



State Attorney
18th Judicial Circuit
Brevard and Seminole County



State Attorney William Scheiner

The Monthly Brief

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Online payment 'declined?' Careful, it might be a scam

The AARP has warned seniors about a growing threat: "card declined" scams.

In this one, scammers contact you by text or email, claiming that a payment — such as for a subscription, utility bill or online purchase — was declined due to an issue with your credit card. Messages often come shortly after you make an online purchase.

The scammers pressure you to provide updated card details or make immediate payments to avoid service disruptions. Once they have your card info, they can make unauthorized charges.



Adobe image

Some ways to protect yourself:

Verify before you act: Never share financial details in response to unsolicited messages. Independently contact the company using a phone number or website you trust to confirm any payment issues.

Choose credit over debit: Use credit cards for payments, especially online or with unfamiliar vendors. They offer stronger fraud protection, limiting your liability to \$50 under federal law, unlike debit cards.

Monitor your accounts: Set up online banking to check your accounts regularly. Enable text alerts for transactions and review statements promptly to spot and report unauthorized charges.

AWOL contractors: Sue them or call the police?

Question: When a contractor takes money for a home remodel or other project but doesn't perform the work, when is it criminal theft versus a contract dispute to be settled in civil court?

Answer: The distinction lies in the contractor's *intent*. A civil contract dispute doesn't necessarily involve a deliberate intent to defraud. Criminal theft requires proof of that intent beyond a reasonable doubt.

Civil breach of contract

Most cases where a contractor fails to perform after receiving payment are considered a breach of contract and fall under civil law.

To pursue a civil claim for breach of contract, you don't necessarily need to prove the contractor had a deliberate intent to defraud you from the outset. The core issue is whether the contractor fulfilled their obligations as outlined in the contract.

We recommend consulting with an attorney about seeking financial damages in court to compensate for your losses.

Criminal theft/contractor fraud

To charge a contractor with criminal theft, prosecutors must prove that the contractor took money with the *intent to defraud*. For example: The contractor never intended to perform the work; *or* they intended to use substandard materials in place of what you paid for.

Under Florida law, evidence of a contractor's intent to defraud may include:

- Failing to apply for necessary permits within 30 days of an initial payment that exceeds 10% of the contract price.
- Failing to start work within 90 days of locally required permit(s) being issued.
- Receiving money that exceeds the value of work performed up to a point and then failing to perform more work within 90 days or a mutually agreed-upon period.
- Failing to refund the excess money received within 30 days of a written demand letter from the homeowner.
- Spending the money for personal use rather than for the project.

A written letter from the homeowner demanding the contractor restart work or refund money is crucial to building a criminal theft case. If you believe you are the victim of contractor theft, call your local police or sheriff's office to investigate.

Law & Order News



Palm Bay educator gets 14 years for sex with student

A former Bayside High School teacher and girls golf and tennis coach has been sentenced to more than 14 years in prison for having a sexual relationship with a student in 2018-2019.

JASON MAYNOR, 44, pleaded no-contest June 18 to one charge of sexual battery on a child by a person in custodial authority in a plea agreement with the State Attorney's Office in Brevard County.



Assistant State Attorney Jay Fowler said the victim, who observed Maynor's plea and sentencing in Viera, agreed to the resolution. Maynor's sentence includes lifetime sex-offender probation and electronic monitoring following his release from state prison after 177 months.

"We take these cases seriously," Fowler said. "If you do this to a child, you'll be prosecuted, and you're going to go to prison."

Before resolving the case, prosecutors had pursued 21 charges against Maynor stemming from his contact with the girl that included video chats and sex acts in his classroom on the Palm Bay campus.

The victim, now in her twenties, was an athlete on the tennis and golf teams that Maynor coached. The inappropriate conduct started when Maynor asked the girl to send him videos of her workouts, police investigators said. She went along, and he began requesting videos showing her undressed. Maynor continued to pursue the victim until he ultimately was able to have sexual contact with her.

Prosecutors convict violent reoffender, seek life in prison

A repeat violent offender faces life in prison for barging into a Cocoa motel room with a handgun, threatening three women and their children, and stealing their belongings and a car in 2021.

A Brevard County jury convicted MAKELL GOLDSMITH, 25, of armed burglary with a firearm and multiple counts of robbery and false imprisonment based on evidence and testimony presented July 17 by prosecutors Tiffany Colon and Mike Doyle.

The prosecutors also successfully made the case to the jury that Goldsmith should be sentenced Aug. 22 as a Prison Releasee Reoffender, a designation that triggers enhanced mandatory minimum sentences in Florida. Goldsmith robbed the women just five months after completing a two-year prison term for similar crimes in Volusia County.

"This case is a good example of why Florida has the Prison Releasee Reoffender law," Doyle said following nearly 11 hours of jury deliberations. "The law is designed to interdict and punish repeat violent offenders. Mr. Goldsmith will be sentenced to Life in prison without the possibility of any form of release. That is exactly what he deserves. I would like to thank the jury for their work."



Hotel video of Goldsmith before the burglary.

Sanford man guilty of killing landlord, wounding neighbor

A Sanford man who shot and killed his landlord and wounded a neighbor in an altercation over his eviction will spend the rest of his natural life in prison for murder. A jury found ANDRE L. CRIST, 54, guilty of first-degree premeditated murder and attempted first-degree murder July 18 based on evidence presented by prosecutors Jacob Polk, Elena Vazquez, and Jason Miller.

Sanford police arrested Crist in July 2022 after finding the landlord, Cliff Perard, dead from gunshots in the backyard of a house on Anderson Circle where Crist had rented a studio apartment. A blood trail led to the home of a neighbor, Cheron Barosy, who had been shot by Crist after joining the landlord in demanding Crist move his belongings from the apartment.

Phone data leads to conviction in Lake Mary murder case

A man who stole an acquaintance's truck then ran down his girlfriend with it in Lake Mary has been convicted of second-degree murder and carjacking.

A jury found TOIVANTE "TOBY" WILLIAMS, 31, guilty on July 28 of killing Katrina Redden based on evidence presented during a six-day trial by Assistant State Attorneys Mitch Ruark, Domenick Leo and Paul Brill. Prosecutors presented location data extracted from Williams' phone that placed him at the carjacking and murder scenes at times that matched witness statements and security videos.

"His phone tells you when he killed her," Leo told jurors.