

FLORIDA LAW WEEKLY SEX CRIMES EDITION BY DENNIS NICEWANDER

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Kasichke v State, 33 Fla. L. Weekly S481 (Fla. 2008):

Applying the rule of lenity, the statute generally requiring a trial court, when sentencing a sex offender to probation or community control, to impose a condition prohibiting the defendant from “viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender’s deviant behavior pattern,” which statute was ambiguous regarding which prohibited materials had to be relevant to defendant’s deviant behavior pattern, would be interpreted as requiring any prohibited material to be relevant to defendant’s deviant behavior pattern.