

>> HEAR YE HEAR YE HEAR YE,  
SUPREME COURT OF FLORIDA IS NOW  
IN SESSION, GIVE ATTENTION AND  
YOU SHALL BE HEARD,  
GOD SAVE THESE UNITED STATES,  
GREAT STATE OF FLORIDA AND THIS  
HONORABLE COURT.

>> LADIES AND GENTLEMEN, SUPREME  
COURT OF FLORIDA IS IN SESSION,  
PLEASE BE SEATED.

>> WELCOME TO THE FLORIDA  
SUPREME COURT.

WE HAVE A SCHOOL WITH US TODAY.  
THE SCHOOL FOR CHILDREN.

AM I CORRECT?

CAN ALL OF YOU STAND?

FANTASTIC.

WHAT GRADE ARE WE TALKING ABOUT  
HERE?

SEVENTH?

SOUNDS GREAT.

FANTASTIC.

THAT WAS MY FAVORITE.

I DID IT THREE TIMES.

WELCOME TO THE FLORIDA SUPREME  
COURT AND WE HEAR ARGUMENTS FROM  
THE LAWYERS AND HOPE THIS IS  
BENEFICIAL TO YOU.

ARE THE TEACHERS HERE, CAN YOU  
STAND PLEASE?

JUST ONE WITH ALL THESE KIDS?

THANK GOODNESS.

THEY MUST BE WELL BEHAVED.

THANK YOU FOR COMING.

FIRST CASE ON THE DOCKET, COREY  
JAMAINE DOZIER V. STATE OF  
FLORIDA WHEN YOU ARE READY.

>> ATTORNEY S. NICOLE JAMIESON  
ON BEHALF OF MISTER DOZIER.

MISTER DOZIER EMPLOYED EVERY  
EFFORT AVAILABLE TO A MAN IN HIS  
CIRCUMSTANCES TO AVAIL HIMSELF  
TO THE PROTECTIONS OF THE  
INTERSTATE AGREEMENT ON  
DETAINERS ACT.

SHE SUBSTANTIALLY COMPLIED WITH  
THE ACT THE IMPETUS OF WHICH IS  
THE ENCOURAGEMENT OF SPEEDY  
RESOLUTION OF DETAINERS ARISING  
FROM OUT-OF-STATE CHARGES BASED

ON A COMPLAINT LIKE THAT WHICH EXISTED IN MISTER DOZIER'S CASE. THERE ARE TWO ISSUES BEFORE THE COURT THIS MORNING.

>> HE HAD -- IF THERE WAS AN ARREST WARRANT IN FLORIDA AND FLORIDA SPEEDY TRIAL WILL ONLY GO INTO EFFECT AFTER AN INDICTMENT OR INFORMATION FILED. IT DOESN'T COME FROM THE TIME OF ARREST OR DOES IT RUN FROM ARREST?

>> IT IS DISCUSSING PROCEDURAL SPEEDY TRIAL OR CONSTITUTIONAL SPEEDY TRIAL.

>> PROCEDURAL SPEEDY TRIAL IN TERMS OF PROCEDURAL SPEEDY TRIAL WE DO NOT WAIT FOR THE PROSECUTOR TO BE THE TRIGGERING MECHANISM BY WHICH AN INDIVIDUAL IS ENTITLED TO THOSE PROTECTIONS, THAT IS TRIGGERED UPON ARREST.

>> IS YOUR ARGUMENT HERE THAT THE SAME SHOULD APPLY UNDER FEDERAL STATUTE?

THE ARREST WARRANT WAS ISSUED BUT THE ARGUMENT IS THAT IS NOT THE TRIGGERING MECHANISM UNDER THE ACT, YOU ARE NOT ALLEGING A CONSTITUTIONAL SPEEDY TRIAL.

>> I AM SUGGESTING THE ACT IS TRIGGERED IN THIS CASE BECAUSE THE DETAINER LODGED AGAINST MISTER DOZIER WAS SUPPORTED BY AN ARREST WARRANT WHICH IS A COMPLAINT DEFINED BY FEDERAL RULES OF CRIMINAL PROCEDURE AND THE FIRST DISTRICT COURT OF APPEAL IN BARTLETT AND FLORIDA STATUTE 901.02.

>> LET ME ASK YOU THIS. SEEMS TO BE THINKING ABOUT THE STATUTE THERE IS A GAP. THEY I GET ARRESTED IN FLORIDA AND AS SOON AS I AM ARRESTED, BOOKED INTO COUNTY JAIL THE SPEEDY TRIAL BEGINS, 180 DAYS, THAT BEGINS TO RUN. LET'S SAY I COMMIT A CRIME IN

FLORIDA.

I GET ARRESTED IN SOUTH CAROLINA  
ON SOME OTHER CHARGES.

FLORIDA FILE DATE DETAINER OR  
HOLD ON ME IN SOUTH CAROLINA.

I SOMEHOW TAKE CARE OF THE  
CHARGES IN SOUTH CAROLINA, SAY  
THEY ARE DROPPED.

I CAN'T WALK OUT OF A SOUTH  
CAROLINA JAIL BECAUSE FLORIDA  
HAS A HOLD ON ME.

WHAT CAN I FILE A DEMAND FOR  
SPEEDY TRIAL FROM SOUTH  
CAROLINA, DOES THE FACT, THIS  
DETAINDER ACT BASICALLY OVERCOME  
SPEEDY TRIAL AND HAVE TO DEAL  
WITH IT?

>> AS OFFERED AS YOUR HONOR  
OFFERED THAT FACTUAL SCENARIO  
WOULD NOT TRIGGER THE INTERSTATE  
AGREEMENT ON RETAINERS ACT  
BECAUSE INDIVIDUAL IS NOT  
ENTITLED TO ITS PROTECTIONS  
UNTIL THEY GO INTO CUSTODY OF  
THE DEPARTMENT OF CORRECTIONS TO  
SERVE OUT THEIR SENTENCE SO IF  
CHARGES WERE DROPPED IN THE  
STATE OF SOUTH CAROLINA THEY  
WOULD NOT ENTER CUSTODY OF THE  
THE PURPOSE OF CORRECTIONS.

>> HELD IN COUNTY JAIL PENDING  
CHARGES PENDING THE TRIAL, THEN  
I COULD DEMAND SPEEDY TRIAL IN  
FLORIDA BECAUSE THE INTERSTATE  
ACT WOULDN'T APPLY?

>> YOU COULD NOT BECAUSE IT  
WOULD NOT APPLY.

>> IF I ARRESTED SOMEONE IN  
FLORIDA.

>> PROCEDURAL SPEEDY TRIAL BASED  
ON FLORIDA RULES OF CRIMINAL  
PROCEDURE DOESN'T APPLY TO  
INDIVIDUALS IN ANOTHER STATE.

>> MY CONCERN IS THERE IS A  
CRACK IN THERE SOMEWHERE WHERE  
FOLKS LIKE THAT FALL INTO WHERE  
THE INTERSTATE ACT DOESN'T APPLY  
AND THEN THEY CAN'T BE FORWARDED  
THERE FLORIDA PROCEDURAL SPEEDY  
TRIAL RIGHTS AND THEY CAN SIT IN

LIMBO UNTIL STATE ATTORNEY IN FLORIDA DECIDES TO FILE CHARGES.  
>> CORRECT AND THAT IS THE CONCERN WITH FIRST DISTRICT COURT OF APPEALS INTERPRETATION OF WHAT CONSTITUTES A COMPLAINT SO THE QUESTION REALLY IS WHAT IS THE TRIGGERING MECHANISM, THE LOWER COURT DECIDED AN ARREST WARRANT IS INSUFFICIENT TO TRIGGER PROTECTIONS OF THE ACT IF IT IS IN SUPPORT OF A DETAINER AND IN DOING SO THEY LOOK TO THE BOTTOM'S CASE WHICH THEY RELY UPON AND THAT RELIANCE IS MISGUIDED BECAUSE IF WE LOOK TO THE BOTTOM'S CASE, THE BOTTOM THIS CASE DOES NOT CREATE THIS GENERAL RULE THAT AN ARREST WARRANT SUPPORTING A DETAINER CAN NEVER TRIGGER THE PROTECTIONS OF THE ACT SO IN THE SPECIFIC FACTS, THAT ARREST WARNED --

>> DOESN'T THE ACT REFERRED TO AN INDICTMENT OR INFORMATION OR DOCUMENTS SUCH AS BAD AND SO THAT -- DOES THERE HAVE TO BE ACTUALLY CHARGE A DOCUMENT IN THE STATE BEFORE THE ACT. YOU ARE SAYING NO.

>> THERE DOES NOT HAVE TO BE AN OFFICIAL CHARGING DOCUMENT IN THE SENSE THE FIRST DISTRICT COURT OF APPEALS INGESTED.

>> WHAT DOES THAT LANGUAGE MEAN THAT SAYS ANY UNTRIED INDICTMENT INFORMATION OR COMPLAINT?

>> UNTRIED SIMPLY REFERS TO CRIMINAL MATTERS THAT DID NOT REACH THE ADJUDICATORY STAGE SO AN INDIVIDUAL DOES NOT QUALIFY FOR PROTECTIONS OF THE INTERSTATE AGREEMENT ON DETAINERS ACTIVE THE DETAINER IS BASED ON HOLD FOR PROBATION VIOLATION, THAT CRIMINAL MATTER HAS BEEN ADJUDICATED SO THEY ARE NOT ENTITLED TO PROTECTIONS OF THE ACT SO THE COURT FOCUSED ON

THAT WORD UNTRIED TO REACH THIS  
ERRONEOUS CONCLUSION.

AND IF WE LOOK AT THE BOTTOM  
COURT OPINION WHAT THE COMPLAINT  
IS, AND THE FEDERAL PROCEDURE.  
AND FEDERAL RULE OF PROCEDURE 3  
DEFINES A COMPLAINT OF A WRITTEN  
STATEMENT OF THE ESSENTIAL FACTS  
CONSTITUTING THE OFFENSE CHARGED  
MOST OFTEN MADE BEFORE A  
MAGISTRATE COURT JUDGE IN THE  
FORM OF SWORN TESTIMONY WHICH IS  
EXACTLY WHAT IS EXISTED IN  
MISTER DOZIER'S CASE,  
ESSENTIALLY THE AFFIDAVIT  
SUPPORTING AN ARREST WARRANT.

>> WE NEED TO LOOK AT THE  
UNTRIED INDICTMENT, THAT IS  
CLEAR.

IT SAYS INFORMATION.  
IT WOULD SEEM TO MEAN UNTRIED  
INFORMATION.

WOULD YOU AGREE WITH THAT, THE  
UNTRIED GOES TO BOTH INDICTMENT  
AND INFORMATION?

OR COMPLAINT?

>> THE PROBLEM THE FIRST  
DISTRICT WAS HAVING WHICH I CAN  
SEE BECAUSE WE ARE DEALING WITH  
STATUTORY CONSTRUCTION, HOW IS  
AN ARREST WARRANT, YOU CAN'T TRY  
-- IT SEEMS TOO SIMPLE, IF THEY  
KNOW HOW TO SAY ARREST WARRANT,  
THAT -- I DON'T KNOW WHAT A  
COMPLAINT -- WHAT WOULD AN  
UNTRIED COMPLAINT BE?

YOU SAY IT IS THE ARREST WARRANT  
BUT WOULDN'T THAT BE THE  
LANGUAGE THAT THE ACT WOULD USE  
IF THEY WERE SENDING IT TO  
ARREST WARRANT?

>> THE FIRST DISTRICT COURT OF  
APPEALS FOCUSES ON UNTRIED IN AN  
ATTEMPT TO DEFINE COMPLAINT BUT  
WE DON'T HAVE TO TRY TO DEFINE  
WHAT CONSTITUTES A COMPLAINT  
BECAUSE THE BOTTOM COURT TELLS  
US WHAT CONSTITUTES A COMPLAINT.

>> JUST LOOKING AT THE LANGUAGE  
HERE, HOW CAN YOU HAVE SOMETHING

THAT IS AN UNTRIED COMPLAINT IF  
IT CANNOT BE TRIED.

AND THE ARREST WARRANT WITH  
COMPLAINTS BUT CAN'T HAVE A  
TRIED ARREST WARRANT BECAUSE  
THAT IS NOT SUFFICIENT TO GET  
THE PROSECUTION GOING AND LEAD  
TO TRIAL.

HOW DO YOU DEAL WITH THAT ASPECT  
OF IT?

IN TERMS OF THE LANGUAGE.

>> COMPLAINTS IS THE INITIAL  
STAGES, A MERE WARRANT, A  
DOCUMENT BY WHICH AN OFFICER HAS  
GIVEN SWORN TESTIMONY BEFORE A  
JUDGE OR MAGISTRATE, THE FACTS  
OF WHICH ALLEGED PROBABLE CAUSE,  
AND THE DEFENDANT COMMITTED THE  
CRIME SO WE ARE BEYOND MERE  
ALLEGATIONS AND THAT IS THE  
INITIAL STAGE.

>> WE KNOW THESE CHARGES, THAT  
IS NOT GOING TO BE TRIED.

THAT IS NOT THE BASIS OF  
PROCEEDING TO TRIAL.

IS THAT CORRECT?

>> WHAT WAS THE QUESTION?

>> THAT IS IN THE BACKGROUND BUT  
CANNOT BE THE BASIS FOR  
PROCEEDING TO TRIAL.

LET ME SHIFT TO THE SECOND  
ISSUE.

WHAT I BE CORRECT IN  
UNDERSTANDING FOR YOU TO WIN ON  
THE ISSUE WE WOULD AGREE -- WE  
WOULD HAVE TO DISAGREE WITH WHAT  
THE US SUPREME COURT SAID IN THE  
FACTS DECISION?

>> THE FACT THAT  
DISTINGUISHABLE, IN THAT CASE,  
THE QUESTION WAS JUST HOW IS THE  
180 DAYS CALCULATED.

IT DID NOT CONTAIN CIRCUMSTANCES  
WHERE THERE WAS NEGLIGENCE ON  
THE PART OF OFFICIALS ARE  
RECEIVING STATE OFFICIALS.

>> IS ANY CASE FIND SUBSTANTIAL  
PROSECUTING AUTHORITY HAS ACTUAL  
NOTICE OF THE ATTEMPT TO USE THE  
ACT?

>> THERE IS.  
'S YOUR HONOR ASKING ABOUT THE STATE OF FLORIDA.  
>> THE ACTUAL NOTICE, THE DEFENDANT CAUSED THE ACTUAL NOTICE TO BE SERVED OR ANOTHER ENTITY CAUSED IT.  
>> PROSECUTOR GOT THE DOCUMENT.  
>> OHIO VERSUS LORI WHICH WAS CITED IN MY BRIEF STANDS FOR THE NOTION, THE DELIVERY OF THE REQUEST TO THE WARDEN AND HOLD OTHERWISE PUNISHES AN INMATE BY HOLDING THEM ACCOUNTABLE FOR MEASURES AND DUTIES BEYOND THEIR CONTROL SO JUST LIKE IN MISTER DOZIER'S CASE TO SUGGEST HE HAS NOT MET HIS OBLIGATIONS BECAUSE HE HAS NOT SERVED, IMPOSES A STANDARD BY WHICH HE MAY NEVER BE ABLE TO MEET.  
IF WE LOOK TO SOME OF THE FLORIDA CASES.  
>> IS IN THE REVERSE TRUE?  
OF THE PROSECUTORS NEVER NOTICED HOW CAN THEY MEET THE 180 DAY STANDARD THEY NEVER KNOW ABOUT?  
IF THE WARDEN SITS ON IT AND DOESN'T DO ANYTHING HOW CAN WE HOLD PROSECUTORS ACCOUNTABLE?  
>> WE HOLD THEM ACCOUNTABLE BECAUSE THE STATE OF FLORIDA IS PARTY TO THE COMPACT AGREEMENT IS A RECEIVING STATE, VOLUNTARILY INTO THE AGREEMENT, THEY ASSUME THE RIGHT OBLIGATIONS TO THE ACT ITSELF AND THE RISK THE STATE MADE MAY BE NEGLIGENT IN PERFORMING THEIR OBLIGATIONS SO IT IMPOSES ON THE GOVERNMENT OBLIGATIONS AND EXTENDS PROTECTIONS TO THE INDIVIDUALS SEEKING PROTECTIONS.  
>> ALL THIS IS CONNECTED TO WHAT THE SUPREME COURT SAID.  
CAN HE GO BACK TO THAT?  
WHAT I READ IS THE SUPREME COURT SAYS THE 180 DAY TIME PERIOD DOES NOT COMMENCE UNTIL PRISONERS REQUEST FOR FINAL

DISPOSITION OF THE CHARGES AGAINST HIM HAS ACTUALLY BEEN DELIVERED TO THE COURT AND PROSECUTING OFFICER OF THE JURISDICTION FOR THE DETAINER AGAINST HIM.

I DON'T UNDERSTAND HOW YOU CAN SQUARE THAT HOLDING WITH WHAT YOU ARE ARGUING HERE.

>> FACT I DISTINGUISHABLE, I DON'T THINK WE CAN ENGAGE IN THE SUPPOSITION.

>> WE GET THE ARTICULATION OF THE RULE THAT IS THE BASIS FOR THE DECISION.

I DON'T UNDERSTAND HOW THAT RULE THAT HAS BEEN STATED CAN BE SQUARED WITH WHAT YOU ARE SAYING BUT HELP ME UNDERSTAND WHY I AM WRONG.

I CAN UNDERSTAND YOU WOULD TAKE THE POSITION WE DON'T HAVE TO FOLLOW IT, I WOULD AGREE WE ARE NOT BOUND BY FAX.

I DON'T THINK WE ARE.

MAYBE THE STATE WILL SAY WE ARE.

I DON'T THINK WE ARE.

HELP ME UNDERSTAND THIS DISTINCTION FROM THAT CLEAR STATEMENT OF THE RULE.

>> THE DECISION IS BASED ON THE FACTS WITH WHICH THE COURT RELIED IN ORDER TO REACH THAT CONCLUSION AND I DON'T THINK WE CAN SUPPOSE THAT IS THE FACT ARE IN MISTER DOZIER'S CASE WAS NEGLIGENCE ON THE PART OF REPEATED NEGLIGENCE ON DESCENDING STATE OFFICIALS AS WELL AS NEGLIGENCE ON THE PART OF THE RECEIVING STATE OFFICIALS, PROSECUTING AUTHORITY HIMSELF BUT JACKSONVILLE SHERIFF'S OFFICE, THE CLERK OF COURT WHO RECEIVED NOT ONE BETWEEN 2 DIFFERENT ATTEMPTS BY MISTER DOZIER TO DIRECT THE ACT BUT I WOULD DIRECT THE COURT'S ATTENTION TO THE SPORTS OPINION IN TORRES.

>> DOESN'T THE SUBSTANTIAL COMPLIANCE STANDARD ADDRESS THAT BY ALLOWING THE INMATE COULD WRITE DIRECTLY TO THE PROSECUTING AUTHORITY AND THE COURT AND SAY I FILED MY DETAINER, I DON'T KNOW IF IT HAS GONE THERE BUT I GIVE NOTICE DIRECTLY AND THAT WOULD BE SUBSTANTIAL COMPLIANCE, WE DON'T HAVE TO SIT AND WAIT FOR THE WARDEN.

>> IT DOESN'T ACCORDING -- NOT ACCORDING TO PARKS BECAUSE IN PARKS, WHICH IS A FIFTH DISTRICT COURT OF APPEAL CASE IN FLORIDA FROM 2010 THE DEFENDANT ACTUALLY SUCCESSFULLY EFFECTUATED SERVICE ON THE PROSECUTING AUTHORITY BUT THE MATERIALS WERE NOT ACCOMPANIED BY A CERTIFICATE OF THE WARDEN.

WE LOOK AT, I CAN SEE I AM EATING INTO MY REBUTTAL TIME BUT I WILL FINISH ANSWERING OR TRYING TO ANSWER YOUR HONOR'S QUESTION.

WE LOOK AT THE TWO PROVISIONS OF THE ACT.

SUBSECTION 3 AND TELLS AN INDIVIDUAL EXACTLY WHAT THEIR RIGHTS, WHAT IT IS THEY HAVE TO DO, THEY HAVE TO SHALL CAUSE TO BE SERVED UPON THE PROSECUTING AUTHORITY, THE LANGUAGE DOES NOT SAY THEY SHALL SERVE, THEY SHALL CAUSE TO BE SERVED SO YOU HAVE TO LOOK TO BE SO AN INDIVIDUAL GOES ABOUT EXECUTING THAT OBLIGATION.

AND EXECUTE THAT OBLIGATION BY DELIVERING THEIR NOTICE TO THE WARDEN.

THE REASONING BEHIND THAT IS YOU HAVE AN INDIVIDUAL LIKE MISTER DOZIER WHO IS AN EDUCATED PRISONER DETAINED IN A RURAL INSTITUTION IN SOUTH CAROLINA AND THIS COURT IN ITS OPINION IN TORRES ACKNOWLEDGES IT IS THE

CUSTODIAL OBLIGATIONS TRIGGERED BY AN AFFIRMATIVE ACT OF THE PRISONER BY GIVING THE WARDEN ALL THE REQUEST.

AND IN TWO DIFFERENT WAYS WITH ACTUAL NOTICE.

AND DESCENDING STATE OFFICIALS, THAT IS FROM THIS COURT'S OPINION IN TORRES AND WE HAVE BOTH NEGLIGENCE ON THE PART OF THE SENDING --

>> IS THAT THE VICTIM?

ISN'T WHAT WE SAID EVICTED?

'S AND THAT PREFACED, BY SAYING EVEN IF WE THOUGHT THE SUBSTANTIAL COMPLIANCE DOCTRINE APPLIED, THIS WOULDN'T MEET THE REQUIREMENTS.

>> EVEN IF IT APPLIES TO SUBSTANTIAL COMPLIANCE WASN'T MET BY THE INDIVIDUAL IN TORRES, HE NEVER CAUSED TO BE DELIVERED TO THE WARDEN OF HIS INSTITUTION, I CAN SEE I ONLY HAVE TWO MINUTES IN MY REBUTTAL LEFT.

>> I THOUGHT I UNDERSTOOD YOU TO ARGUE THAT IS THE FIRST ISSUE THE NINTH CIRCUIT CASE HELPED YOUR POSITION AND AS I READ THAT CASE THE FIRST DISTRICT RELIED ON IT, THAT CASE, HAS TO BE A CHARGING DOCUMENT AN INDIVIDUAL. IN BOTTOMS.

>> THE BOTTOM THIS COURT SAID UNDER THE FACTS OF THAT PARTICULAR CASE, THE WARRANT THAT SUPPORTED THE DETAINER IN MISTER BOTTOMS'S CASE WITH INSUFFICIENT CONSTITUTE A COMPLAINT BECAUSE IT WAS NOT ACCOMPANIED BY A COMPLAINT. THIS IS A PRISONER SERVING A FEDERAL SENTENCE FOR A BANK ROBBERY, ESCAPES CUSTODY AND A FUGITIVE HOLD WAS PLACED ON HIM AS A RESULT OF HIS ESCAPE. THERE WAS NOT AN ACCOMPANYING COMPLAINT AND WE DON'T HAVE TO ENGAGE IN THE ARISING ON THE

COMPLAINT BECAUSE THE BOTTOMS COURT DEFINED THE COMPLAINT AS AN AFFIDAVIT SUPPORTING AN ARREST WARRANT WHICH EXISTED IN MISTER BOTTOMS'S CASE, MISTER BOTTOMS DID NOT CREATE A GENERAL RULE THAT AN ARREST WARRANT NEVER TRIGGERS THE PROVISIONS OF THE ACT.

>> MAY IT PLEASE THE COURT.

>>

>> HE WAS ARRESTED, AND THE SAME DAY THE ARREST WARRANT WAS ISSUED IN JACKSONVILLE.

>> THAT IS CORRECT.

AND THE INDICTMENT WAS FINALLY ISSUED.

>> NOVEMBER 1, 2013.

>> TWO YEARS LATER AND HAS THERE EVER BEEN -- HE IS STILL NOT TRIED --

>> TWO STEAKS, ONE BY THE DISTRICT COURT AT ONE BY THIS COURT.

>> STILL WAITING THE INITIAL TRIAL.

WAS THERE AN ALLEGATION -- MAYBE I ASKED, WE ARE NOT DEALING WITH SPEEDY TRIAL IN THIS CASE.

>> THIS IS A STATUTORY SPEEDY TRIAL PROVISION.

>> NOT ANOTHER ARGUMENT THAT WHAT HAPPENED HERE VIOLATES CONSTITUTIONAL SPEEDY TRIAL RIGHTS.

>> NO, YOUR HONOR.

THERE IS NO CONFLICT BETWEEN ROBERTS AND DOZIER.

THE DEFENDANT WENT THROUGH EVERY MEASURE HE COULD AND THE STATE TRIED TO HIDE BEHIND THE FACT DIDN'T HAVE INMATE STATUS WHICH IS IMPORTANT BUT WHAT MISTER ROBERTS DID IS SUPPLIED THE INFORMATION IN HAND WRITTEN FORM, THE SAME INFORMATION THAT WAS NEEDED.

HE TRIED THE AUTHORITIES IN HIS STATE WHERE HE WAS IN CUSTODY AND THAT DIDN'T HAPPEN SO HE DID

HAVE TO GO AROUND THE WARDEN IN THAT CASE.

IN THIS CASE NOTHING LIKE THAT HAPPENED.

THE ONLY THING FLORIDA AUTHORITIES RECEIVED WAS A CRYPTIC LETTER FROM MISTER DOZIER WHERE HE TALKS ABOUT SETTLING THE CASE, NOT A CLEAR WAIVER OF EXTRADITION AND SOMEONE INVOKES THE 180 DAY RULE UNDER THE DETAINERS ACT, THE CASE IS READY TO GO.

THE INDICTMENT OR INFORMATION IS IN PLACE, WE DON'T HAVE UNTRIED ARREST RECORDS.

>> IF HE WAS IN FLORIDA AND GOT THE ARREST WARRANT SEPTEMBER 11, 2011, DOES OUR SPEEDY TRIAL WILL TRIGGER?

>> IF ARRESTED ON CHARGES IN FLORIDA THAT IS CORRECT BECAUSE THERE IS NO JURISDICTIONAL IMPEDIMENT.

>> THE IDEA THERE IS NO CHARGING DOCUMENT, IT ISN'T AN IMPEDIMENT TO THE REQUIREMENTS OF SPEEDY TRIAL IF IT IS BEING DEMANDED.

>> FOR STATE SPEEDY TRIAL. UNDER THE DETAINERS ACT, A RECAPTURE PERIOD, AND UNDER THE SPEEDY TRIAL RULE, ONE OF TWO CHOICES, DO A DEMAND TRY TO GET TRIAL OR DO A NOTICE IN THE RECAPTURE PERIOD, WE DON'T HAVE THEM IN THE DETAINER.

>> AS A PRACTICAL MATTER, IF THE INDICTMENT HAD BEEN FILED, IN SOUTH CAROLINA, UNTIL HE IS RELEASED THERE IS NO REQUIREMENT THAT SOUTH CAROLINA RELEASED HIM TO BE TRIED IN ORDER.

>> THERE IS TO A DEGREE BECAUSE IT IS A CONTRACT BETWEEN THE STATE, THEY WILL LOAN US MISTER DOZIER FOR THE TIME IT TAKES TO TRY HIM AND SENTENCE HIM.

THAT IS WHY WE NEED THIS PACKET.

>> IS HE SERVING A SENTENCE IN SOUTH CAROLINA?

>> IF HE IS HERE HE IS STILL SERVING A SENTENCE.  
>> HE IS STILL UNDER SENTENCE OF IMPRISONMENT.  
>> ON CLEAR FROM THE RECORD. ALL WE KNOW IS FROM HIS CRYPTIC, I KEEP TELLING IT A CRYPTIC LETTER, IT IS A HANDWRITTEN LETTER THREE PAGES, HE SAYS HE IS DOING TEN YEARS, DOESN'T SAY WHEN HE IS GETTING OUT, I DON'T KNOW THE RULES ON PAROLE. THOSE ARE IMPORTANT BECAUSE THAT WAS APPLIED TO THE STATE OF FLORIDA.  
WE DON'T HAVE AN EFFECTIVE WAY TO SENTENCE HIM IF WE DON'T KNOW WHAT HIS STATUS THERE AS A PRISONER IS.  
WE DON'T KNOW ANY OF THAT AND THAT IS WHY IT IS IMPORTANT. AND ROBERT THEY HAD THAT WAS THAT WAS BEFORE THE PROSECUTOR.  
>> MY OTHER CONCERN IS THE ARREST WARRANT WAS ISSUED, PROBABLE CAUSE TO BELIEVE HE COMMITTED THIS CRIME, CAN THE RECEIVING -- THE RECEIVING --  
>> CAN THEY DELAY FOR YEARS THE ISSUANCE OF INDICTMENT?  
>> THERE BACK IS AGAINST THE STATUTE OF LIMITATIONS.  
>> NOT THE MURDER.  
>> CORRECT.  
IF HE IS HELD IN SOUTH CAROLINA UNTIL THE SENTENCE IS OVER IN SOUTH CAROLINA, DETAINER STILL THERE SOUTH CAROLINA WON'T HOUSE HIM MORE THAN 30 DAYS WE EVERY STATE HAS A ROLE TO HOLD BUDDY ON A DETAINER.  
>> IF SOMEBODY WANTS YOUR SPEEDY TRIAL, IN A POSITION WHERE THE MURDER CHARGE, TRYING TO FIGURE OUT THE POLICY OF THE ACT IS TO ENSURE PROTECT THE DEFENDANT SO, WHAT IS THE REMEDY IF THERE IS AN UNREASONABLE DELAY BETWEEN THE ARREST WARRANT WITH THE AFFIDAVIT AND ISSUANCE OF IN

THIS CASE THE INDICTMENT.  
>> IT IS WHAT SCALIA TALKS ABOUT  
WITH A MALICIOUS WARDEN WHO  
PREVENTS THAT HAPPENING.  
IT DOES NOT -- THE WARDEN WHO  
WILL NOT ACT THEY WARDEN THAT --  
>> THERE IS NO REQUIREMENT, AND  
ARREST WARRANT FOR THE SOUTH  
CAROLINA WARDEN TO HAVE ACTED.  
>> THAT IS WHAT I AM ASKING YOU.  
WHERE THERE IS A DELAY.  
THERE IS NO REMEDY UNDER THIS  
ACT FOR THE MALICIOUS WARRANT.  
THE RECEIVING STATE.  
>> ALL THERE IS IS AN ARREST  
WARRANT THAT IS UNSERVED AND A  
DETAINDER FOR HIM TO MOVE ON THAT  
ARREST WARRANTS DETAINDER WOULD  
BE TELL THE STATE WHEN THEY HAVE  
TO PROSECUTE THE CASE BECAUSE HE  
WOULD BE MOVING SOMETHING ALONG,  
IF WE HAVEN'T CURED AN  
INDICTMENT YET --  
>> WE DON'T KNOW IN THIS  
SITUATION WHY THE INDICTMENT IS  
DELAYED.  
IS THERE ANY RECORD ON THAT?  
>> NOT CLEAR FROM THE RECORD WHY  
THE INDICTMENT WAS DELAYED.  
THAT IS THE PROBLEM HERE.  
WHAT MISTER DOZIER IS ANGLING  
FOR SPEEDY DISMISSAL.  
HE IS TRYING TO GET THIS ACT IN  
PLACE AS SOON AS POSSIBLE.  
IN HIS LETTER HE ASKED IF  
WARRANTS COULD BE SERVED ON HIM,  
THAT SIGNALS TO MY EARS THAT HE  
IS TRYING TO GET THE SPEEDY  
TRIAL RUNNING ON THE STATE AS  
WELL, STATE SPEEDY TRIAL ACT AND  
IS ANGLING FOR SPEEDY DISMISSAL  
AND --  
>> DEMAND SPEEDY TRIAL?  
>> DIDN'T MENTION SPEEDY TRIAL  
AT ALL, HE HAS TO RESOLVE THE  
CHARGES, POSSIBLY SETTLE THE  
CHARGES, HE SAID HE IS VERY  
SERIOUS ABOUT THAT, MENTIONED  
EXTRADITION BUT DOESN'T MENTION  
HE IS WILLING TO WAIVE IT.

>> AFTER THE INDICTMENT WAS FILED WAS THERE A DEMAND FOR SPEEDY TRIAL?

>> THERE IS A MOTION TO DISMISS BUT THE TWO DEMANDS WERE --

>> ONLY UNDER THE INTERSTATE ACT, NOT THE FLORIDA RULE.

>> THERE IS NO SPEEDY TRIAL ISSUE IN THE STATES AND NO RELATIONSHIP BETWEEN -- MAYBE THERE IS A LOGICAL RELATIONSHIP BUT NO PROVISION IN THE INTERSTATE ACT THAT RELIES ON THE STATE SPEEDY TRIAL.

NO INTERPLAY BETWEEN THE TWO.

>> SOME OF THE CASE LAW HAS TALKED ABOUT INTERPRETING IT, MUNRO GETS AWAY FROM THAT.

>> AFTER THE INDICTMENT WAS FILED WAS THERE A SEPARATE, NOW HE IS BACK, WAS THERE A SEPARATE DEMAND FOR SPEEDY TRIAL AFTER THE INDICTMENT WAS FILED IN FLORIDA?

>> MY UNDERSTANDING IS TWO REQUESTS BEFORE INDICTMENT, THERE WERE TWO REQUESTS MADE TO THE WARDEN IN SOUTH CAROLINA AND THEY WERE ON THE FORMS SOUTH CAROLINA PRISONS PROVIDE TO PRISONERS AND THAT IS A PROCESS THAT WAS NEVER RECEIVED IN FLORIDA.

THERE ARE TWO PROBLEMS WITH HIM FILING THOSE FORMS, THERE WAS NO INDICTMENT, HE WAS CHARGED WITH A CRIME.

THE ACT WORKS BOTH WAYS, THE DEFENDANT HAS TO HAVE AN INDICTMENT OR FORMAL CHARGING DOCUMENT, SO DOES THE STATE TO ACTIVATE THE APPS, IT USES THE SAME PROVISIONS WITH US THEY WERE MOVING ON TO THE DETAINERS ACT WHEN THE DEFENDANT DOESN'T TO MOVE AND THE DEFENDANT HAS THE OPPORTUNITY TO FIGHT EXTRADITION.

UNDER THE ACT WE HAVE TO HAVE A CLEAR DOCUMENT THAT WAIVES

EXTRADITION THAT WE CAN TAKE TO SOUTH CAROLINA AND SAY MISTER DOZIER SUBJECTED HIMSELF TO THE ACT FOR SPEEDY TRIAL, WE HAVE NOTHING LIKE THAT IN THE RECORD. WE HAVE A CRYPTIC LETTER AND TWO DOCUMENTS WHERE MISTER DOZIER TRIED TO GET HIM THE PACKET TO GO DOWN TO FLORIDA TO SAY THE PATH IS CLEAR BECAUSE IT HAS TO BE CLEAR, ONCE THIS CLOCK IS TICKING WE HAVE 180 DAYS TO BRING THEM TO TRIAL AND SENTENCE HIM.

>> THERE IS NO INFORMATION AT THE REASON THE WARRANT DIDN'T FORWARD IT WAS THEY DIDN'T THINK IT WAS SUFFICIENT.

THEY DROPPED THE BALL.

>> MAYBE THEY DID BUT IF A COMPLAINT OR FORMAL CHARGING DOCUMENT WAS REQUIRED.

>> HE WASN'T TOLD, THIS IS NOT, WE ARE NOT SENDING THIS DOWN BECAUSE THERE HAS BEEN AN ARREST WARRANT.

>> THE RECORD I REVIEWED, IT IS NOT CLEAR WHY.

WHAT INFORMATION HE WAS GIVEN.

IF HE WAS TOLD OR NOT.

>> THERE HAS BEEN NO EVIDENTIARY HEARING.

>> THERE WAS A HEARING ON IT. FROM WHAT I READ, THAT QUESTION WASN'T ANSWERED.

WHAT HE WAS TOLD OR WHAT HIS UNDERSTANDING WAS IN SOUTH CAROLINA.

I SAW NO TESTIMONY FOR HIM.

SO --

>> I WOULD LIKE TO ADDRESS THE ARGUMENT FROM THE OTHER SIDE, THAT CASE SOMEHOW SUPPORTS THE OTHER SIDE BECAUSE IT IS CLEAR THE DEFENDANT IN THAT CASE THERE WAS A DETAINER LODGE BASED ON THE ARREST WARRANT AND THE NINTH CIRCUIT SAID THAT DID NOT TRIGGER THE 180 DAYS BECAUSE YOU CAN'T TRY SOMEONE ON AN ARREST

WARRANT, IT IS NOT A COMPLAINT.  
>> I DON'T THINK IT DOES SUPPORT  
THE APPELLATE POSITION.

IN THE FEDERAL COURTS, THEY --  
FEDERAL SPEEDY TRIAL ACT IS NOT  
ACTIVATED UNTIL THERE IS AN  
ARREST ON A FORMAL CHARGING  
DOCUMENT, COMPLAINT IS A FORMAL  
CHARGING DOCUMENT IN THE FEDERAL  
SYSTEM.

IT IS NOTHING BUT A FORMAL  
CHARGING DOCUMENT, THAT ISSUE  
HAS COME UP MANY TIMES WITH  
FEDERAL SPEEDY TRIAL ACT.  
BOTTOMS IS MAKING THE SAME  
INTERPRETATION.

WHAT I LIKE ABOUT THE BOTTOMS  
CASE IS THEY TAKE A PLANE  
READING CONSISTENT WITH THE WAY  
WE INTERPRET STATUTES IN  
FLORIDA, IN THE SMITH CASE, THEY  
SAY THEY USE A TOOL OF STATUTORY  
CONSTRUCTION.

WHAT IS THE COMMON DENOMINATOR  
BETWEEN THE WORDS COMPLAINT  
INFORMATION AND INDICTMENT, THE  
COMMONALITY OF THOSE WORDS WITH  
A I, C, THOSE ARE FORMAL  
CHARGING DOCUMENTS.

COMPLAINTS CAN MEAN A LOT OF  
THINGS INFORMATION CAN MEAN A  
LOT OF THINGS BUT IN THAT  
CONTEXT, AND TRIED COMPLAINT IS  
A FORMAL CHARGING DOCUMENT, VERY  
IMPORTANT IN THE SPEEDY TRIAL  
ACT IN FEDERAL LAW.

BOTTOMS MAKES THE SAME CALL IN  
TO THE DETAINERS ACT WHICH I  
DON'T THINK IT SUPPORTS THEIR  
POSITION AT ALL AND ARREST  
WARRANT CANNOT BE -- AS I  
UNDERSTAND THE FEDERAL SYSTEM,  
USUALLY DONE ON COMPLAINT AFTER  
ALREADY ISSUED.

A LOT OF STATES DO IT THAT WAY.  
THERE IS A FORMAL CHARGING  
DOCUMENT IN PLACE, THE  
PROSECUTION HAS BEGUN, I BELIEVE  
THE FEDERAL PROSECUTORS HAVE 30  
DAYS TO GET AN INDICTMENT AFTER

THE COMPLAINT, THEY DON'T HAVE THE LUXURY OF AN INFORMATION FELONY CASE.

HERE IN FLORIDA WE HAVE A MUCH, MUCH -- I DON'T AGREE THE WORDING FOR A COMPLAINT UNDER FEDERAL LAW 3 IS CONSISTENT WITH THE WORDING OF AN ARREST AFFIDAVIT IN FLORIDA.

AND ARREST AFFIDAVIT IN FLORIDA CAN BE GAINED ON NOT A FORMAL CHARGING DOCUMENT, MUCH MORE, I WOULD SAY, THE REQUIREMENTS ARE NOT AS STRINGENT.

DEFINITELY THERE NEEDS TO BE PROBABLE CAUSE BUT FOR THE PROSECUTOR TO ACTUALLY FILE INFORMATION OR INDICTMENT NEEDS TO BE MORE INFORMATION THAN ARREST AFFIDAVIT.

CAN'T GO TO TRIAL ON ARREST AFFIDAVIT, THAT IS ONLY GOOD FOR CITY ORDINANCE AND MUNICIPAL ORDINANCES, THOSE ARE THE ONLY TYPES OF CRIMES THAT CAN BE PROSECUTED ON AFFIDAVITS.

THAT IS NOT WHAT THE STATUTE CONTEMPLATES.

IT CONTEMPLATES FORMAL CHARGES RELATED TO SUPPORT BECAUSE WHEN MISTER DOZIER GETS BACK WE HAVE TO HAVE THAT INDICTMENT IN PLACE BECAUSE WE NEED TO GO TO TRIAL IMMEDIATELY.

ONCE HE INVOKES THE RIGHT.

I DON'T THINK IN ROBERTS EVERYTHING WAS IN PLACE.

HE DID EVERYTHING HE COULD TO INVOKE THE RIGHT AND GAINED BENEFIT FROM THAT.

COX TALKS ABOUT, THE PROBLEM IS THE PROSECUTOR SAT ON A LETTER HE DIRECTLY RECEIVED.

THE COURT RECOGNIZED THAT IS NOT A FAIR REASON.

THIS IS A CONTRACT BETWEEN STATES.

AND THAT -- AND THEY TENDER A PERSON.

AND WE ARE NOT GAINING PERMANENT

CUSTODY OF HIM, WHEN HE IS HERE.

>> WE NEED TO CLARIFY OR DO SOMETHING, TORRES, OR -- WHEN THERE IS CLEAR FAILURE BY SENDING AUTHORITIES TO CARRY OUT THEIR OBLIGATIONS.

>> UNDER YOUR VIEW, ASSUMING THIS IS AN INDICTMENT OR INFORMATION, THE FACT THAT SOUTH CAROLINA DID SEND IT FATAL TO HIS CLAIM.

>> AFTER EFFECTS, IT FORECLOSES -- AND THEY CREATED A RULE WHERE GETTING EVERYTHING THEY CAN ARE DOING WHAT THEY CAN WITHIN THEIR PRISON IMPUTES NOTICE TO THE PROSECUTING AUTHORITY IN THEIR HOME STATE, ROBERTS WAS DIFFERENT BECAUSE THAT IS WHAT MISTER ROBERTS DID, GAVE INFORMATION DIRECTLY TO THE STATE, I SUBSTANTIALLY COMPLIED, I WANT TO HAVE MY TRIAL WHICH IS IMPORTANT TO A DEFENDANT WHO WANTS TO GO TO TRIAL.

HE NEEDS TO GET DEFENSE WITNESSES THAT SCATTER, AND WHEN JUSTICE KENNEDY POINTED DID THE HOUSE, SUBSTANTIAL COMPLIANCE STATES, THAT IS NOT EVEN SETTLED AND INCLUDING PARKS COURTS TALK ABOUT THESE IN TERMS OF SUBSTANTIAL COMPLIANCE, THESE ARE ALL SUBSTANTIAL COMPLIANCE CASES BUT EVEN IF WE DON'T HAVE THAT BECAUSE THEY SEND THE NOTICE TO THE DA'S OFFICE HE IS SAYING BECAUSE THE PRISON HAD NOTICE, HE WENT THROUGH THE PROCESS AND HE DIDN'T.

IT IS NOT CENTRAL TO THE HOLDING.

HE WENT THE WRONG WAY.

A PRISONER CAN'T PICK AND CHOOSE THE DETAINERS ACT, NEEDS TO BE -- IN ROBERTS, STRICT COMPLIANCE, ALL THE INFORMATION IS THERE, THOSE STATES ARE ON NOTICE AND THE STATE HAS ALL THE INFORMATION THEY NEED TO

PROSECUTE THE PERSON AND SENTENCE THEM AND HE FAILED ON NOTICE TO THE STATE, TO THE STATE OF FLORIDA AND IF YOU DO HAVE THAT MALICIOUS WARDEN THERE ARE REMEDIES IN HIS STATE. AND WORK UNDER THAT STATE BUT -->> LET ME ASK A QUESTION ABOUT THE FLORIDA SPEEDY TRIAL RULE ANALOGY.

IF MISTER DOZIER WAS ARRESTED IN A FLORIDA COUNTY OTHER THAN THE ONE WHERE THE ARREST WARRANT WAS ISSUED AND IT IS CLEAR A DETAINER DOES NOT START THE SPEEDY TRIAL IN FLORIDA, AND A DIFFERENT COUNTY. AND A DETAINER LODGE DOES NOT START THE SPEEDY TRIAL.

>> IT COMES UP. THEY ARE SERVED ON ANOTHER COUNTY ON A DETAINER AND THEY GO TO FIRST APPEARANCE AND ARE UNDER THE JURISDICTION OF THE COURT BY ANOTHER COUNTY AND IN HILLSBOROUGH COUNTY, HE SERVED THE POLK WARRANTS, HE WOULD BE TECHNICALLY ARGUABLY UNDER THE AUTHORITY OF THE POLK COURT, THE CLERK WOULD BE RUNNING A MONOPOLY GAME TIME IN POLK WHICH IS A DEFENSE ATTORNEY, WHICH WAS A GOOD THING BUT WOULD ALSO BE UNDER THE SPEEDY TRIAL RULE AND IF HE DIDN'T BRING HIM BACK AND TRY HIM FOR 180 DAYS THERE WOULD BE A PROBLEM AND THAT IS THE ISSUE HERE.

IF WE START SAYING AND ARREST WARRANT AND A DETAINER ARE SUFFICIENT TO BE A COMPLAINT AND ACTIVATE THE ACT, SOUTH CAROLINA, THAT LEAVES HIM REALLY IN THIS IF WE CAN'T GO TO SOUTH CAROLINA AND SAVE A CRYPTIC LETTER, ISN'T THE WAIVER OF EXTRADITION AM A SOUTH CAROLINA, MAY NOT WANT TO LET HIM GO, SERVICE SENTENCE THERE, 180 DAYS, THE CLOCK IS TICKING, IN

THIS CASE TO GET A MURDER  
INDICTMENT WHICH DIDN'T EXIST  
AND GET HIM TO TRIAL AND GET HIM  
SENTENCED.

AND TO DO THE PROSECUTION.

>> THE TRIGGERING MECHANISMS FOR  
PROCEDURAL SPEEDY TRIAL, THERE  
IS A CASE ON POINT.

I DON'T BELIEVE MY BRIEF ADDRESS  
IS THAT CASE, HAPPY TO SUBMIT  
NOTICE OF SUPPLEMENTAL AUTHORITY  
EXACTLY THOSE CIRCUMSTANCES  
EXISTED IN HILL, AND INDIVIDUAL  
WAS IN COUNTY JAIL FOR CHARGES  
SERVED WITH AN ARREST WARRANT  
BASED ON CHARGES ARISING FROM  
ANOTHER COUNTY.

THE COURT IN A CASE THAT DESPITE  
THE FACT HIS LIBERTY WAS  
CONSTRAINED SPEEDY TRIAL WAS  
NONETHELESS TRIGGERED BECAUSE  
ARREST HAD BEEN EFFECTUATED AND  
THIS IS THIS NOTION THAT  
LIBERTY --

>> A DETAINER IS NOT AN ARREST  
FOR SPEEDY TRIAL PURPOSES.

IF HE WAS IN ANOTHER COUNTY AND  
A DETAINER HAD BEEN LODGED THAT  
WOULD NOT START THE 180 DAY --

>> HE CONCLUDES TO THE CONTRARY.

>> IT WAS AN ARREST.

>> THE SURFACE OF THE ARREST  
WARRANT ON THE INDIVIDUAL BASED  
ON THE DETAINER PLACED AGAINST  
HIM WAS AN ARREST FOR SPEEDY  
TRIAL PURPOSES, NOT ONLY  
COMMUNICATE IN AN ARREST, THE  
COMMUNICATION THAT TAKES PLACE  
IN ANOTHER JURISDICTION  
INDICATES THEY RESTRICT YOUR  
LIBERTY AND JUSTICE. THEY AS TO  
YOUR QUESTION WITH RESPECT TO  
THE RECORD BEING SILENT ON  
WHETHER OR NOT THE CAUSE BEHIND  
THE DELAY IN SEEKING THE  
INDICTMENT, THERE WAS AN ANSWER  
TO THAT QUESTION IN THE RECORD  
AT PAGE 98, INDICATED WHILE HE  
WAS UNAWARE OF MISTER DOZIER'S  
REQUEST HE DID KNOW MISTER

DOZIER'S WHEREABOUTS AND WAS  
BUSY WITH A TRIAL IN ORLANDO  
WHICH WAS THE EXPLANATION FOR  
THE DELAY BEHIND SEEKING THE  
INDICTMENT THAT HE GAVE AT THE  
HEARING AND LOWER COURT.  
>> YOUR TIME IS UP.  
THANK YOU.