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Sammy Lee Lawson v. State of Florida

SC06-2423

GOOD MORNING.

LADIES AND GENTLEMEN, THE
FLORIDA SUPREME COURT PLEASE
BE SEATED.

>> NEXT CASE ON AGENDA THIS
MORNING IS LAWSON -//S ARE VERY
STATE OF FLORIDA, MR. HOLTZ,
READY TO PROCEED?

>> MOURPT -- MAY IT PLEASE THE
COURT MY NAME IS KEVIN HOLTZ
WITH THE PUBLIC DEFENDER'S
OFFICE I REPRESENT THE
PETITIONER SAMMY LAWSON IN
THIS APPEAL FROM THE FIFTH
DISTRICT COURT OF APPEALS.
THIS IS AN APPEAL OF THE
DISTRICT KIEFRT PALES AFFIRM!!\$\$!!!!!!!!!!
AFFIRMING A VIOLATION OF
PROBAGS, A REVENUE\$\$!!ICATION,
BASED ON AN UNCOMPLETED
CONDITION SPECIAL CONDITION,
THAT WAS ANNOUNCEPED.

>> IS THE -- THE CASES SEEMS
LIKE THE FIFTH DISTRICT AND
PRIKLY THE JUDGE VERY ANXIOUS
FOR US TO RESOLVE THIS ISSUE,
AS HE CERTIFIED THAT COURT
CERTIFIED CONFLICT AGAIN, BUT,
I WOULD LIKE TO LIMIT THE
QUESTIONS TO INDIVIDUALS THAT
ARE PLACED ON DRUG OFFENDER
PROBATION, WHICH IS A
STATUTORY REQUIREMENT NOW
FIRST OF ALL, GIVEN THAT THAT
LIMITATION -- HAVE YOU LOOKED
AT WHAT CASES ARE TRULY IN
CONFLICT WITH THIS CASE?
AND IF YOU HAVEN'T I DON'T
WANT TO MAYBE THIS COLLAR CAN
TRY TO CHART THIS ALL OUT
BECAUSE TO ME FOR EXAMPLE IT
WILL IS VERY DIFFERENT IF
SOMEONE SAYS YOU GOT TO GET A
GED.

THERE IS AN IMPLICATION THAT
YOU COULD GET IT ANY TIME

DURING THE OPERATIONRY PERIOD
-- PROBAGS MY CONCERN WITH
DRUG OFFENDER PROBAGS THAT
UNDER YOUR INTERPRETATION,
WHICH WOULD DIVEST THE COURT
OF ANY DISCRETION, IT WOULD
MEAN THAT MAYBE THEY COULD
START IT, IN THE THINKS A
THREE YEAR DRUG OFFENDER
PROBATION MAYBE THEY DON'T
START TILL I'M NOT GOING TO
START IT TILL YEAR TWO,
BECAUSE -- SESSIONS I DON'T
HAVE TO YOU KNOW, DO IT TILL
YEAR TWO, AND SO THAT IS MY
CONCERN, IS THAT THE ACTUALLY
REQUIRE THE JUDGE OR THE COURT
TO SAY WHEN IT HAS TO BE
COMPLETED, WHEN THERE HAS TO
BE FLEXIBILITY IN WHAT IS
GOING TO BE ORDERED, I THINK,
HAMSTRINGS BOTH THE DEFENDANT
AS HE WILL WELL AS THE COURT
SO COULD YOU I KNOW MULTI YOU
PEP QUESTIONS THERE IS A
DIFFERENCE BECAUSE THIS DRUG
OFFENDER PROBATION AND ALSO
BECAUSE IT IS DRUGS OFFENDER
OPERATION!!\$\$!!!!!!!!!!!!!!!!!!!!
OPERATION, WHICH AND THE
IMPLICATION IS THAT WE WANT
PEOPLE IN TREATMENT, FROM THE
BEGINNING, AND TO FOLLOW THE
PROGRAMS, WHY SHOULD THERE
HAVE TO BE A DATE SET FOR
OTHERWISE IMPLY THAT THEY HAVE
THE WHOLE THREE YEARS TO
COMPLETE THE PROGRAM?
>> OKAY, I WILL TRY ADDRESS AS
MANY OF THE QUESTIONS I CAN
IS, BELIEVE THERE ARE TWO
CASES THAT ARE DIRECTLY ON
POINT.
IN DAVIS VSTATE WHICH IS OUT
OF THE SECOND AND NO4,
862930 -- 931, AS WELL AS
ANOTHER CASE, OUT OF THE
SECOND DISTRICT, OF HARDY V.
STATE, AND I KNOW IN
PARTICULAR, IN MR. DAVIS' CASE
HE WAS PLACED ON DRUG OFFENDER
OPERATION!!\$\$!!!!!!!!!!!!!!!!!!!!
OPERATION -- PRICING, WE FEEL
-- PROBAGS, IDENTICAL

CIRCUMSTANCES TO THE PRESENT
CASE, WHERE, THE COURT, THE
SAME AS EXACT SET OF FACTS,
SFWHUTH THE ONLY THING I'MING
THINKING I DID ACTUALLY HAVE
DAVIS, DOUBLE START SO --
DOUBLE STARRED TO ME THE ONE
CLOSEST I THINK THAT THEY HAVE
THEY MADE A STATEMENT, THAT
WOULD BE IN CONFLICT, BUT,
THERE IT WAS, HE WAS ATTENDING!!\$\$!!!!!!!!!!!!!!!!!!!!
ATTENDING, PHYSICAL THERAPY
SESSIONS CONFLICTED WITH THE
DRUG PROGRAM, AND IT SEEMS
THAT HERE THE JUDGE, THE TRIAL
JUDGE MADE A FINDING, THAT
ALTHOUGH!!\$\$!!!!!!!!!!!!!!!!!!!!
ALTHOUGH, THE PRO OBLIGATIONER
SAID HE DON'T DIDN'T CONTINUE
WITH SESSIONS BECAUSE OF
TRANSPORTATION PROBLEMS, THE
JUDGE MADE A FINDING, THAT
THAT WAS NOT CREDIBLE, AND
THAT THE DEFENDANT, REALLY
ALTHOUGH HE ARGUED HE HAD THE
WHOLE TIME, IT WAS CLEAR,
THROUGH THE TESTIMONY, IN THIS
CASE THAT THE -- HE UNDERSTOOD
THAT IF HE HE WAS GIVEN A
SECOND CHANCE THAT IF HE
MISSED ANYTHING MORE HE WAS
GOING TO BE TERMINATED FROM
THAT PROGRAM.
>> THERE ARE A COUPLE POINTS I
WOULD LIKE TO ADDRESS IN YOUR
QUESTION.
P MR. LAWSON IS NOT ADVOCATES\$!!ING
A PER SE RULE THAT THEY BE
GIVEN THE ENTIRE TIME, OR
PERIOD OF P\$\$ROBATION I THINK
THERE CERTAIN BE COULD BE
INSTANCE IN WAY DEFENDANT AS
MILLS CASE SAYS I'M NOT GOING
TO ABIDE BY YOUR PARTICULAR
CONDITIONS IF YOU WANT ME TO
DO SOMETHING I'M AS THE FIFTH
DISTRICT SAID THUMB MY NOSE AT
THE COURT NOT GOING TO DO WHAT
YOU ARE ASKING ME IF THERE IS
EVIDENCE ON THE RECORD OF
PARTICULAR UNWILLINGNESS TO
COMPLETE THE IMPOSED
CONDITIONS!!\$\$!!!!!!!!!!!!!!!!!!!!
CONDITIONS.

I BELIEVE, THAT CAN --

>> IN OTHER WORDS IF HE SAID
I'M NOT STARTING, THERAPY EVEN
THOUGH THEY DIDN'T GIVE A TIME
FOR COMPLETION YOU ARE NOT
ARGUING THAT THAT WOULDN'T BE
A WILL FULL VIOLATION?

NO -- -- I BELIEVE THAT THIS
IS BEST ADDRESSED, BY THE OF
CIRCUIT COURT OR THE COURT
THAT THE DEFENDANT IS BEFORE,
BY BEING EXPLICITLY CLEAR AT
THE OUTSET, WHEN THEY HAVE,
THE OPPORTUNITY, TO ADDRESS
THE DEFENDANT.

>> BUT MR. SEE MY PROBLEM IS
MR. LAWSON, DID NOT AND I
THINK!!\$\$!!!!!!!!!!

THINK, THAT TO THE EXTENT YOU
CAN HAVE CLARITY, WHICH IS IF
HE WAS UNDER THE MISIMPRESSION
THAT HE REALLY DID HAVE THREE
YEARS, AND IT WAS TESTIMONY
ABOUT THAT.

MAYBE WE HAVE WE WOULDN'T HAVE
A WILLFUL VIOLATION AND IT
SEEMS THAT THAT IS WHAT WE ARE
REALLY LOOKING TO WHICH IS
THAT IT IS THE COMBINATION OF
WHAT WAS IN THE P\$\$!!!!
PROBATION ORDER AND WHAT THE P\$\$!!!!
PROBATION OFFICER SAID WHAT
THE INDIVIDUAL CIRCUMSTANCES
OF THE CASE ARE, AS TO WHETHER
IT IS A WILLFUL VIOLATION.

AND, SO TO SAY THIS WASN'T
WILLFUL, MAYBE UNDER DIFFERENT
SET OF FACTS IT WOULDN'T BE
WILLFUL BUT THAT IS ONCE YOU
HAVE SAID YOU ARE NOT ADVOCATE!!\$\$!!!!!!!!!!!!!!!!!!
ADVOCATING FOR A PER SE RULE
THEN IT SEEMS THAT WE GET BACK
TO THAT IT IS -- WITHIN THE
DISCRETION --

>> CERTAINLY COULD BE
INSTANCES NOT A SUFFICIENT
TIME REMAINING TO COMPLETE THE
PROGRAM, OR IF THERE IS
EVIDENCE -- EVIDENCE IN THE
RECORD, OF THE DEFENDANT,
STATING!!\$\$!!!!!!!!!!!!!!
STATING, CLEARLY, I CHOOSE NOT
TO DO THIS PROGRAM, I'M NOT
GOING TO DO THIS PROGRAM, DO I

NOT BELIEVE THOUGH AS A
WILLFUL VIOLATION HERE AND I
REALIZE THAT IS THE COURT'S
DISCRETION!!\$!!!!!!!!!!!!!!
DISCRETION.

BUT WE FEEL IT WAS ABUSE OF
DISCRETION IN THIS CASE, GIVEN
MANY THE SECOND DISTRICT'S AND
SOME OF THE OTHERS HAVE TERMED
IT NOT TO BE WILLFUL BECAUSE!!\$!!!!!!!!!!!!
BECAUSE --

>> AREN'T THERE -- YOU SAY IF
THE DEFENDANT IS -- IS
WILLING, TO CONTINUE WITH IT,
BUT, OTHER THAN SAYING YOU
KNOW, I WANT TO CONTINUE THIS
OR I DON'T WANT TO CONTINUE
THIS, AREN'T THERE OTHER SAY
THAT, THE COURT CAN TAKE INTO
CONSIDERATION TO DETERMINE, IF
YOU ARE REALLY WILLING TO?
SOMEONE WHO MISSES SEVEN DAYS
OUT OF OR SEVEN WEEKS OUT OF
12 WEEKS OF DRUG TREATMENT,
AND HAS NO REAL EXCUSE FOR
HAVING DONE, SO ISN'T THAT
SOME EVIDENCE THAT THAT PERSON
ISN'T WILLING TO ABIDE BY THE
REQUIREMENT THAT HE COMPLETE
DRUG OFFENDER TREATMENT?

>> WELL, I THINK, THAT AND
THAT IS WHAT THE TRIAL COURT
SEEMED TO RELY ON, BUT I THINK!!\$!!!!!!!!!!
THINK, THAT THE EVIDENCE WAS
THAT HE WAS A WILLING
PARTICIPANT!!\$!!!!!!!!!!!!!!
PARTICIPANT.

>> HE WENT BACK BUT THEN HE
MISSED AGAIN.
SO I'M HAVING A HARD TIME
TRYING TO WILL -- FOLLOW YOUR
ARGUMENT BASICALLY TO ME,
SEEMS TO SAY, UNLESS HE SAYS,
HE IS YOU WILLING -- UNWILLING
TO DO SO THAT IS THE ONLY
THING YOU REALLY TAKE INTO
CONSIDER!!\$!!!!!!!!!!!!!!

CONSIDERATION, AND THAT IS A
FACT THAT HIS ACTIONS SEEM TO
DEMONSTRATE THAT HE IS
UNWILLING TO PARTICIPATE IN
THIS PROGRAM.

>> OKAY, IF I COULD I'M NOT
TRYING TO AVOID YOUR QUESTION,

ZWRIS, BUT I THINK, THAT A
WHAT WE HAVE HERE HOW THIS
DIFFERENCE FROM SOME OF THE
CASES WHERE, YOU MIGHT HAVE A
MISSED APPOINT MEANT A MISSED
MEETING OR ATTENDING, THIS WAS
SPECIFICALLY TO COMPLETE THIS
CLASS.

>> WHY DON'T YOU GO BACK AND
ANSWER HER QUESTION NOT AVOID
IT, WHAT SHE JUST ASKED.

>> I'M SORRY.

>> BASICALLY -- AREN'T THERE
OTHER FACTS AND CIRCUMSTANCES
THAT THE COURT CAN CONSIDER
OTHER THAN HIS STATEMENT AS TO
WHETHER HE IS WILLING TO DO
SO?

THAT DEMONSTRATES HIS
WILLINGNES IN OR UNWILLINGNES IN
TO PARTICIPATE?

>> YES.

>> IN THIS CASE.

>> WASN'T THERE THE FACT THAT
EP MISSED THESE CLASSES, EVEN
AFTER GIVING A SECOND -- BEING
GIVEN A SECOND CHANCE -- SEE,
AGAIN, THIS IS A CLASS WITHOUT
ANY REAL COMHUS ASKED ABOUT IT
HE SAYS, HE DOESN'T REALLY
KNOW MAYBE TRANSPORTATION.

I MEAN --

>> YES, I AGREE.

PART OF -- IT IS NOT RAISED IN
THE BRIEF, AND THIS AN ANSWER
TO THE QUESTION, CHIEF
JUSTICE, IS THAT THAT
CONDITION, THAT WAS IMPOSED
THE UNSUCCESSFUL DISCHARGE
FROM THE PROGRAM WAS A
CONDITION THAT WAS SET FORWARD
BY THE P\$\$ROBATION OFFICER NOT
SPECIFICALLY BY THE COURT.

IF -- IF I'M TRYING, MY BEST,
TO ANSWER THIS.

I THINK THAT THOSE CONDITIONS
WHICH ARE SET FORTH BY THE P\$\$!!!!
PROBATION OFFICER AS A
POLICY FOR VIOLATION OF A
SANCTION IMPOSED BY DRUG
OFFENDER P\$\$ROBATION IS CLEARLY
INCONSISTENT WITH WHAT THE
COURT SPECIFICALLY ORDERED AT
THE TIME --

>> SO YOU REALLY ARE, THEN, IN MY ESTIMATION, EASTING FOR -- ADVOCATES\$!!!!!!ING FOR A CLEAR POSITION THAT EACH AND EVERY STEP OF WHAT A DEFENDANT HAS TO DO ON THIS P\$\$ROBATION, IN THIS CASE -- KIND OF PROGRAM HAS TO BE LAID OUT BY THE TRIAL COURT.

>> I THINK, NORMAL SUPERVISORY FUNCTIONS OF P\$\$ROBATION SHOULD BE SET FORTH, I AS I AS WE CITED IN THE BRIEF, WE THINK THAT WE RAISED THIS AS DUE PROCESS ARGUMENT, WHICH WE FEEL HAS BEEN PRESERVED AND RAISED ALL ALONG, BUT THE I'M SORRY, I'M --

>> ARE YOU JUST IN THE APPELLATE DIVISION OF THE PUBLIC !!\$\$!!!!!!!!!!!!!! PUBLIC DEFENDER'S OFFICE OR DO YOU ALSO PRACTICE AT TRIALS?

>> I PRACTICE TRIALS FOR --
>> THIS APPEARS AT LEAST IN MY VIEW TO BE ONE OF THOSE KINDS OF THINGS THAT SHOULDN'T BE HERE.

THAT IS, THAT THIS IS REALLY NOT A NARROW ISSUE OF LAW THAT WE WANT TO HAVE THE LAW UNIFORM ALL AROUND THE STATE, AND THAT KIND OF THING LIKE THAT.

IT APPEARS TO BE MUCH MORE OF A PRACTICAL ISSUE, ABOUT WHAT IS GOING ON IN THE TRIAL COURTS!!\$\$!!!!!!!!!!!!!!

COURTS, THAT IS WHY SHOULD A CASE HAVE TO COME ALL THE WAY UP HERE TO DETERMINE WHETHER OR NOT THE MESSAGE IS GETTING THROUGH TO P\$\$ROBATIONERS ABOUT WHAT THEY HAVE TO DO WITH REFERENCE TO IN A SENSE, AVOID PRISON, AND REHABILITATE THEMSELVES YOU KNOW BY THE DRUG PROGRAM, OR WHATEVER. SO I GUESS MY QUESTION TO YOU IF YOU ARE A PRACTICAL IN THE TRIAL COURTS -- PRACTICING IN THE TRIAL COURTS IS THAT IS SERIOUS PROBLEM IS THIS OCCURRING ON A REGULAR BASIS,

THAT IS, THAT BETWEEN THE
DEFENDANTS, AND THEIR LAWYERS,
AND THE TRIAL JUDGE, AND THE P\$\$!!!!
PROBATIONOFFICERS!!\$\$!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
PROBATIONOFFICERS, AND THE
DRUG PROGRAMS THAT NOBODY
KNOWS WHAT IS GOING ON?
>> I WOULD LIKE TO SAY IN THE
COURT THAT I PRACTICE WITH --
IT DID NOT BUT IT DOES APPEAR
BASED ON THE NUMBER OF CASES
THAT ARE ARISING OR COMING OUT
OF THIS THERE IS SOME CONCERN
OR QUESTION IT IS A QUESTION
THAT IS AROOFIZING AND I THINK
BECAUSE IT INVOLVES, SOME DUE
PROCESS RIGHTS I DON'T THINK
THE COURT NEEDS TO GET
NITTY-GRITTY DETAIL BUT I
BELIEVE --
>> IT APPEARS THAT THE COURT
DOES NEED TO GET -- EITHER SAY
YOU THE ADHERE TO THE WARNING!!\$\$!!!!!!!!!!!!!!
WARNING --
>> I THINK, THAT --
>> SEEMS LIKE THIS IS A -- IF
THE COURT IS SAYING YOU KNOW,
I THINK THAT YOU DESERVE
ANOTHER CHANCE, ALL RIGHT?
AND IT IS CLEAR TO ME THAT
YOUR UNDERLYING PROBLEM IS A
DRUG ISSUE, AND AS A RESULT OF
THAT, YOU NEED TO ADDRESS
THAT, YOU NEED TO ADDRESS THAT
RIGHT AWAY.
THIS IS NOT SOMETHING NOW YOU
CAN GO OUT IN THE WORLD, AND
YOU CAN SAY I'M ON FIVE YEARS'
PROBATION, I CAN IGNORE WHAT
THE JUDGE SAID AS FAR AS
SURPRISEING OUT MY LIFE
MAKING AN ATTEMPT YOU KNOW, TO
DO THESE THINGS, LIKE THAT,
AND APPARENTLY THAT IS REALLY
THE PROBAGS OFFICER IS THE ONE
THAT SAID HERE IS -- THE
REALITY OF IT HERE IS WHAT YOU
GOT TO DO.
HERE IS THE PROGRAM, AND, I'M
WARNING YOU, IF YOU DON'T
COMPLETE THIS, THAT I'M GOING
TO PESH FOR -- PETITION FOR I
RECOVATION WHY ISN'T LEAVING
DE-- DETAILS TO THE P\$\$!!!!

PROBATION OFFICER, WHERE THE P\$S\$!!!!
PROBATION OFFICER IS
OBVIOUSLY THE ONE WHO KNOWS
WHO HAS THE OPENING PERHAPS
WHICH ONE IS AVAILABLE YOU BELIEVE
ON PUBLIC TRANSPORTATION THAT
KIND OF THING LIKE THAT, THAT
LEAVING THE DETAILS, MAYBE TO
THE PROBATION OFFICER IS
BETTER THING.

>> I THINK THAT IT -- COULD
STILL BE LEFT, IN THE TRIAL \$\$
COURT'S HANDS, AND NOT BE AN
OVER BURDENING UNDUE HARDSHIP.

>> BUT YOU SEE WE HAVE DRUG
COURT AND DRUG COURT DOES PUT
IT IN THE TRIAL \$COURT'S HANDS,
AND IF THIS PERSON TRULY HAD A
DRUG ADDICTION AND WAS A
QUALIFYING OFFENSE WOULD YOU
HAVE THAT FLEXIBILITY WITH THE
JUDGE.

IN DECIDING WHETHER THE PERSON
REALLY MEANT IT.

HERE THAT IS WHY I ASKED AT
BEGINNING 948.001 SAYS IT IS
INTENSIVE SUPERVISION
EMPHASIZES TREATMENT, AND
ALSO, SAYS, EMPHASIZED THE
COMBINATION TREATMENT AND
INDIVIDUALIZE TREATMENT PLANS,
THE JUDGE IN THAT SITUATION
BECAUSE OF THE LEGISLATIVE
DESIGNATION OF THE DRUG OFFENDER!!\$S\$!!!!!!!!!!!!

OFFENDER PROBATION, WOULD NOT
BE THE ONE TO BE HYPOCRITE\$S\$!!!!ING
THE INDIVIDUAL -- CREATING THE
INDIVIDUAL TREATMENT PLAN THAT
IS NOT CONTEMPLATED AS THE \$\$
JUDGE'S ROLE, SO, WE ARE
DEALING NOT WITH WHETHER THIS
IS DOMESTIC BATTERER, WHERE HE
CAN KEEP ON GOING UNTIL HE
COMPLETES IT OR SOMETHING,
THIS IS UNDER THE STATUTE AND
I DON'T KNOW THAT YOU HAVE
ACTUALLY ANSWERED IN
COMBINATION WITH WHAT JUSTICE
INSTEAD ASKED AND JUSTICE THAT
THAT INDIVIDUALIZED TREATMENT,
AND THEN LOOKING AT A JUDGE
LOOKING AT WHETHER THIS GUY
REALLY MEANS WHAT HE SAYS OR
NOT ISN'T EXACTLY -- ONLY WAY

WE CAN GO, AS OPPOSED TO PER
SE WHAT!!\$\$!!ICH YOU HAD A MYTH
DOESN'T WORK EITHER SO TELL ME
AGAIN WHAT IS YOUR BEST SHOT
ABOUT ITS DRUG OFFENDER
TREATMENT NOT GED, NOT
COMMUNITY SERVICE, NOT
DOMESTIC BATTER\$\$ER'S
INTERVENTION WHY SHOULD
SHOULDN'T BE TREATED JUST LIKE
SEXUAL OFFENDER P\$\$ROBATION,
WITH THAT INDIVIDUALIZED THEY
ARE ON NOTICE BECAUSE OF WHAT
IS ALREADY IN THE P\$\$ROBATION,
ORDER BUT WITH THE TREATMENT
PROVIDEDER THEY ARE THE ONES
TO DETERMINE IF THE PERSON HAS
SUCCESSFULLY TRIED OR
COMPLETED OR IS NOT IN
COMPLIANCE!!\$\$!!!!!!!!!!!!!!!!!!!!
COMPLIANCE.

>> WELL, I THINK, THAT THE
COURTS -- LOWER COURTS ARE
FAMILIAR WITH THE PROGRAMS
THAT ARE BEING RUN ARE AROUND
THEM, WHETHER THEY BE IN DRUG
OFFENDER P\$\$ROBATION, LEVEL ONE
LEVEL TWO, LEVEL THREE THE
GENERAL LENGTH OF TIME I THINK
THE COURT WAN SPECIMEN FI I'M
NOT ASKING THEM TO DO MINUTEST
DETAIL BUT I'M SAYING HERE YOU
HAVE SIX MONTHS TO GET THIS
PROGRAM, WORKING, YOU KNOW TO
COMPLETE THIS PROGRAM.
YOU HAVE AE SPECIFIC PERIOD OF
TIME, SET FORTH BY THE COURT.
I DON'T THINK THAT IT IS A
GREAT BURDEN TO ASK THE TRIAL
COURTS TO HAVE THIS DUTY --

>> LET ME SPEAK ON THAT.
IF IT IS COCAINE ADDICTION
THERE IS SOME PROGRAM
DEPENDING UPON EVALUATION THAT
IT MAY BE OUT-PATIENT IT MAY
BE INPATIENT, IT MAY BE
INTENSIVE IT MAY BE SICKS
MUNICIPALITY IT MAY BE YEAR IT
MAY BE 18 MONTHS DEPENDING
UPON THE CIRCUMSTANCES OF EACH
INDIVIDUAL.

SO WHAT HAVE YOU PROPOSED IS
ESSENTIALLY THAT THERE IS NO
WAY THAT A TRIAL COURT CAN DO

WHAT YOU ARE ASKING THEM TO DO
ABSENT HAVING THE VALUATION
WHICH IS NOT TYPICALLY DONE
UNTIL AFTER THEY ARE PLACED ON
P!!\$\$

PROBATION, THERE IS NO WAY TO
DETERMINE WHAT A REASONABLE
TREATMENT PLAN THE ONLY THING
THE TRIAL COURT CAN BASICALLY
SAY LOOK YOU GOOD PRIVILEGE
YOU BROKE THE LAW I CAN SEND
YOU TO -- OR STATE PRISON GIVE
YOU PRIVILEGE P\$\$ROBATIONIN THE
COMMUNITY IF YOU DO THIS YOU
HAVE GOT TO ENTER INTO
TREATMENT SUFFICIENTLY
COMPLETE IT WHY DOES A JUDGE
NEED TO SAY ANYTHING MORE THAN
THAT?

WITH THE END BEING THAT IF YOU
DON'T DO THIS, YOU ARE GOING
TO JAIL, OR PRISON, WHERE I
COULD HAVE PLACE YOU HAD IN
THE FIRST PLACE?

>> I'M NOT SURE HOW
SPECIFICALLY CLEAR IT IS THAT
-- THE UNSUCCESSFUL DISCHARGE
FROM THE PROGRAM, IS NOT --
THE REQUIREMENT TO COMPLETE
THIS CONDITION I DON'T FEEL IS
-- A SPECIFIC IT IS UN--
UNMET --

>> LET'S CAN YOU TELL IT IN
CONTEXT I THINK AWAY NEED TO
DO IT HE NOT ONLY DIDN'T
COMPLETE THE PROGRAM, HE
WASN'T PAYING I ASSUME WASN'T
PAYING, BECAUSE HE WASN'T
WORKING GEENTD PICKED UP FOR A
NEW OFFENSE, FOR SELLING
COCAINE WITHIN A THOUSAND FEET
OF A CHURCH.

>> CORRECT.

>> THIS WHAT THE TRAIL COURT
WAS SAYING AT THE TIME WEIGH!!\$\$!!!!!!!
WEIGHING THE CREDIBILITY OF
HIS WILLINGNESS TO PARTICIPATE
IN THE PROGRAM YOU GOT SOME
MIGHTY THERE IS NOT GOING TO
THE PROGRAM NOT PAYING, THE 50
DOLLAR A MONTH FEE, AND HAS
GOTTEN PICKED UP, FOR A NEW
DRUG OFFENSE.

>> RIGHT.

>> THERE IS NO, THERE WAS NO EVIDENCE OF CONDITION FIVE VIOLATION INVOLVED, BUT -- I CAN CERTAINLY UNDERSTAND OR SEE WHY -- WHY THE COURT -- READING BETWEEN THE LINES.

>> THAT IS WHY I'M SAYING THE DISCRETION HAS TO BE IN THE -- WHAT THE JUDGE WAS SEEING WASN'T HE SEEING, ALLEGATION OF NO PAYMENT?

AND DIDN'T HE KNOW THAT HE HAD JUST GOTTEN PICKED UP FOR COCAINE CHARGE WHICH IS A MORE SERIOUS THAN THE CAN BUSINESS HE -- CANNIBIS HE WAS ON.

>> I THINK CONDITION FIVE IS A NULLITY I THINK THE TRIAL COURT STILL NEEDS TO KEEL CONTROL OVER -- KEEP CONTROL OVER WHAT IS BEING ORDER ORDINARY ASKED TO BE DONE. I SAY THAT THIS IS UNFULFILLED CONDITION, BEING MET BY THE -- I THINK ANY ATTORNEY COMING OUT OR TAKING THE BAR EXAM AND BEING TOLD YOU WILL BE EMPLOYED WITH THIS LAW FIRM, YOU NEED TO PASS THE BAR EXAM, WELL, FAILURE OF THE BAR EXAM DOES NOT NECESSARILY MANDATE THAT YOU ARE NOT GOING TO HAVE A JOB HERE ANYMORE HOWEVER.

>> HOW ABOUT IF YOU DON'T SHOW UP FOR WORK?

>> I THINK THAT WOULD THAT IS IN ESSENCE WHAT HE DID.

>> HE WASN'T SHOWING UP FOR THE TREATMENT PROGRAM. CORRECT?

>> --

>> DURING THE FIRST PERIOD DURING THE FIRST PORTION, CORRECT.

>> IF YOU WANT TO SAVE A LITTLE TIME FOR REBUTTAL.

>> YES.

>> THANK YOU YOUR HONOR.,, MR. MAY IT PLEA -- PLEASE THE COURT I REPRESENT THE STATE OF FLORIDA BASICALLY THE PURPOSE OF DRUG OFFENDER PROBAGS TO BENEFIT THE DEFENDANT THE POINT IS, WE ARE NOT GOING TO

JUST THROW IN YOU PRISON LOCK
UP YOU WE ARE GOING TO ALLOW
YOU TO GO TO DRAWING TREATMENT
FACILITY, OR PROGRAM, AND TRY
TO HELP YOU BECOME A BETTER
PERSON SO YOU THAT DO NOT
PREOFFEND AGAIN.

>> WHAT I'M CONCERNED ABOUT,
AND AGAIN I'M PRETTY WELL
AGREED THAT THIS HAS TO BE A
DISCRETIONARY ISSUE, BUT HERE
IS APPARENTLY HE WAS ALSO
ORDERED TO TAKE BATTERERS,
ABUSE PROGRAMS, SPENT 120 DAYS
IN JAIL, AND IT SEEMS LIKE AS
OPPOSED TO THIS BEING SOME
INDIVIDUALIZED TREATMENT PLAN,
WITH SOMEBODY WHO WAS
KNOWLEDGEABLE WAS REALLY KIND
OF ANALYZING WHAT IS GOING ON
WITH THIS PERSON, THAT THERE
WAS OKAY YOU CAN GO TO THIS
PROGRAM 12 WEEKS, AND THAT IS
12 WEEKS, GO EVERY WEEK, TO
SOME -- NOT INDIVIDUALIZED
JUST ATTEND SOMETHING, AND
THAT IS WHAT YOU HAVE TO DO.
I DON'T SEE HOW THAT REALLY
MEETS WHAT THE LEGISLATURE WAS
INTENDING WHICH IS SOMETHING
THAT WOULD BE TREATMENT
INTENSIVE COMMUNITY
SUPERVISION!!\$\$!!!!!!!!!!!!!!!!!!!!
SUPERVISION, AT SPECIFIC
TREATMENT PLAN, IN REALITY,
AND!!\$\$!!!!

CAN YOU ADDRESS HOW THIS YOU
KNOW WAS THERE AN EVALUATION
OF THIS DEFENDANT?
THERE WAS?

>> IN THE RECORD.
>> TAFT EVALUATED HIM.
>> OKAY.

.
>> THEY.
>> THEY FOUND THAT THIS WAS SO
WAS THE 12 WEEK PROGRAM WHAT
KIND OF WAS WAS THAT A 12-STEP
PROGRAM DO WE KNOW ANYTHING IN
THE RECORD WHAT THAT WAS.
>> THE ONLY THING YOU CAN
GLEAN FROM THE RECORD IS THAT
HE WAS THIS WAS THE LEVEL HE
WAS MANY TOLD TO GO TO.

>> WAS IT A MINIMAL LEVEL THEY DON'T -- NO ONE EVER SAID IF IT WERE.

>> AND HE HAD ESSENTIALLY THERE WAS TWAEFL WEEK PROGRAM, SO EP -- 12 WEEK PROGRAM SO IF HE WAS IN THREE MONTHS -- WHAT WAS -- RIGHT.

>> IF HE HAD BEEN ABLE TO GO EVERY WEEK, AFTER THE THREE MONTHS, WOULD HE HAVE HAD BECAUSE HE WAS ON THAT THREE YEAR A FIVE YEAR A PROBATION, BUT THREE YEAR DRUG OFFENDER P\$\$!!!! PROBATIONWHAT ELSE WOULD HAVE HAPPENED.

>> I THINK IT DEPENDS I THINK THERE IS FOLLOWUP THAT IF HE REQUIRED ANY SORT OF FOLLOW-UP FROM THE DRUG TREATMENT PROGRAM COULD HAVE BEEN ORDERED INTO THAT.

BUT IF HE HAD SUCCESSFULLY COMPLETED DRUG TREATMENT.

>> HE COULD HAVE JUST -- FINISHED IT, AND IN FOUR MONTHS, AND THEN FOR THE REST OF THE THREE YEARS, HE WOULD NOT BE UNDER ANY KIND OF INTENSIVE SUPERVISION.

>> OF COURSE, YES WOULD HE DRUG OFFENDER PROBAGS IS MORE LIKE COMMUNITY CONTROL THAN REGULAR PROBAGS.

>> WOULD HE HAVE HAD OTHER.

>> YES YOUR ANALYSIS REGULAR BASIS YOU SHOW UP MORE O OFTEN THAN REGULAR PROBAGS.

>> DOING OTHER THINGS PRESUMABLY SINCE VIOLATED FOR NOT PAYING MONEY CONDITION FIVE VIOLATION THIS VIOLATION.

>> YOU AGREE IF THE JUDGE FOUND THAT HE REALLY DID HAVE A TRANSPORTATION PROBLEM THEN WE WOULD HAVE A DIFFERENT SITUATION.

>> SURE THAT WOULD HAVE BEEN UP TO THE YUMMING IF HE BELIEVED THE \$DEFENDANT'S TESTIMONY, AND SAID LOOK I BELIEVE YOU, YOU HAD A TRANSPORTATION PROBLEM THAT IS THE ONLY REASON YOU MISSED

THIS HE DID NOT HAVE TO FIND THE VIOLATION.

>> LET ME ASK ABOUT PER SE RULE, BECAUSE THAT IS ONE OF THE, AT HERE.

>> YES, SIR.

>> YOU AGREE THAT THE VIOLATION OF PROBAGS, HAS DO YOU PROCESS OVERTONES.

>> NOTICE AND OPPORTUNITY TO BE HEARD ABSOLUTELY.

>> WHY ISN'T IT JUST A SIMPLE, SOLUTION, THAT A TRIAL JUDGE, SAY YOU HAVE TO COMPLETE A DRUG TREATMENT PROGRAM, WITHIN SIX MONTHS, OF THE DAY?

>> BECAUSE WE DON'T KNOW ANYTHING ABOUT THIS DEFENDANT COMING IN, WE NEED TO THAT IS WHY THEY SPECIFICALLY ARE TOLD ONE OF CONDITIONS THEY ARE TO BE REFERRED TO AN EMPLOYEE VALUATION FIRST AND THEN BASED ON THAT EVALUATION THEY KNOW WHAT I MEAN, OSTENSIBLY THEY COULD COME TO A EVALUATION THE GUY SAY LOOK YOU DON'T NEED DRUG TREATMENT.

>> WHY IN THE SIMPLE TO SAY YOU HAVE TO BE EVALUATED WHEN 30 DAYS OF THIS ORDER -- AND, COMPLETE ANY PROGRAM THAT IS REQUIRED WITHIN SIX MONTHS THEREAFTER!!\$\$!!!!!!!!!!!!!!!!!!!!!! THEREAFTER?

>> IT GIVES SOME PARAMETERS OTHER THAN YOU NEED TO GO TO DRUG TREATMENT DURING P\$\$!!!! PROBATION, TO MAKE IT CRYSTAL-CLEAR WHAT APPARENTLY EVERYBODY THINKS WHICH IS THAT YOU SHOULD UNDERGO, EVALUATION AND TREATMENT, AT THE BEGINNING OF P\$\$ROBATION, NOMINATE AT THE END WHY NOT MAKE THAT CLEAR.

>> WELL I THINK IT IS I THINK IN THIS CASE IT SHOWS IT WAS CLEAR TO THIS DEFENDANT HE IMMEDIATELY WENT AND WAS EVALUATED!!\$\$!!!!!!!!!!!!!!!!!!!!!! EVALUATED, AND REFERRED AND ENROLLED IN THE WESTERN JUDICIAL DRUG TREATMENT

PROGRAM WITHIN A MONTH OF
BEING ADVISED OF HIS
CONDITION.

SO I THINK IT IS CLEAR THAT
YOU COULD READ THIS, AND I I
MEAN, THAT IS THE PURPOSE
OBVIOUSLY IS, HE SWEARED PLEA
DRUG OFFENDER PROBAGS PART OF
HIS PLEA HE HE UNDERSTOOD THAT
ONE OF THOSE CONDITIONS THAT
YOU ATTEND AND COMPLETE DRUG
COUNSELING!!\$\$!!!!!!!!!!!!!!!
COUNSELING, SO HE ACCEPTED
THIS DEAL, AND UNDERSTOOD THAT
WAS PART OF HIS DEAL, THAT HE
WAS GOING TO THIS IS THE
PURPOSE OF THIS IS TO
REHABILITATE HIM, WE ARE NOT
REHABILITATING HIM IF HE IS
OUT DOING WHATEVER HE WANTS TO
DO OBVIOUSLY HE IS STILL
COMMITTING NEW VIOLATIONS,
BUT, WE --

>> IS APPARENTLY HE INDICATED
SOME DESIRE TO ATTEND THE
PROGRAM, BECAUSE HE WENT FOR
SEVEN CONSECUTIVE WEEKS.

>> AFTER HE WAS TOLD HE MISSED
ONE MORE PROGRAM AND YOU ARE
GOING TO BE TERMINATED --

>> MORE THAN HALF OF THE
PROGRAM AT THE TIME HE WAS
VIOLATED!!\$\$!!!!!!!!!!!!!!!
VIOLATED.

>> AND STILL HE MISSED ONE
MORE, HE ALREADY MISSED NINE
MEETINGS THE FIRST TIME AROUND
OUT OF 12 NOW HE IS ONLY DONE
HALF OF THE FIRST TIME SECOND
TIME AROUND MISSES ANOTHER
ONE, SO I I MEAN CLEAR HE WAS
NOT AMENABLE TO PROBAGS AT
THIS TIME HE WAS NOT THE
FOLLOWING THE RULES THAT WAS
THE MOST IMPORTANT RULE IN MY
OPINION, IMPORTANT CONDITION
THAT YOU ATTEND THIS
COUNSELING YOU HAVE GOT A DRUG
PRAP -- PRAB PROBLEM THAT IS
WHY WE ARE HERE WHY YOU ARE
HERE -- THOONL WAY WE ARE
GOING TO DO SOMETHING ABOUT IT
IS IF YOU ACTUALLY ATTEND YOUR
DRUG TREATMENT YOU ARE NOT

GOING TO GET ANY HELP IF YOU
ARE NIGHT TENDING DRUG
TREATMENT PROGRAM BEING ON THE
STREET DOES NOT HELP THIS MAN
AT ALL.

AND I I MEAN THAT IS THE THING
WHOLE THING DONE TO HELP HIM
STAY OUT OF PRISON.

>> DO YOU THINK, IS I KNOW WE
HAVE CERTIFIED CONFLICT, DO
YOU THINK THAT IT IS IN
CONFLICT WITH ALL THE CASES
THAT THE 5th DISTRICT
CERTIFIED CONFLICT WITH THERE
ARE A LOT -- INVOLVE THE --
BUTLER GED PROGRAM, WOULD YOU
AGREE THAT THAT IS DIFFERENT
IF YOU SAY TO SOMEONE, YOU
HAVE GOT GET YOUR GED AN
IMPLICATION YOU HAVE, WHOLE
TIME TO GET INSIGHT RIGHT THAT
IS THERE IS A DIFFERENT
PURPOSE IN THAT OBVIOUSLY.

>> ALL RIGHT NOW ON THE
DOMESTIC VIOLENCE THERE IS
SEVERITY!!\$\$!!!!!!!!!!!!!!
SEVERAL CASES WHERE,
APPARENTLY, THEY ARE --
ELIGIBLE TO KEEP ON
REENROLLING, WHAT ABOUT ARE
THOSE, ARE THE DOMESTIC
VIOLENCE DIFFERENT THAT IS
THAT IF YOU ARE, ORDERING
SOMEBODY, TO DO DOMESTIC
VIOLENCE TREATMENT, THAT
UNLESS YOU HAVE STATED A TIME
THAT IT IS IMPLIED THAT YOU
HAVE GOT THE WHOLE TIME TO
COMPLETE IT?

I MEAN I'M TRYING TO SEE,
AGAIN, IF WE ARE GOING TO LOOK
AT THIS ARE WE GOING TO LIMIT
THE CONFLICT ISSUE TO DRUG
OFFENDER REHABILITATION?

>> WELL, I THINK DRUG OFFENDER
PROBAGS IS SPECIAL -- I I MEAN
IT IS IT IS DEFINITELY, SET
OUT BY THE LEGISLATURE TO BE A
SPECIAL TYPE OF P\$\$ROBATION.
THESE OTHERS ARE LIKE SPECIAL
CONDITIONS, OF REGULAR PROBAGS!!\$\$!!!!!!!!!!!!!!
PROBAGS, OR COMMUNITY CONTROL
THESE OTHER CASES, BECAUSE AS
WE KNOW DAVIS IS THE ONLY ONE

WHERE IT IS ACTUALLY DRUG
OFFENDER PROBATION, THAT HE
VIOLATES!!!!!!

VIOLATES.

MY FIRST I I THINK DRUG OFFENDER!!!!!!

OFFENDER PROBATION IS SPECIAL I
WOULD SAY THAT IS
DISTINGUISHING FACTOR WITH ALL
OF THESE ON THE OTHER HAND, AS
LONG AS THE DEFENDANT UNDERSTANDS,
OFAKAY YOU ARE -- UNDERSTANDS
YOU ARE GETTING THIS DEAL THAT
YOU GET TO STAY OUT, OF PRISON
I GET TO STAY OUT OF JAIL
IN RETURN YOU NEED TO ATTEND
COUNSELING!!!!!!

COUNSELING, SO THAT WE DON'T
HAVE YOU BACK HERE, AGAIN, YOU
CAN BECOME A BETTER CITIZEN OF
FLORIDA, AND I THINK THAT I
DON'T KNOW THAT YOU SHOULD AND
BY THE JUDGE'S HANDS SAY YOU
CAN NEVER FIND A VIOLATION OF
PROBATION SO LONG AS HE HAS
ADDITIONAL TIME LEFT ON PRO
OBLIGATORY PERIOD.

>> YOU THINK WHICH CASE DOES
YOU THINK ARE IN THE DIRECT
CONFLICT WITH THE FIFTH
DISTRICT THE FIFTH DISTRICT
SEEMS TAKING NOT ONE WIT OF
SYMPATHY DOES SOUND LIKE A
TRIAL JUROR'S POINT OF VIEW
HAVING MYSELF SEEN A LOT OF DRUG!!!!!!
COURT JUDGES I KNOW THERE IS A
TEAM THEY KEEP EVALUATING
READJUSTING IT, DOESN'T SEEM
THAT THAT SAME INDIVIDUALIZED
THING IS GOING ON HERE, BUT,
TELL ME, ON THOSE, WHICH OTHER
CASES, ARE DO YOU THINK THAT
THE SECOND DISTRICT HAS SET A
PER SE, THAT IF -- NOT A TIME
FOR COMPLETION THE WHOLE TIME
WE HAVE TO DISAPPROVE THOSE
CASES WE APPROVE OF THE
OPINION IN THIS CASE.

>> I THINK THEY'VE PRETTY MUCH
ESTABLISHED THIS THIS RULE SO
LONG WHATEVER KIND OF
COUNSELING IT IS, OR EVEN,
LIKE IN ROUND TREE IT WAS
COMMUNITY SERVICE HOURS YOU
HAVE TO GIVE THEM MORE TIME,

ALTHOUGH THAT IS A LITTLE BIT DIFFERENT, I THINK WITH COMMUNITY SERVICE, BUT I I MEAN I THINK, I KNOW THAT JUDGE -- PRETTY MUCH LIMITS TO DRUG OFFENDER PROBAGS POINTS OUT LIKE SEX OFFENDER PROBAGS MORE SERIOUS INTENSIVE TYPE PROBAGS ON THE OTHER HAND, I JUST DON'T LIKE THE RULE BY THE SECOND DISTRICT WHICH, PRESUMABLY IF WE HAD THIS CASE IN FRONT OF THE SECOND DCA THEY WOULD HAVE FOUND TRIAL COURT ABUSED DISCRETION FINDING HIM IN VIOLATION OF PROBAGS!!\$\$!!!!!!!!!!!!!!
PROBAGS.

>> THEY, UNFORTUNATELY, HE CERTIFIED CONFLICT WITH WE TAR!!\$\$!!!! TARO DOMESTIC VIOLENCE, SINGLETON DRUG TREATMENT, DAVIS, BUT THEN, LIME\$\$!!AN, WHICH IS SEX OFFENDER.

>> RIGHT.

>> O'NEIL WHICH IS -- IS DOMESTIC VIOLENCE, DUNCAN -- BUTLER WHICH WAS THE GED.

>> WHICH IS VERY DIFFERENT I THINK!!\$\$!!!!!!!!!!!!
THINK.

>> SO YOU SO THEY DIDN'T LIMIT IT.

>> RIGHT.

>> BUT WOULD YOU -- WOULD YOU SAY THAT IF YOU WOULD AGREE THAT WE SHOULD WHAT WE ARE WRITE\$\$!!!!ING HERE REALLY SHOULD BE TAILORED TO DRUG OFFENDER PROBAGS!!\$\$!!!!!!!!!!!!!!
PROBAGS?

>> -- NO, NO, ONLY BECAUSE IT IS AN ABUSE OF DISCRETION STANDARDS I THINK THE TRIAL JUDGE SHOULD BE ALLOWED, WHILE I UNDERSTAND THAT GED IS DIFFERENT, I THINK THE TRIAL JUDGE SHOULD BE ALLOWED IF THEY FIND, THEY ARE THEY DON'T HAVE TO PUT A DEFENDANT ON PROBAGS!!\$\$!!!!!!!!!!!!!!
PROBAGS.

THAT IS -- IF THE JUDGE ORDERS YOU TO DO SOMETHING, FOR THE

THIS IS THE DEAL I GET TO STAY
OUT IF YOU DO.

>> SEE, THERE IS WHERE AGAIN I
WANT TO GO BACK TO WERE A
JUSTICE QUINTERO SAID I
CONCEDE NEED FOR
INDIVIDUALIZED PLAN FOR DRUG
OFFEND!!\$\$!!!!!!!!!!!!

OFFENDER, DOMESTIC VIOLENCE
PRETTY EASY THING TO SAY YOU
KNOW YOU ARE GOING TO HAVE TO
GO TO BATTERERS INTERVENTION,
AND YOU ARE GOING TO HAVE TO
COMPLETE, THAT WITHIN THE
FIRST YEAR OR THE FIRST SIX
MONTHS, BECAUSE, THAT IS NOT
INDIVIDUALIZED THAT IS A SET
PROGRAM.

>> RIGHT.

>> AND SO THAT IS WHY I SAY, I
THINK THAT YOU GOT TO LOOK AT
-- THE REALITY, OF TO THE
EXEXTENT SHOULDN'T BE WE
ENCOURAGING JUDGES THE EXTENT
THAT THEY CAN GIVE MORE -- TO.

>> ABSOLUTELY.

>> TO GIVE THEM ABSOLUTELY THE
MORE, NOTICE YOU GIVE TO THE
DEFENDANT AS FAR AS WHAT IS
EXPECTED THE BETTER.

>> ENCOURAGE THAT SHOULDN'T WE
ENCOURAGE PROBAGS OFFICERS,
ALSO, NOT ONLY TO VERBALLY
EXPLAIN IT BUT TO -- PUT IT IN
WRITING!!\$\$!!!!!!!!!!!!

WRITING, WHERE IT IS PRACTICAL!!\$\$!!!!!!!!!!!!!!!
PRACTICAL.

>> INSURE.

>> THERE IS NO QUESTION ABOUT
IT.

>> SURE, EVERYONE ON THE SAME
PAGE THE POINT WILES DON'T WE
ARE NOT TRYING TO HAVE A
DEFENDANT VIOLATE PROBAGS WE
WANT HIM TO SUCCEED THEN HE IS
O PUT OURLY BECOMES AT LEAST
SOMEWHAT RELABL TAKE IT WE HAD
WON'T SEE HIM BACK IN COURT
AGAIN DEFINITELY IN THE \$\$
STATE'S BEST INTERESTED IF A
DEFENDANT UNDERSTANDS WHAT IS
REQUIRED FILES -- SUCCESSFULLY
COMPLETES PROBAGS.

>> THERE ARE SPECIAL PROBAGS

OFFICERS THAT ARE TRAINED IN
DRUG ADDICTIONS THAT ARE THE
ONES THAT SUPERVISE, DRUG
OFFEND!!\$\$!!!!!!!!!!!!

OFFENDER, PROBAGS TO SEE WHEN
YOU SAY THAT BEFORE THERE WERE
DRUG COURTS, SOMEBODY HAD
DIRTY URINE WATEVER VIOLATED
BACK INTO PRISON I KNOW

SECRETARY McDONOUGH WOULD
THINK THAT IS LAST PLACE THEY
NEED TO BE I'M REALLY

WONDERING WHETHER DPROINGDER
PROBAGS IS REALLY FULFILLING
INTENT OF HAVING SPECIALIZED
OFFICERS, MAYBE LOWER
CASELOADS!!\$\$!!!!!!!!!!!!!!!

CASELOADS, REALLY TRYING TO DO
THIS INDIVIDUALIZED TREATMENT,
SO THAT WE CAN HELP PEOPLE
THAT ARE LIKELY TO FAIL, IF
THEY DON'T GET SOME
ASSISTANCE, TO SUCCEED.

>> WELL MY UNDERSTANDING THAT
UP THE DO HAVE SEVERAL --
SEPARATE DRUG OFFENDER PROBAGS
OFFICERS!!\$\$!!!!!!!!!!!!!!!

OFFICERS, AND, PRESUMABLY, THE
DEFTS WHO REALLY NEED A LOT
MORE ATTENTION, RECEIVE IT AS
OPPOSED I TO DON'T KNOW THIS
DEFENDANT PER SE NEEDED MORE
ATTENTION THAN SOMEONE ELSE
APPEARS THERE WAS STANDARDIZED
PROGRAM AVAILABLE FOR HIM,
ADEQUATE TO NEED -- NEAT
IMMEDIACY.

>> SMIEF SPECIALIZED PROBAGS
OFFICERS WITH REDUCED
CASELOADS SO THAT THAT IS MY
UNDERSTAND BEING DRUG OFFENDER
PROBAGS DOES HAVE SPECIAL DRUG
OFFENDER PROBAGS OFFICERS LIKE
COMMUNITY CONTROL OFFICERS DO
COMMUNITY CONTROL CASES
BECAUSE OF INCREASED CASELOAD
WITH CASES THEY REQUIRE A LOT
MORE SUPERVISION THAN A
STANDARD PROBAGS BASE, SO THEY
HAVE DONE THAT, AND I I MEAN I
UNDERSTAND YOUR CONCERNS ABOUT
THIS, OBVIOUSLY IN THIS CASE,
YOU KNOW WE'VE GOT A DEFENDANT
WHO CLEARLY KNEW EXACTLY WHAT

WAS EXPECTED OF HIM, AND,
STILL FAILED TO -- ONE OF HIS
EXCUSES FOR NOT SHOWING UP FOR
THE FIRST IN!!\$\$!!NINE I KNEW AFTER
THREE I WOULD BE KICKED OUT SO
YOU KNEW I DON'T SHOW IT FOR
THREE APPOINTMENTS I'M GONE,
AND THEN AFTERWARDS, YOU KNOW
HE SPECIFICALLY TOLD MISS ONE
MORE YOU ARE OUT, SO -- IF
THERE ARE NO FURTHER QUESTIONS
I RELY ON MY BRIEF, THANK YOU.

>> GIVE AMINUTE OR SO TO GET
YOUR THOUGHTS TOGETHER A LOT
OF QUESTIONS GO RIGHT \$\$!!!!.

>> I THINK THERE HAS BEEN MUCH
DISCUSSION AS TO BETTER TO
ALERT PEOPLE UP FRONT, AS
QUICKLY AS POSSIBLE, WHETHER
IT IS, THE UN-- A DISCHARGE
FROM PROGRAM, IS THE SAME
THING AS UNSUCCESSFUL
COMPLETION OR NOT A SUCCESSFUL
COMPLEKS -- COMPLETION
LINGUISTAL DIFFERENCE I THINK
THE CHAPTER 921, 187, WHEN A
COURT IS PLACING SOMEBODY INTO
JAIL, THAT THEY CAN DO THAT,
THEY WE ASK EVALUATIONS TO BE
DONE WE ORDER A PRESENTENCED
INVESTIGATIONS THERE IS NO
REASON WHY THIS CAN'T BE DONE,
AND IT WOULD BENEFIT ALL
PARTIES!!\$\$!!!!!!!!!!!!!!
PARTIES, INVOLVED.
I SEE MY TIME IS UP.

>> THANK YOU.

>> THANK YOU VERY MUCH, WE
WILL TAKE THE CASE UNDER
ADVISEMENT!!\$\$!!!!!!!!!!!!!!
ADVISEMENT, THANK YOU.