FILED IN OPEN COURT

IN THE SUPERIOR COURT OF ELBERT COUNTY STATE OF GEORGIA

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GHW.	STAF	RE	TT, C	CLERI

STATE OF GEORGIA) ELBERT SUPERIOR COL
VS.) CRIMINAL ACTION NO.: 17-ER-38-P
CHARLES LOUIS ECKARTZ, III)

ORDER MODIFYING PROBATION SENTENCE

On or around June 7, 2017, the Defendant, Charles Eckartz, III, pleaded guilty to the above-styled case, was sentenced to 5 years of probation, and ordered to, *inter alia*, pay a \$5,000 fine plus \$3,853 in court costs, and \$32 in monthly probation fees. The Defendant has requested that the Court waive all fines and fees stemming from his guilty plea and modify the general special conditions of probation to allow for the use of legally prescribed medications, including controlled substances.

Pursuant to O.C.G.A. § 42-8-34, the Defendant is indigent and unable to pay the courtordered probation fine, fees, and court costs.

The Defendant is a resident of Florida, and pursuant to Florida law, low THC cannabis and medical marijuana are controlled substances that a qualified physician may legally prescribe for qualified patient conditions. FLA. STAT. § 381.986 (2018).

Accordingly, IT IS HEREBY ORDERED AND ADJUDGED that the probation conditions in the above-styled case be modified as follows:

- The \$5,000 fine, accompanying court costs and fees of \$3,853, and the monthly supervision and victim compensation fees are WAIVED.
- 2) The language in general special condition number (8), which currently requires the Defendant to "produce specimen of any bodily substance for analysis for the presence of substance prohibited by any law of the State of

Georgia or the United States" shall be modified to require the Defendant to "produce specimen of any bodily substance for analysis for the presence of substance prohibited by any law of the probationer's state of residence."

3) The language in general special condition (11), which currently reads as the Defendant "shall not possess or have in his/her control any Firearms, Alcoholic Beverages or Controlled Substances nor occupy any residence or vehicle where such is present" shall be modified to include "unless legally prescribed to the probationer by a qualifying physician."

SO ORDERED this 14th day of December, 2018.

Judge R. Chris Phelps

Superior Court of Elbert County, Georgia

Northern Judicial Circuit

Order Prepared by: Kosha S. Tucker Attorney for Charles Eckartz, III