OTHER CASES

Harris was not the only suspected criminal in felony court on Wednesday morning.

Some of the first suspects making pleas before Judge Moseley did so via a television connection between the Levy County Jail and Courtroom B of the Levy County Courthouse.

Many of the first suspects were dressed in black and white-striped jail jumpsuits. There were at least nine of those defendants seeking a reduction in bail, or release on their own recognizance until trial.

Reginald Vincell Adams Jr., 31, of Chiefland was arrested at a residence near Chiefland, Florida Highway Patrol Lt. Connie McNeill said in a press release last month, and her statement was based on information by homicide investigator FHP Cpl. Shaun Lattinville.

Adams was charged with DUI manslaughter, two counts of DUI serious bodily injury, DUI property damage, driving while driver license revoked for habitual traffic violations, careless driving and for not wearing a seat belt, the FHP said.

These charges were the result of an extensive investigation of the fatal crash that occurred on Feb. 12, 2015 in Chiefland, which resulted in the death of Roland, who was the right front passenger of the 2001 Ford Crown Victoria that Adams was driving at the time of the crash, the FHP said.

The judge let \$200,000 worth of the existing bonds remain and he reduced the bond on two charges. Adams, therefore, will probably remain in the Levy County Jail until his trial, or until he enters into a plea-negotiated agreement with the state.

Benjamin Allen Jones sought a bond reduction from a felony battery charge in which his wife was the victim. She recently died. Jones' attorney found Judge Moseley agreeing with the state prosecutor's request to deny bond, despite the victim being dead, because the state has evidence to move forward with prosecution in that case, according to what was said Wednesday in court.

Brittany Provett of Bronson had her bond reduction request denied as well. When the state prosecutor said Provett was facing a violation of probation charge for being arrested for

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possession of methamphetamine, while she was on probation for a drug charge, that was enough for the state to win its argument for the judge to deny bond reduction.

Warden Jackson's attorney requested that client to be released on his own recognizance. Jackson had just moved to the area from Texas in January. The judge reduced bond to \$1,000 on the charge of resisting arrest without violence and to \$5,000 on the charge of battery on a law enforcement officer.

The judge heard at least five other bond reduction requests, as well as ruling on: an order to show cause; a case review hearing; an arraignment and several other legal proceedings in felony court.

There were at least two other judges occupying rooms in the courthouse as they applied facts, evidence, statutes, case law and common sense to reach decisions on Wednesday.

Circuit Court Judge Stanley H. Griffis III was scheduled for a civil circuit jury trial in Courtroom A on Wednesday, according to records.

And Levy County Court Judge J.T. "Tim" Browning conducted court action in several cases in the Levy County Commission meeting room.

In one of those cases, a defendant changed her plea in regard to a charge of driving while under the influence of alcohol. Judge Browning sentenced the woman to the state-mandated minimum sentence.

In regard to a choice of six- or 12-months' probation, Judge Browning said in cases such as these, he imposes a 12-month sentence.