

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
Criminal Justice and Trial Division**

STATE OF FLORIDA

CASE NO.: 17-CM-014132-A

v.

HOWELL DONALDSON, JR.,
Defendant.

DIVISION: B¹

**ORDER GRANTING STATE OF FLORIDA'S MOTION FOR COURT ORDER
FINDING HOWELL DONALDSON, JR. IN INDIRECT CIVIL CONTEMPT OF
COURT AND ORDER ADJUDGING INDIRECT CIVIL CONTEMPT AND
ORDER FOR CONFINEMENT**

THIS MATTER is before the Court on the “State of Florida’s Motion for Court Order Finding Howell Donaldson, Jr. in Indirect Civil Contempt of Court,” filed on January 25, 2018. Previously, the State filed its “Motion for Court Order to Show Cause Why Howell Donaldson, Jr., Should Not Be Held in Contempt of Court,” on December 6, 2017. On December 7, 2017, the Honorable Margaret Taylor issued an “Order on State’s Motion for Order to Show Cause Why Howell Donaldson, Jr., Should Not Be Held in Contempt of Court,” ordering Defendant to appear before the Court to show cause why he should not be held in indirect civil contempt of court for failing to comply with the investigative subpoena issued by the State Attorney’s Office and served upon him on December 4, 2017. On February 16, 2018, the Court held a show cause hearing concerning the instant matter. After considering argument and reviewing the court file and record, the Court finds as follows:

1. Defendant has had notice of this proceeding. The investigative subpoena issued by the State Attorney’s Office was personally served upon Defendant on December 4, 2017. Further, the December 7, 2017 Order to Show Cause further put Defendant on notice of the contemptuous conduct of which he is accused. This Order also directed Defendant to

¹ The instant case is before the Court pursuant to Administrative Order A-2017-069, ordered December 14, 2017.

appear before the Court on a specified date to show cause why he should not be held in indirect civil contempt for failing to comply with the above mentioned investigative subpoena.

2. Defendant has willfully violated the order contained in the December 4, 2017 investigative subpoena, requiring him to appear before the State Attorney's office and provide testimony for the purposes of their investigation pursuant to Florida Statute § 27.04. Further, Defendant has refused to avail himself to the purge provision contained in the December 7, 2017 Order which states that he may "purge this contempt citation by appearing at the Office of the State Attorney, 419 N. Pierce Street, Tampa, Florida 33602 at any time during business hours in the intervening time and testifying truthfully under oath regarding the matter for which the investigative subpoena issued."
3. Defendant, at all times from the date of service of the investigative subpoena and the December 7, 2017 Order, had the present ability to appear before the Office of the State Attorney and provide truthful testimony in compliance with the investigative subpoena.
4. Notwithstanding, Defendant has willfully or intentionally refused to provide truthful testimony as ordered through the investigative subpoena and willfully violated the order of the Court and the Court's intent in entering it.
5. Defendant has not invoked any statutory privilege or any privilege derived from the United States or Florida Constitution. Therefore, the reason for the violation of the Court Order is due solely to Defendant's willful declination to provide the requested testimony under the order of this Court.
6. Defendant has the present ability to purge himself from contempt by appearing before the Office of the State Attorney and testifying truthfully under oath regarding this matter.

It is therefore **ORDERED AND ADJUDGED** that the "State of Florida's Motion for Court Order Finding Howell Donaldson, Jr. in Indirect Civil Contempt of Court," is hereby **GRANTED**. Howell Donaldson, Jr., is **ADJUDGED** to be in willful indirect civil contempt of this Court for his failure to comply with the order from the December 4, 2017 investigative subpoena and the subsequent December 7, 2017 court order.

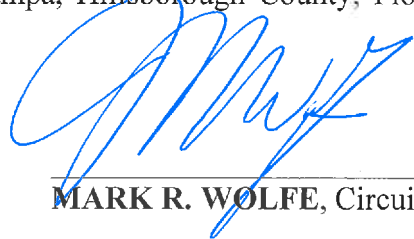
It is further **ORDERED** that Defendant shall be confined to GPS monitored house arrest, for a period not to exceed five months and 29 days, for Indirect Civil Contempt of Court. However, Defendant may purge himself of contempt at any time that he so chooses by appearing before the

Office of the State Attorney and testifying truthfully under oath regard the matter for which the investigative subpoena issued.

Because the Court is mindful of the difficult position the Defendant is in, it is further **ORDERED** that the GPS monitored house arrest is modified to allow for medical, religious and/or employment purposes with prior notice to the GPS monitoring service.

It is further **ORDERED** that if Defendant fails to comply during the house arrest period, the State may proceed with whatever means it deems appropriate.

16th **DONE AND ORDERED** in Chambers, at Tampa, Hillsborough County, Florida, this
 day of February, 2018.



MARK R. WOLFE, Circuit Judge

Copies furnished to:

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