

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, STATE OF FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA,
Plaintiff,

Case No.: CRC-1400216FAES

v.

Division: 1

CURTIS J. REEVES,
Defendant.

**DEFENDANT'S ADDENDUM TO MOTION TO DISMISS BASED ON
STATUTORY IMMUNITY PURSUANT TO SECTIONS 776.032(1),
776.013(3), AND 776.012(1)-(2), FLA. STAT. (2013)**

COMES NOW, the Defendant, CURTIS J. REEVES, by and through his undersigned counsels, pursuant to Florida Rule of Criminal Procedure 3.190(b) and Sections 776.032, Fla. Stat. (2013), 776.013(3), Fla. Stat. (2013), 776.012(1)-(2), Fla. Stat. (2013), and *Nelson v. State*, 853 So. 2d 563 (Fla. 4th DCA 2003), and hereby files this Addendum to Motion to Dismiss Based on Statutory Immunity Pursuant to Sections 776.032(1), 776.013(3), and 776.012(1)-(2), Fla. Stat. (2013) ("Motion"), and moves this Honorable Court to find the Defendant immune from criminal liability and prosecution, and as grounds therefore states as follows:

Defendant makes the following addendums to his Motion filed on November 6, 2015 to state:

1. Scrivener's errors on page 3 stating "felony offenses" and "[t]hese felony

offenses include” should be corrected to state: “(forcible) felony offenses” and “these forcible felony offenses include, but are not limited to”.

2. A 14th paragraph alleging Robbery under section 813.13(1) is added to the existing 13-paragraph list of offenses on pages 3 to 4.
3. A scrivener’s error on page 4 stating “serious physical injury” should be corrected to state “great bodily harm.”
4. A scrivener’s error on page 4 stating “deadly force was necessary to prevent Oulson from committing the felony offenses of” should be corrected to state “deadly force was necessary to prevent Oulson from committing, among other crimes, the forcible felony offenses of”.
5. A 7th paragraph listing Robbery (under section 812.13(1)) and an 8th paragraph alleging Robbery by Sudden Snatching (under section 812.131) are added to the existing 6-paragraph list of forcible felony offenses on pages 4 to 5.
6. A scrivener’s error on page 48 stating “Oulson already committed the following offenses against Mr. Reeves” should be corrected to state “Oulson already committed, among other crimes, the following forcible felony offenses against Mr. Reeves”.
7. A 14th paragraph should be added to the existing 13-paragraph list of forcible felony offenses on pages 48 to 52, and it should read as follows:

Robbery (§ 813.13(1), Fla. Stat. (2013)), because:

1. Oulson took property from the person and/or custody of Curtis Reeves; AND
 2. Chad Oulson used force, violence, assault, and/or putting in fear in the course of the taking; AND
 3. The property taken by Chad Oulson was of some value; AND
 4. The taking committed by Chad Oulson was with the intent to permanently or temporarily deprive Curtis Reeves of his right to the property or any benefit from it.
8. On pages 52 to 53, the sentence stating “[t]he totality of the circumstances establishes that had Mr. Reeves failed to discharged his firearm, Oulson would have subjected him to the forcible felonies of” should be corrected to state “[t]he totality of the circumstances establishes that Mr. Reeves reasonably believed that if he failed to use deadly force against Oulson, he was at imminent risk of being subjected to, among other crimes, the forcible felonies of”.
9. The list of forcible felonies listed on pages 52 to 53 should include the forcible felonies of (i) Assault on a Person 65 Years of Age or Older (paragraph 7), (ii) Battery on a Person 65 Years of Age or Older (paragraph 8), (iii) Robbery (paragraph 9), and (iv) Robbery by Sudden Snatching (paragraph 10).

WHEREFORE, the Defendant, CURTIS J. REEVES, respectfully requests this Honorable Court to grant immunity from criminal prosecution pursuant to Sections 776.032, Fla. Stat. (2013), 776.013(3), Fla. Stat. (2013), 776.012(1)-(2), Fla. Stat. (2013), and *Nelson v. State*, 853 So. 2d 563 (Fla. 4th DCA 2003).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Mail Delivery to the Office of the State Attorney for the Sixth Judicial Circuit, P.O. Box 5028, Clearwater, Florida 33758, this 10th day of February, 2017.

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