

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

STATE OF FLORIDA,
Plaintiff,

v.

CURTIS J. REEVES,
Defendant.

Case No.: CRC-14-00216FAES

Division: 1 (J. Lewis)

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MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

COMES NOW, Defendant, CURTIS J. REEVES, by and through undersigned counsels, and submits the following Motion to Modify Conditions of Pretrial Release, which requests, among other things, a modification of certain conditions of the Court's Amended Order on Motion to Release Defendant on His Own Recognizance or Set Reasonable Bail dated July 11, 2014, and states as follows:

INTRODUCTION AND RELIEF REQUESTED

Defendant respectfully requests that the Amended Order on Motion to Release Defendant on His Own Recognizance or Set Reasonable Bail dated July 11, 2014 ("Amended Order") be modified in three respects.

First, Defendant requests that his home confinement requirement be removed and replaced with a condition that Defendant be allowed to move freely between and within Hernando county (the county in which he resides), Pasco county, and Hillsborough county. As detailed below, given this Court's express findings that "Defendant is not a flight risk" (Amended Order, at 1), the extensive evidence that Defendant is not a danger to the community, (Amended Order, at 2-3),

Defendant's nearly 58-month track record of compliance with the existing conditions of release,¹ and other factors, a home confinement requirement is neither needed nor supported by the circumstances.

Second, Defendant requests that the requirement that he wear a GPS monitor be removed. This condition is unnecessary under the statutory factors (§903.046, Fla. Stat. (2018); Amended Order, at 1-3). Further, this condition has created, and will continue to impose, a significant financial hardship upon Defendant. As explained below, Defendant is a retired law enforcement officer and a pensioner. Since July 2014, Mr. Reeves has spent over \$15,000 on GPS monitoring-related costs. In addition to all of the funds already spent on this case, Defendant anticipates spending tens of thousands of additional dollars for a future pretrial immunity hearing and/or jury trial. Given that Defendant is neither a flight risk (Amended Order, at 1) nor a danger to the community (Amended Order, at 1-3), and the fact that GPS monitoring is creating a financial hardship for Mr. Reeves and his wife (also retired), the requested relief is appropriate.

Third, Defendant requests that the Court authorize the transfer of possession and control of his firearms to his son Matthew Reeves, a law enforcement officer. (Amended Order, at 2-4). Pursuant to the Amended Order, undersigned counsel has retained possession and control of those firearms and had them placed in a secure storage facility for which Defendant must pay a monthly service fee. To date, Defendant has spent nearly \$5000 on storage expenses. An approval of this request would alleviate Defendant of that financial burden. Further, Matthew Reeves is a duly certified law enforcement officer as defined under Florida Statute section 943.10(1) and is an appropriate caretaker of Defendant's firearms.

¹ Since issuance of the July 2014 Order, Defendant has been allowed to visit grocery stores, attend religious services, and receive medical treatment.

STATEMENT OF FACTS

Following the January 13, 2014 arrest of Defendant and the State's filing of an information, a bond hearing was held on February 5 and 7, 2014. Upon the completion of the bond hearing, this Court issued an order dated February 7, 2014 ("First Order") denying Defendant's request to set a bond.

Mr. Reeves appealed the Court's initial denial through the filing of a Petition for a Writ of Habeas Corpus. The Second District granted that petition and remanded the matter for further proceedings. *Reeves v. Nocco*, 141 So. 3d 775, 776-780 (Fla. 2d DCA 2014).

Relevant to this Motion, the Second District made a number of observations concerning the nature of the proof presented at the February 2014 bond hearing and the Court's very own conclusions contained in the First Order. The Second District concluded:

In this case, [Mr. Reeves] presented exceptionally strong evidence in support of his request for pretrial release. He presented several character witnesses whose testimony went largely unchallenged by the State. He is an older defendant with no prior record. He and his wife have been married forty-six years and have several generations of relatives in the community. He cares for a mother who is more than ninety years of age. Prior to this event, he had a long and distinguished career as a police officer and as director of security for a large local business. There is no evidence of drug or alcohol issues.

Reeves, at 778-79 (emphasis added). The Second District also opined on this Court's findings and stated:

In its written order [i.e. the First Order dated July 11, 2014], the circuit court found that Mr. Reeves possesses extensive ties to the community and further found, '[w]ithout hesitation ..., based upon this testimony and the exhibits that the Defendant is not a flight risk.' The court [i.e. this Court] concluded that it would have 'few concerns' that he would be a danger to society if released pretrial.

Id. at 779 (emphasis added). The Second District ultimately remanded the matter, and this Court issued the Amended Order on Motion to Release Defendant on His Own Recognizance or Set

Reasonable Bail dated July 11, 2014 (“Amended Order”).

In its Amended Order, this Court considered the statutory (§907.041) and rule (Fla.R.Crim.P. 3.131(b)(3)) bond factors. This Court stated in the Amended Order:

The Court now sets bond at the amount previously announced and in the manner previously set out at \$150,000 with a condition that the *Defendant remain at this residence with the exception of attending religious services, for medical treatment[,] and to go to the grocery store*. As a condition of bonding the Defendant is not allowed to have possession of a firearm and all of his personal firearms are to be surrendered either to the Pasco Sheriff, to Richard Escobar, or another person acceptable to the Court after a hearing. The Defendant shall wear the standard pretrial Omni Link ankle monitor for GPS tracking of his location through Roche Surety and Casualty while on bond. The Defendant may not waive his presence at any court date while on bond without the advanced approval of the Court. The Defendant may have no contact with [] Nicole Oulson.

Amended Order, at 3 (emphases added). These latter conditions of pretrial release have been in effect for nearly 5 years (or to put it differently, nearly 1,800 days - or over 58 months).

In its Amended Order, the Court concluded that it had few concerns that Mr. Reeves would be a danger to the community if granted pretrial release. Amended Order, at 2. Consistent with this conclusion, this Court authorized Mr. Reeves to attend *religious services*, attend *medical appointments*, and go to *grocery stores* while on pretrial release. Amended Order, at 3.

This Court, given that it had few safety concerns, placed no limitations on the places of worship, medical offices, or grocery stores Mr. Reeves could visit. Likewise, this Court did not specify *when* or for *how long* Mr. Reeves could be at these locations. Additionally, this Court did not place any limitations on *how frequently* Mr. Reeves could visit these referenced locations.

The State never sought appellate review of this Court’s Amended Order. Thus, the State never legally challenged this Court’s finding that the safety of the public would be protected if Mr. Reeves goes into the public to, for example, buy groceries at Publix, visit a doctor’s office, or attend church with his fellow parishioners. Had the State believed that these latter authorizations

created some danger to the community, presumably the prosecution would have sought appellate review of the Court's findings and pretrial release conditions.

After Defendant was released on bond over 58-months ago, he has been properly compliant with the conditions of pretrial release imposed by this Court. Mr. Reeves has been confined to his residence except for the authorized purposes of 1) meeting with legal counsel, 2) undergoing medical treatment, 3) attending religious services, 4) attending court proceedings, and 5) going to the grocery store. Defendant's firearms have been in the care of undersigned counsel, who in turn had them placed in a secure storage facility, for which Mr. Reeves pays monthly fees. Further, Mr. Reeves has properly complied with the GPS monitoring requirement and has paid the associated monthly costs over the past nearly 5-years.

MEMORANDUM OF LAW

The law makes clear that when formulating conditions of pretrial release, a court may consider "any [] facts the court may consider relevant." Fla.R.Crim.P. 3.131(b)(3). The Court in this case did just that in July 2014.

Nearly 5-years ago, this Court found that "Defendant [was] not a flight risk" and that it would have few concerns that he would be a danger to society. Amended Order, at 1-3. This was because, as recounted by the Second District:

In this case, [Mr. Reeves] presented exceptionally strong evidence in support of his request for pretrial release. He presented several character witnesses whose testimony went largely unchallenged by the State. He is an older defendant with no prior record. He and his wife have been married forty-six years and have several generations of relatives in the community. He cares for a mother who is more than ninety years of age. Prior to this event, he had a long and distinguished career as a police officer and as director of security for a large local business. There is no evidence of drug or alcohol issues.

Reeves, at 778-79. With all of this proof and evidence before it, this Court in July 2014:

found that Mr. Reeves possesses extensive ties to the community and further found, '[w]ithout hesitation ..., based upon this testimony and the exhibits that the Defendant is not a flight risk.' [This Court] concluded that it would have 'few concerns' that he would be a danger to society if released pretrial.

Reeves, at 778-79.

Consistent with these conclusions, this Court *specifically authorized* Mr. Reeves to go to and into public places such as places of worship, medical offices, and grocery stores. Amended Order, at 2-3. The Court, in July 2014, was sufficiently confident that Mr. Reeves was not a danger that it even allowed him to visit grocery stores – without any discernable limitations.

Mr. Reeves' conduct over the past 5-years overwhelming confirms that this Court *correctly concluded* that he is neither a flight risk nor a danger. Mr. Reeves has, over the past nearly 1,800 days, properly complied with this Court's conditions of pretrial release. He has, for example, complied with the GPS monitoring condition, surrendered his firearms to undersigned counsel Escobar (now in a secure storage facility), and remained at his residence when required.

Moreover, in accordance with the Amended Order, Mr. Reeves has gone into public locations without any issues. Over the past nearly 1,800 days, Mr. Reeves attended religious services, visited his health care providers, and went to the grocery store on *hundreds* of occasions. During those hundreds of occasions, Mr. Reeves complied with both this Court's Amended Order and the law.

With all of this evidence before the Court, it is respectfully submitted that this Motion should be granted. All of this extensive *pre-* and *post-*January 2014 evidence supports Defendant's requests for relief. Home confinement and GPS monitoring are not necessary to prevent flight, protect the public, or pursue any other lawful objective under the statute or rule concerning pretrial release.

Undersigned counsels also note that Defendant has spent (to date) over \$15,000 on GPS monitoring costs. Defendant reasonably anticipates spending tens of thousands of additional dollars in order to adequately present his case at the next hearing and/or trial.

He and his wife, however, are retired pensioners. They have already delved into their savings and other assets, as the costs associated with defending a case with dozens of listed witnesses and numerous expert witnesses have been immense. Funds that could be expended on defense-related items are currently being spent on GPS monitoring costs.

It is therefore requested that (1) the Amended Order's home confinement requirement be removed and replaced with a condition that Defendant shall be permitted to move freely between and within Hernando county (the county in which he resides), Pasco county, and Hillsborough county, and (2) the Amended Order's GPS monitoring condition be removed.

There is also good cause for this Court to modify the Amended Order and allow Matthew Reeves to assume responsibility for Defendant's firearms. Amended Order, at 3 ("As a condition of bonding the Defendant is not allowed to have possession of a firearm and all of his personal firearms are to be surrendered either to the Pasco Sheriff, to Richard Escobar, or another person acceptable to the Court after a hearing.") Mr. Reeves pays monthly costs for undersigned counsel Escobar to keep the firearms in a secure storage facility. To date, he has paid over \$5,000 storing the firearms. Additionally, the proposed caretaker for the firearms, Matthew Reeves, is a certified law enforcement officer with the Tampa Police Department and is clearly an appropriate caretaker.

It is therefore also requested that the Amended Order be modified to state that all of Defendant's personal firearms may be surrendered to Matthew Reeves.

WHEREFORE, the Defendant, Curtis Reeves, respectfully requests that this Motion be granted, and for such other, further and different relief as necessary and appropriate.

Date: June 10, 2019

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of this has been furnished by United States Postal Service to: the Office of the State Attorney for the Sixth Judicial Circuit, P.O. Box 5028, Clearwater, Florida 33758, this 10th day of June, 2019.

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