

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

VICTOR WILLIAMS,

Appellant,

v.

Case No. 5D20-229

STATE OF FLORIDA,

Appellee.

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Opinion filed October 9, 2020

Appeal from the Circuit Court
for Flagler County,
Terence R. Perkins, Judge.

James S. Purdy, Public Defender, and
Phillip H. Arroyo, Assistant Public Defender,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Allison L. Morris,
Assistant Attorney General, Daytona
Beach, for Appellee.

EVANDER, C.J.,

Victor Williams was convicted of having unlawful sexual activity with a minor.¹ He was sentenced to eight years in prison followed by five years' probation. The probation order included a special condition prohibiting Williams from having contact with a child

¹ § 794.05(1), Fla. Stat. (2018).

under the age of eighteen (subject to certain exceptions not applicable to this appeal). Williams challenged the imposition of this condition in a motion to correct sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(b)(2). In his motion, Williams argued that this condition of probation was overbroad. The trial court denied the motion. Williams raises one issue on appeal, contending that the trial court erred in denying his motion. We agree.

This court has previously held that probation conditions forbidding any contact with minors are overly broad because they subject offenders to possible punishment for innocent or inadvertent conduct. See *Stapler v. State*, 190 So. 3d 162, 165 (Fla. 5th DCA 2016); *Lamerton v. State*, 78 So. 3d 686, 686 (Fla. 5th DCA 2012); *Rowles v. State*, 682 So. 2d 1184–85 (Fla. 5th DCA 1996); *Graham v. State*, 658 So. 2d 642, 643 (Fla. 5th DCA 1995). On remand, the trial court should modify this condition of probation to prohibit only intentional contact with minors without court approval. See *Stapler*, 190 So. 3d at 165.

REVERSED and REMANDED.

WALLIS and TRAVER, JJ., concur.