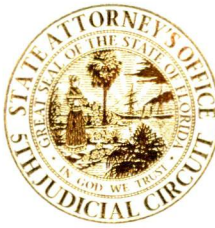


WALTER A. FORGIE  
CHIEF ASSISTANT STATE ATTORNEY

BRIDGET B. KIEFER  
EXECUTIVE DIRECTOR



**WILLIAM M. GLADSON**  
**STATE ATTORNEY**  
FIFTH JUDICIAL CIRCUIT OF FLORIDA  
CITRUS, HERNANDO, LAKE, MARION, AND SUMTER COUNTIES

Reply to:

110 NW 1 AVE, SUITE 5000  
OCALA, FL 34475  
TELEPHONE (352) 671-5800

December 28, 2023

ATTN: Brandi Smith  
Honorable Ron DeSantis  
Governor, State of Florida  
Governor's Legal Office  
The Capitol, Room 209  
Tallahassee, FL 32399-0001

RE: State of Florida vs. CHARLES BLACK  
Case Number: 2022-CF-003585-A

Dear Governor DeSantis:

By Executive Order 23-30, you assigned my office to handle the prosecution of the above-referenced defendant. This case was presented as a situation where a pool builder entered into a contract with the victim, but never performed any work on said contract. After depositions were taken of the victim, and the lead investigator, it was determined that the builder had in fact performed several material aspects of the contract. The law requires the State to prove that at the time the parties entered into the contract, the builder had no intention of ever performing. Evidence of actual performance of some portion of the contract (as we have in this case) negates an intent not to perform at the inception of the contract. *See Segal v. State*, 98 So. 3d 739 (Fla. Dist. Ct. App. 2012); *Martin v. State*, 379 So.2d 179 (Fla. 1st DCA 1980). Applying the case law to the facts above, the state can no longer continue prosecution in good faith as this matter is civil in nature.

Sincerely,

William M. Gladson  
State Attorney