

HardisonInk.com

Judge explains sentences

Murder suspects' alleged accomplice gets 2 years in prison - 3 years probation; Video voyeur gets 18 months in prison and eight years of probation



Steven Demar Stacy
Mug Shot by LCSO



Steven Demar Stacy is fingerprinted before starting his sojourn through the Florida Department of Corrections, having spent some time in the Levy County Jail already. This man was adjudicated guilty of helping to hide evidence from an alleged armed home invasion, alleged armed robbery, alleged aggravated battery and an alleged murder. Photo by Jeff M. Hardison © Dec. 15, 2017 at 10:27 a.m.

HardisonInk.com

**Story, (most photos) and Video By Jeff M. Hardison © Dec. 15, 2017 at 10:27 a.m.
All Rights Reserved**

LEVY COUNTY -- Eighth Judicial Circuit Court Judge Mark W. Moseley on Wednesday afternoon (Dec. 13) told victims of two sets of criminal activity why he imposed sentences the victims may feel are less severe than what the victims believe the admitted criminals deserved.

In one instance, a man who helped initially hide evidence in an armed home invasion, armed robbery, aggravated battery and murder was given a sentence of two years in prison and three years' probation.

https://youtu.be/8X_-E7sCgwo

In this video, Circuit Court Judge Mark W. Moseley confirms that a plea agreement will be void if some of the statements made by Roberteus 'Robert' Tampus Perez are found to be untrue. Perez admitted hiding video cameras in a bathroom and elsewhere at Chiefland Elementary School.

Video by Jeff M. Hardison © Dec. 15, 2017 at 10:27 a.m.

In another instance, a man who secretly videotaped people at Chiefland Elementary School as they used bathrooms and changing rooms was sentenced to 18 months in prison and eight years of probation.

Both men made plea-negotiated agreements (also known as plea bargains) with the office of Eighth Judicial Circuit State Attorney William Cervone.

Judge Moseley explained that the Florida Legislature creates, amends or abolishes laws. As a judge in Florida, he must abide by the procedures, requirements and sentencing guidelines created for all judges in the state.

STEVEN DEMAR STACY

In the case of the State of Florida versus Steven Demar Stacy, Brian Kramer, the executive director as well as being an assistant state attorney in State Attorney Cervone's Office was the prosecutor.

Regional Council Michael Hines, an attorney with the Galigani Law Firm of Gainesville was the representative for defendant Stacy.

Stacy, 34, of Williston was arrested on Aug. 11 in connection with a suspected home invasion and murder in the unincorporated area of Levy County east of Williston.

This set of vicious, violent crimes occurred during the early morning hours of Aug. 4, according to records.

Levy County Sheriff's Office investigators learned that Stacy had aided Jalen Days and Andrew Robinson, the two suspected juvenile criminals who are alleged to have committed the crimes.

James Patterson, 27, and his brother Ramon Patterson, 23, were inside their home when that became part of the various scenes of the crimes.

James Patterson had been taken at gunpoint by the young men to the home so they could steal marijuana, according to what was said in court on Wednesday.

When Ramon came out of a room to see what was going on, James Patterson was shot. James Patterson died from the wound as he was in an ambulance on the way to a hospital. Ramon Patterson suffered serious injury from a gunshot wound as well, from which he recovered.

Stacy is said to have disposed of the weapons those two suspects are alleged to have used in the crimes of home invasion, armed robbery, aggravated battery and murder, according to records.

HardisonInk.com

Stacy was booked into the Levy County Jail. He has been charged with accessory after the fact to a capital felony. The murder of James Patterson is listed as a capital felony, although Assistant State Attorney Kramer said on Wednesday that the death penalty is not being sought by the state at this point for Days and Robinson, who were juveniles when the man died from wounds suffered from being shot during that home invasion.

Nevertheless, Stacy learned that if he lies or attempts to hinder prosecution by being anything less than 100 percent truthful from this point on in these related cases, he will not only lose this deal, but the state can charge him with an even more serious crime that could put him in the Florida Department of Corrections for 30 years.

Prosecutor Kramer told Judge Moseley as the Stacy sentencing phase of this situation began that the defendant had pled guilty previously, and sentencing was deferred until Wednesday to allow the state to better understand all that had transpired in this case.

The Court is not bound by the “score sheet,” a tally of Stacy’s criminal history to help a judge determine the most appropriate sentence, Kramer said, as part of this deal.

In this case, where the man is alleged to have helped criminals, the maximum sentence is five years in prison.

Prosecutor Kramer said he is relying on the judge to determine the most appropriate sentence after the judge hears what happened.

Defense attorney Hines said he had provided the court with a score sheet, but it did not include a charge that Assistant State Attorney Kramer had provided to Hines on that very Wednesday.

Hines said Stacy’s score was bumped up as a result. The defender noted, too, that the Court was not bound by the score sheet in regard to this negotiated plea agreement for Stacy.

A conviction for a prior case of sale of cocaine is among the crimes Stacy is scored with.

The judge said listened to the prosecutor and the defender and then sentenced the defendant.

Kramer told about Stacy helping the juveniles dispose of a backpack, cellphones, clothing from the armed robbery and the firearms – a handgun and a rifle – used in the crime.

When Stacy was arrested for helping the suspects, he cooperated to a very limited degree, Kramer said. Eventually attorney Hines helped Stacy understand the need for him to cooperate fully with the state.

Kramer said after that point Stacy gave the state exact information leading to the recovery of significant evidence.

Given Stacy’s cooperation, and with the state expecting the man to continue to testify truthfully and completely in the future, the State Attorney’s Office reached a plea-negotiated agreement, where the judge will decide the sentence.

Family members of the late James Patterson and the injured Ramon Patterson, Kramer said, “were extraordinarily unhappy with the state of Florida” in regard to the prosecutor making this deal with defendant Stacy.

While the State Attorney’s Office believes it understands Stacy’s involvement, the victims’ family disagrees with the SAO and believes “... Stacy is 100 percent guilty of a homicide,” Kramer said.

Attorney Hines said Stacy’s “lapse in judgment” in helping these two juveniles attempt to cover-up armed home invasion, armed robbery, aggravated battery and murder results from his caring about his family – his younger brother and a cousin.

Hines went on to mention that the lewd and lascivious battery conviction of Stacy in 2003 resulted from Stacy being 19 and the girl being 14. That added significant points to the “score sheet.” The girl and the man then had a child, Hines said, and Stacy continues to care for the

HardisonInk.com

child today emotionally and financially, Hines said.

Before Stacy was allowed to read his apology to the family of the victims, Judge Moseley let the defendant know about the impact of not being truthful.

Perjury when committed in a capital offense, such as with Days' and Robinson's cases, the judge said, can result in a 30-year term in the Florida Department of Corrections.

The judge let Stacy know that if he reaches a point where Stacy must testify, and then he "can't remember" or does not recall, then Stacy will be treading on thin ice that will break and he will be charged and convicted of a first degree felony.

It was at that very moment on Wednesday afternoon, too, when the judge offered a Stacy a last chance to recant or to confess to something more, or to explain how he had told an untruth and now wanted to tell the truth.

The judge wanted Stacy to understand not only the benefit of the plea deal being made that day, but "... of the gravity of making statements in a proceeding like this (capital felony)."

Judge Moseley said in no uncertain terms that this defendant has an opportunity at that very minute to change his testimony, even if it meant this plea-negotiated deal was withdrawn.

After this sentence is imposed by the judge, however, there is no coming back to say that a statement was not true.

"This is the time to correct any false statements that you may have made," the judge said. "Do you understand?"

"Yes sir," Stacy replied.

The judge said it will not help the defendant to say in the future what he said now is a lie. Coming clean then will be too late.

Judge Moseley said he wanted Stacy to know with absolute clarity that this was the final moment, and to know the gravity of what will occur if his statements are proved to be untrue in the future.

"Yes sir," Stacy said. "I understand."

In his statement to the family of the victims, Stacy said the crime turned into a tragedy. By being in jail for the past months, Stacy sees the impact of not being able to provide for a family means.

From his experience, Stacy told the Patterson family, he knows how the passing of James Patterson has hurt that family.

"I want you to know I am very sorry for what happened," Stacy said, "and I had nothing to do with it."

Attorney Hines asked Judge Moseley to sentence Stacy to community control and probation with an electronic anklet to monitor him.

Assistant State Attorney Kramer, when asked by Judge Moseley for the state's position on sentencing, said the state is prepared to accept whatever sentence the judge deems appropriate in this case.

As Judge Moseley began to share his ruling in regard to a sentence, he explained to the victims' family some facts.

The State Attorney's Office must prosecute a person based on what the evidence proves, he said. Deciding which charges to file, Judge Moseley said is the responsibility of the state attorney.

This plea deal, he said, is based on the state's belief that by making the deal, it has gained better evidence in the more serious crimes committed by the very people who performed the crimes leading to the homicide.

This type of situation is not unusual, Judge Moseley said. In this instance, the individual may

HardisonInk.com

get a benefit he does not deserve, he added. Plea-negotiated agreements are a necessary part of legal proceedings in Florida, he said, "... to maximize the opportunities for justice."

The request by the defense attorney, however, the judge said, is not acceptable.

"I believe that people who lie in capital proceedings should be punished," Judge Moseley said.

He told everyone how Stacy's active part in hiding evidence is more a worse action than simply telling the suspects to hide evidence.

This was not a case where Stacy went and picked his relatives up from Gainesville where they had fled, and told them to not leave the evidence in a field, where it would be backtracked to them, the judge said.

"That would be bad enough," Judge Moseley said to Stacy. "To advise them to do that, and having gone to pick them up (from Gainesville to take back to Williston)."

The judge said he understands family dynamics, before noting the crime of hiding evidence.

"But to actively dispose of evidence in a murder case," Judge Moseley said to Stacy, "to actively take the items, break them down (take apart the rifle), destroy them, to try to do that, and only come clean because you are faced yourself with charges..."

"There is mitigation here," the judge continued, "and I heard that. And I accept that (the defendant eventually helped investigators), but to say that deserves supervision only (versus incarceration)... No. I could not do that in good conscience of justice."

The judge then addressed all listeners.

"It is not just this family (the Pattersons)," Judge Moseley said. "It sends a message to all in the state of Florida. It is to say to other people when faced with this kind of decision, 'You can't do that and not expect some kind of punishment coming.'"

"You can't help people commit serious crimes," he continued, "and be active in that, and expect that if you come clean there are going to be no consequences. That is too much to expect."

The judge said this defendant will see the proper degree of benefit for turning himself around and finally helping law enforcement have a stronger set of evidence.

That benefit is a sentence of only 24 months in prison, three years' probation, with credit for 125 days served in the county jail so far.

Normal court costs and supervisory fees are part of this sentence as well.

One special condition of the sentence is that Stacy testifies truthfully in all future proceedings regarding the home invasion, armed robbery, aggravated battery and homicide. Stacy must cooperate fully in depositions as well as in court in regard to all proceedings related with this set of horrible crimes, the judge said.

HardisonInk.com

Video voyeur sentenced



Roberteus 'Robert' Tampus Perez
Mug Shot By LCSO



Roberteus 'Robert' Tampus Perez enters Courtroom B to be sentenced.
Photo by Jeff M. Hardison © Dec. 15, 2017 at 10:27 a.m.

HardisonInk.com



Roberteus 'Robert' Tampus Perez is fingerprinted before leaving Courtroom B after being sentenced.

Photo by Jeff M. Hardison © Dec. 15, 2017 at 10:27 a.m.

Roberteus "Robert" Tampus Perez pled no contest and was adjudicated guilty of two counts of video voyeurism.

As part of this plea deal, Perez gave up his right to appeal this sentence. He must serve 18 months in prison with credit for 254 days in the county jail. He will serve eight years of probation with the combined terms of probation for the convictions on two counts.

The prosecutor on this case was Eighth Judicial Circuit Assistant State Attorney Andrea Muirhead.

The defense attorney was Dean Galigani of the Galigani Law Firm of Gainesville.

Perez was the Chiefland Elementary School janitor who was arrested for placing small video cameras in bathrooms and elsewhere at CES.

This 34-year-old former Levy County School Board employee was arrested and booked April 5 by Chiefland Police Department (CPD) Officer B. Murphy, according to records.

Perez of Cedar Key was arrested on two counts of video voyeurism.

Perez was hired Sept. 9, 2010 as a school tech / lab manager and became a janitor as of July 2016, according to Levy County Assistant Superintendent of Schools Candy Dean.

On April 4, a staff member at Chiefland Elementary School located a suspicious electronic device in a staff restroom at the school, Levy County Sheriff's Office spokesman Lt. Scott Tummond said in a previous press release.

After contacting law enforcement authorities, the device was determined to be a miniature video camera, Tummond said.

The camera had been concealed in a manner in which to record persons using the toilet facilities, Tummond said.

HardisonInk.com

CPD Sgt. James Yanok, CPD Officer Blake Murphy and LCSO School Resource Officer Chase Gregory joined Murphy in the initial investigation.

The camera had been located after it was concealed in a fake plant with camouflage tape, Yanok said in his report back then. Sgt. Yanok is currently on active duty in the United States military. It is anticipated that he will return to Chiefland Police Department after the most recent tour.

Images of Perez on a data storage card showed him setting up the camera in the bathroom, Yanok said in his report.

Perez confessed to placing five cameras in two staff bathrooms approximately 10 times since 2016, Sgt. Yanok said.

Statements in the sentencing phase on Wednesday may lead members of the Florida Legislature to revise this law. Of course, the state lawmakers might not do anything about the law as it exists today too.

During this sentencing session, the state prosecutor and the defense attorney both said no evidence was found to show children were videotaped.

The judge made it abundantly clear that with the evidence and charges being ruled upon for sentencing Wednesday, it would take a significant effort by the Court to sentence the defendant more than one year. However, the state made it clear to the defendant that this agreement was the best he could expect, even though he was being sent to prison as part of the 18-month incarceration.

Defense attorney Galigani said to the judge that he had advised his client about the entire scope of the plea-negotiated agreement, as well as the law, the facts and the evidence to show Perez this is his best choice – to accept this offer from the state’s prosecutor.

“Mr. Perez,” Judge Moseley said, “you understand that based on the score sheet in front of you the Court would have to make written findings to exceed basically a year in jail. And that you are agreeing to a prison sentence.

“And that is based on the agreement of certain other charges,” the judge continued, “of a similar nature not being filed. And that you are waiving any appeal to the sentence the Court is giving today. Is that correct?”

Perez answered in the affirmative.

The judge then heard from victims – female employees at Chiefland Elementary School.

These victims were coworkers with the janitor.

“... We were left with the path of destruction you left behind,” one victim said to Perez as he stood at the podium in Levy County Courtroom B. “We went from trusting caring women, to being suspicious of characters, and to question every time we went into a bathroom.”

One victim said the deviant behavior of this criminal may not be something from which he can be rehabilitated. At least two victims noted their belief that children were recorded on videotape (or its digital counterpart) using the bathroom.

“I will always believe you videoed innocent children, because I have seen so many of them use the bathroom where you placed that camera,” a victim said as she expressed her opinion in that regard.

At least two victims said they feel badly for Roberteus ‘Robert’ Tampus Perez’s family. Those family members, too, are victims of this man’s crimes, she said. She will pray for all of the victims who will be forever affected by his actions.

One victim told the offender that she will pray for the school and for its future as it continues to heal from the trauma of this perverted invasion of privacy.

She said no apology can repair the damage he has done. This victim predicts this man who

HardisonInk.com

exhibited deviant behavior will do so again, she said, expressing her belief there is no cure for a man with this inclination.

A victim said his act was “sneaky, devious and reprehensible.”

A victim said this crime has forever changed her life.

“Mr. Perez will serve his 18 months,” she said. “But I have to live the rest of my life knowing I was violated by someone I worked closely with for several years.”

This was not a random act by a stranger, she noted. Instead it was meticulously planned and carried out over the course of several years.

“Many of the victims, myself included, were violated repeatedly,” she said.

She said that while the State Attorney’s Office might assure the public that no images of children were shared, this victim said, she knows children used that bathroom every day.

“There may not be proof,” she said, “but that doesn’t mean the crime of violating our children didn’t happen. What it does mean is that Mr. Perez had the foresight to delete these images.”

This sentence is seen by this victim as “a slap on the wrist” when put into the context of how it affected the victims’ peace of mind and quality of life, since the point where they learned they had been secretly videotaped while using a bathroom.

“He has taken something from me that I can never get back,” she said, “my modesty and my sense of security.”

She said all victims struggle to get past this horrendous crime in other places, and some of those victims have taken their own lives as a method to deal with what they feel after being so violated.

Another victim told Perez that she hopes counseling helps him stop being as he is, but she doubts that will happen.

“Once a Peeping Tom,” she said, “always a Peeping Tom.”

One victim speaking on behalf of herself and some others asked Judge Moseley questions.

Was all of the seized video reviewed?

Was every victim notified, or was it only the seven identified who were enough to make a case?

Has it been confirmed that this material was not sold, sent by email or otherwise shared with other people?

Has the Perez home in the Philippines where he visited been searched?

Why weren’t the staff members at Chiefland Elementary School notified when the first camera was found about one year prior to the second camera being found?

Judge Moseley sought to have some questions answered.

He conferred with Assistant State Attorney Muirhead and defense attorney Galigani.

Galigani asked Perez to answer questions.

Were all of the disks recovered? Yes, Perez answered.

Does the defendant understand that if ever there are images of children recovered from his videotaping, then that is not covered in this sentence deal? Yes, Perez answered.

No images were transmitted to any other party? Perez said they were not.

The judge assured that the defendant understood if any other images were found, then not only would he be prosecuted for those, but this complete deal was then dissolved.

“If they uncover other disks that you have hidden away,” Judge Moseley said, “and those things come to light, then that means you have not told me the truth today. And your plea agreement is void.

“You understand that if you transmitted them,” the judge continued, “and they are out there, and they start surfacing on the Internet, so that we know what you said, again, is not true, then

HardisonInk.com

this plea agreement can be withdrawn by the state. Do you understand that?”

“Yes sir,” Perez answered.

The judge went on to clearly state for the defendant that the state has not been able to prove he videotaped children. However if the state finds evidence to that end, then the state can charge him with a more serious crime.

Perez said he understood that caveat as well.

The judge then said he was going to explain to the ladies who courageously provided their victim statements, why the state has agreed to this pleaded sentence.

Circuit Court Judge Moseley said he supports the Florida Legislature. There was a time when this crime was a misdemeanor. Now it is a low level felony.

This crime is on par with felony petit theft, or felony driving while license suspended or revoked (if it is by a habitual traffic offender), he said to give examples.

For the victims who might believe this is outrageous, the judge urged them to contact their state representatives and state senators. As a judge, he cannot create or amend laws. Judges administer justice based on laws that exist.

The judge said the people need to tell their state lawmakers that “this is not an innocent or victimless crime.”

The judge said that if this crime was a Level Four instead of a Level One felony, then judges would have the ability to sentence a person convicted of this crime to prison – rather than a maximum sentence that could be served in a county jail for a year.

The State Attorney’s Office made a judgment on the crime and the counts to be prosecuted here, the judge said.

It is the judge’s duty, he said, to not minimize the degree of suffering that these victims experienced.

This is a crime that is unique, Judge Moseley said.

If Perez just wanted to look at pornography, there is a wealth of that available, Moseley said, including the type where it is video of women undressing.

This action completed by Perez exploits unsuspecting women and people who would not be involved in this type of activity where they are videotaped.

“It robs them greatly of the dignity, the security, and just the most basic human dignity that people have,” the judge said, “from which they can never recover.”

The judge said this is a big deal for people who have sensibilities about them. This crime was perpetrated upon women who would not even wear some risqué clothing. They would not be dressed in an undignified manner – much less exposed like Perez had done.

“It is a terrible offense,” Moseley said.

The Court is surprised that individuals who behave in this activity are not facing, at least at the discretion of the Court, the potential for a longer sentence of incarceration.

The judge said there are many factors in sentencing. The age of the criminal, any extenuating or mitigating factors surrounding a case can affect how a judge imposes a sentence.

He explained the mathematics to bring this to a higher level. The first offense of this particular level of crime scores four points, but every subsequent proved case would be only seven-tenths of one point. To reach enough points – 44 points for a mandatory 12-month prison sentence for this crime, he said, is difficult.

That would take almost 60 counts of this crime. The defendant here is answering for two counts.

Judge Moseley made it clear that he assured the defendant agrees to this 18-month prison sentence and eight-year probation period. Otherwise, Perez could appeal the sentence – based

HardisonInk.com

on the fact that the guidelines would not allow a judge to render that much time of incarceration in a sentence for a conviction of two counts of this crime.

In looking at all facts, evidence and law, the judge believes this is an appropriate sentence that was agreed to by the criminal, the defense attorney and the prosecuting attorney.

The judge conceded that he is unable to provide victims with a return of their loss of dignity and security, because that is not in his power.

“I hope that time will allow you to regain that,” he said. “But I have made it part of the record here that if Mr. Perez has not been forthright with the Court, then the Court, the State Attorney’s Office will be able to take action. And this agreement will not be able to protect him from the consequences that may happen – especially with regard to the children.”

The judge reminded the victims that he, or a jury, must act only on what can be proved to be true.

“What I suspect happened,” he said, “and what I can prove happened may be different matters.”

Beyond the 18 months of prison time and the eight years of probation periods of the two counts combined, the judge imposed some special conditions.

Perez must receive sex offender counseling. Perez must write a letter of apology to the Chiefland Elementary School faculty and staff. Perez is to have no contact with CES or any victim who was videotaped. Within the first two years of probation, Perez must perform 200 hours of community service. Perez cannot own a camera, a video camera or surveillance equipment other than one in a cell phone or a computer.

Standard mandatory court fees are to be applied. Cost of supervision is \$15 per month, with the first six months’ after release from prison being waived.

Judge Moseley said he is adding notations so that some other judge in the future sees he recommends against any consideration of early termination of probation.