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1 MR. MARTIN: Good morning.

2 MS. SUMNER: Good morning, Your Honor.

3 MR. GARCIA: Good morning, Judge.

4 THE COURT: Mr. Martin, you've already advised
5 the Court that you didn't file a response. Not that
6 you're required to, but you hadn't filed one.

7 MR. MARTIN: That's correct.

8 THE COURT: All I have is the motion.

9 Okay. We'll hear argument. Yes, and you may
10 split that into rebuttal.

11 You may proceed whenever you're ready.

12 MR. MICHAELS: Where would you like me, here,
13 Judge, or --

14 THE COURT: Wherever you feel most comfortable.
15 If you like to be at the podium -- I think that
16 they'd like you at the podium if you could. Are you
17 more comfortable at Defense counsel's table?

18 MR. MICHAELS: I can be anywhere.

19 THE COURT: Okay.

20 MR. MICHAELS: All right. Your Honor, we filed
21 a motion to modify conditions of pretrial release in
22 terms -- in Mr. Reeves' case. Essentially, those
23 conditions of pretrial release were outlined in an
24 order titled amended order on motion to release
25 defendant on his own recognizance or set reasonable

1 bail. That order was signed by this Court presided
2 over by Judge Siracusa exactly five years ago today.

3 In that order, and the Court has a copy of it,
4 the Court makes a finding, a legal finding, that on
5 the first page, the last paragraph, the last line,
6 without hesitation the Court finds based upon this
7 testimony, the exhibits, that defendant is not a
8 flight risk.

9 The Court goes on to describe that it was an
10 extensive hearing with documentation. The Court
11 lists a 24-page written motion, 5 lettered
12 attachments, 18 numbered attachments outlining the
13 defendant's ties to the community. There was also
14 testimony as the Court's aware of. It was a two-day
15 bond hearing.

16 The Court went on to find Judge Siracusa in his
17 order, that based on testimony offered of the
18 defendant's good character, it was supplemented by --
19 and I'm reading from the top of Page 2 of the order
20 as it's printed -- supplemented by voluminous and
21 well-organized exhibits demonstrating their position
22 that for the first 71 years of his life, the
23 defendant was not a danger to the community. And
24 based upon that, the Court should have few concerns
25 that he will be a danger to the community if released

1 pretrial.

2 So you have essentially Judge Siracusa saying in
3 his order, number one, he's not a risk of flight.
4 And number two, Mr. Reeves is not a danger to the
5 community.

6 The Court goes on -- after a decision by the
7 Second DCA ordering the Court to give Mr. Reeves a
8 reasonable bond, goes on to give him a \$150,000 bond,
9 which is a bond that was secured by his home through
10 a surety. And within that -- and that's the -- let
11 me see, because the pages aren't numbered in the
12 order. Looks like it's the third page, the second
13 full paragraph down.

14 "The Court now sets bond at the amount
15 previously announced and in the manner previously set
16 out at \$150,000 with a condition that the defendant
17 remain at his residence."

18 So essentially, home confinement with the
19 exception of attending religious services, for
20 medical treatment, and to go to the grocery store.

21 There's also a condition that the accused,
22 Mr. Reeves, surrender his firearms either to a third
23 party upon -- acceptable third party upon hearing by
24 the Court and -- or the sheriff's office. In this
25 case, those firearms are being held in a storage

1 facility in a gun safe. And that gun safe and that
2 facility is in the custody of Richard Escobar.

3 And so it's interesting to note that when the
4 Court imposed these conditions, number one, the Court
5 on one hand is saying, well, he's not a risk of
6 flight, but I'm going to give him a GPS. The Court
7 is saying, he's not a danger to the community, but
8 I'm going to put him on home confinement except he
9 can go to the grocery store, religious services, or
10 medical treatment.

11 The interesting thing is there's no limitation
12 on location, on frequency for any of those. So, you
13 know, essentially, Mr. Reeves could decide to attend
14 religious services every day in Tampa twice a day or
15 he can go for medical treatment in Miami because
16 there's no limitation on location. He's going to go
17 see a doctor in Miami. And he can go to the grocery
18 store. So he can go to Publix in Lakeland, the
19 corner grocery store. He can go to a grocery store
20 in Sarasota.

21 And so throughout these five years, he's abided
22 by those conditions. So, logically, he's been out
23 hundreds of times. And there's certainly been no
24 indication that he's presented any sort of danger to
25 the community. In fact, the Court said he wasn't a

1 danger to the community. Now five years later, we
2 know from being on these -- under these conditions
3 that he's not a danger to the community.

4 You know, essentially the Court is saying he can
5 do all these things, but he can't walk around the
6 block outside of his own house. And so it's not
7 logical and it's not necessary at this point to have
8 home confinement.

9 The other issue regarding the GPS, we talked
10 about it. He's not a risk of flight. The purpose of
11 a GPS is if somebody's a risk of flight. There's
12 another case in this circuit, this *Drejka* case. In
13 that case, he's got a bond, he's got a GPS, but he
14 doesn't have any other conditions. And that's an
15 individual who has prior dealings with the law.

16 In this case, we're talking about Mr. Reeves,
17 now 76-year-old man, who has 27 years in service to
18 his community as a law enforcement officer, a
19 highly-decorated law enforcement officer, yet this
20 same circuit is saying for some reason, Mr. Reeves
21 needs to be confined to his home except for those
22 exceptions and, you know, also on a GPS.

23 But by the same token, this Court has made a
24 finding, a specific finding, that he's not a risk of
25 flight, so it obviates the need for a GPS.

1 In addition, there's some financial burdens that
2 are involved with some of these conditions. Number
3 one, the GPS. Mr. Reeves has spent, in the last five
4 years, \$15,000 or more to pay for the GPS. He's 76
5 years old; he's on a pension; he's going through his
6 savings. He needs money for his defense, frankly.

7 Whatever comes next, whether it's another
8 hearing for immunity or whether it's a trial, that's
9 going to involve more expenditures on his part. He
10 and his wife, they're both retired, so they're living
11 on a limited income. Certainly, there's an impact
12 financially to Mr. Reeves for the GPS in addition to
13 the fact that simply it's not needed at this point.

14 The other issue regarding the guns, his son,
15 Matthew Reeves, is here. He's prepared to testify
16 today. He's a police officer with the city of Tampa;
17 been for some time; member of the bomb squad there.
18 He's trained in the handling of firearms, the
19 safekeeping of firearms. He's a military veteran,
20 also received training in the handling and the
21 keeping of firearms. And he's willing to take that
22 safe -- that gun safe from the storage facility to
23 his home and keep that safe there and be in custody
24 of the firearms.

25 Because, again, the storage facility, the bill

1 now has racked up to over \$5,000. And storage is one
2 of those things sometimes you keep stuff in there so
3 long, the stuff you have in there isn't worth as much
4 as you're paying to store it.

5 So we're asking for the Court to consider having
6 a hearing, listening to the witness today, and
7 allowing Matthew Reeves to take custody of the
8 firearms.

9 So essentially, we're here because there is no
10 need for these conditions that we're asking the Court
11 to delete at this time. Certainly, it's been proven
12 over the past five years that there's no need for
13 those conditions.

14 Certainly, the Court has language within its
15 order, Judge Siracusa's order, that says that he's
16 not a flight risk and he's not a danger. So I don't
17 see the need for these conditions that we're asking
18 the Court at this time to delete.

19 You know, when this case can end is uncertain
20 too. The Court knows the Florida State Supreme Court
21 still hasn't decided the retroactivity issue in that
22 *Love vs. State* case. So we're waiting on that to see
23 whether we're going to have another immunity hearing,
24 whether this thing is going to go to trial or what
25 the next step is. So, you know, the time factor here

1 is uncertain as well.

2 So for those reasons, we're asking the Court to
3 modify Mr. Reeves' conditions of release for the
4 reasons set forth in our motion and for the reasons
5 cited within the Court's order signed by
6 Judge Siracusa five years ago today.

7 THE COURT: Thank you.

8 Did you want me to hear from your witness now or
9 that's in your rebuttal?

10 MR. MICHAELS: We can do the witness now.

11 MR. MARTIN: Judge?

12 THE COURT: Yes.

13 MR. MARTIN: I'm familiar with Mr. Reeves. I
14 took his depo.

15 THE COURT: Mr. Matthew Reeves?

16 MR. MARTIN: Yes.

17 THE COURT: Okay.

18 MR. MARTIN: Matthew Reeves.

19 THE COURT: Yes, sir.

20 MR. MARTIN: I can stipulate that he's a Tampa
21 police officer and all the training that's
22 articulated. If that's the only thing that needs to
23 be put on the record, I can stipulate to that. I
24 have arguments regarding the familial relationship
25 with the defendant that I will make in my arguments,

1 but that can't be -- it is what it is. It's his son.

2 So, you know, I know that Matt Reeves is
3 Mr. Reeves' son; I know he's a law enforcement
4 officer; I knew he's familiar with firearms, both
5 handguns and long guns. So if the Court needs any
6 more than that, fine, but I can stipulate to that.
7 My argument is not that. My argument is something
8 else.

9 THE COURT: Mr. Michaels?

10 MR. MICHAELS: We'd like to put him on, Judge.

11 THE COURT: Okay.

12 THEREUPON,

13 MATTHEW REEVES,
14 the witness herein, was placed under oath.

15 DIRECT EXAMINATION

16 BY MR. MICHAELS:

17 Q Okay. Please state your name.

18 A Matthew Reeves.

19 Q You heard Mr. Martin. Everything he says is
20 true --

21 A Yes, sir.

22 Q -- regarding you?

23 A Yes, sir.

24 Q And that Mr. Reeves is your father?

25 A Yes.

1 Q If this Court were to order that you become the
2 custodian of the firearms in that safe and take those
3 firearms in that safe into your home, would you abide by
4 the order of the Court and not give your father access to
5 that safe?

6 A Absolutely.

7 Q Would you give your father access to the
8 combination?

9 A No.

10 Q So if you were to hold the guns, your father
11 would not have access to the firearms period; is that fair
12 to say?

13 A Yes, sir.

14 Q And you swear to that?

15 A I swear to that.

16 MR. MICHAELS: I don't have anything else,
17 Judge.

18 THE COURT: Thank you.

19 Cross-examination.

20 MR. MARTIN: No, Your Honor.

21 THE COURT: Thank you.

22 Sir, you may step down. Thank you.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Any other witnesses that you had

25 Mr. --

1 MR. MICHAELS: No, Your Honor.

2 THE COURT: Okay. Mr. Martin, would you like to
3 have a response?

4 MR. MARTIN: Yes, Your Honor.

5 Your Honor?

6 THE COURT: Yes, sir.

7 MR. MARTIN: Judge, what I'd like to do is begin
8 by responding initially to the comments by
9 Mr. Michaels before I begin my argument.

10 THE COURT: Yes, sir.

11 MR. MARTIN: I have also read Judge Siracusa's
12 order. It came out in July of 2014. And as
13 indicated by Mr. Michaels, Judge Siracusa, after the
14 extensive bond hearing, does state that -- without
15 hesitation that the defendant is not a flight risk.

16 Where I take exception to the interpretation of
17 Judge Siracusa's order is Mr. Michaels'
18 interpretation that the Court made a specific finding
19 that he was not a danger to the community.

20 If you'd look on the second page of
21 Judge Siracusa's order, the very first paragraph,
22 I'll read it in its entirety, which Mr. Michaels did
23 not do.

24 "The Defense offered testimony to the
25 defendant's good character. This was also

1 supplemented by voluminous and well-organized
2 exhibits demonstrating their position that for the
3 first 71 years of his life, the defendant was not a
4 danger to the community. And based upon that, the
5 Court should have few concerns that he will be a
6 danger to the community if released pretrial."

7 Judge, my interpretation of that is that is not
8 a specific finding by the Court that Mr. Reeves is
9 not a danger to the community. My interpretation of
10 that clause is Judge Siracusa acknowledging the
11 information that was placed before him; acknowledging
12 the argument that Defense counsel made for presenting
13 that information; and acknowledging the Defense
14 argument that that information should not cause the
15 Court any concern regarding harm to the community.
16 It is not a finding by Judge Siracusa that Mr. Reeves
17 does not pose a threat to the community.

18 I bring that to the Court's attention because in
19 looking at Judge Siracusa's order, the conditions
20 that were set forth clearly link and have a logical
21 relationship to that concern that because of the
22 incident at the theater in which afterwards, even
23 though it was an isolated incident, it does raise
24 concern about an individual in the community that has
25 a particular view of how things should occur in life

1 and the use of firearms which has called in -- has
2 been called into question by the charges that have
3 been placed against him.

4 Judge Siracusa put conditions on the pretrial
5 release that are consistent and relate specifically
6 to the threat to the community. GPS, home
7 confinement, and no firearms.

8 If the Court -- and I know the Court has
9 mentioned that bar that the Court read the Second DCA
10 order regarding this. In that order -- and I don't
11 have a page number other than how it's printed on
12 mine, but if it's printed out on regular paper, it's
13 on my Page 8, but I'll read it to you. It's under
14 the Section 3, discretionary release. And it's --

15 THE COURT: Yours doesn't have page -- is this
16 the mandate you're reading from?

17 MR. MARTIN: Yes, the mandate. So it would be
18 under discretionary release of one, two, three -- the
19 fourth paragraph.

20 THE COURT: Yes, sir, I have it.

21 MR. MARTIN: And I'll read the paragraph in its
22 entirety so I don't take it out of context.

23 "In this case, the Court clearly found that
24 Mr. Reeves established that he was not a flight risk.
25 No one seriously argues that detention is needed to

1 assure the integrity of the judicial process.
2 Indeed, Mr. Reeves was allowed to attend the bond
3 hearing himself in normal clothing and without
4 handcuffs."

5 It's the last paragraph that I wanted to bring
6 to the Court's -- I mean, the last sentence I want to
7 bring to the Court's attention.

8 "Given the singular event at the theater, one
9 can have some concern for public safety, which is why
10 the circuit court would essentially require house
11 arrest without firearms and with an ankle monitor for
12 GPS tracking."

13 I think it's logical to infer from not only the
14 conditions that Judge Siracusa placed on the
15 defendant in 2014 and reading the mandate from the
16 Second DCA, two courts have come to the conclusion
17 that the incident at the theater, even though it was
18 a singular event, essentially raises some concern for
19 public safety. And both the Second DCA and
20 Judge Siracusa appear to be in sync and that some
21 conditions -- it would be reasonable to impose some
22 conditions on Mr. Reeves in response to that concern.
23 And that's what has been done.

24 It's easy to say, well, after five years,
25 Mr. Reeves has not done anything to violate those

1 conditions. Well, true. He's been on house arrest;
2 he has a GPS monitor; he knows he's being monitored.
3 And if anything seems to be askewed or an anomaly
4 from his normal practice, it will be brought to the
5 Court's attention. And the firearms have been taken
6 away from his possession.

7 So I think the -- when looking at the
8 presentation Mr. Michaels presented to you, I would
9 suggest to the Court that you look at the mandate and
10 the reasonings in the finding in the mandate and look
11 at Judge Siracusa's order to support the State's
12 argument, that those conditions are clearly linked to
13 the safety of the community. Clearly, they are.
14 It's not just that he's a flight risk. It's for the
15 safety of the community. And two courts have
16 indicated that, yes, it's reasonable to essentially
17 have some of those -- have those concerns.

18 So when you take that into consideration, we
19 look at the conditions that were placed. And we have
20 house arrest; we have a GPS monitor; and we have
21 removal of firearms from his possession. There's
22 been no allegation that that's an abuse of discretion
23 by the Court, Judge Siracusa. There's no indication
24 by the Defense that they're unconstitutional. An
25 argument is simply being made, hey, we haven't

1 violated anything, so let us off.

2 Well, the converse to that, the reason he hasn't
3 violated anything because he knows he's being watched
4 and being monitored and being reported to the Court.
5 So that argument from the State's perspective doesn't
6 carry much weight.

7 When we look at the financial burden, what we're
8 talking about is the defendant's responsibility to
9 pay certain bills. And yes, numbers have been thrown
10 out to you, but I did, you know, a quick math with my
11 calculator made in China, but the bottom line is
12 we're talking about \$344 a month over the five --
13 over a 58-month period.

14 THE COURT: For the GPS monitor?

15 MR. MARTIN: No, that's for everything. For the
16 guns.

17 THE COURT: Oh, for all the things?

18 MR. MARTIN: Yeah, that's what we're talking
19 about, \$344 a month approximately. That's what we're
20 talking about.

21 So when we're talking about the financial
22 burden, there really hasn't been any testimony before
23 this Court as far as the financial stability of
24 Mr. Reeves other than the very cursory statement:
25 "Well, he's on a pension." Okay. He's on a pension.

1 But it's not like we've had a hearing where it's been
2 shown that but for this \$344, he can't buy food, he
3 can't do -- you know, have the certain things.

4 Is it taxing to him? Yes, it could be, but
5 we're looking at having those things in place so that
6 the community has some confidence in the judicial
7 system that it's protecting the community from an
8 individual that has engaged in conduct that logically
9 shows some concern for other people's safety within
10 the community.

11 What I would suggest to the Court that simply --
12 this is simply an argument as a financial burden.
13 The financial burden is not that extensive. I would
14 suggest to the Court that Judge Siracusa's current
15 conditions of pretrial release balances the Court's
16 concern for public safety and the defendant's request
17 for pretrial release.

18 In a case where Mr. Reeves has been charged with
19 second-degree murder and as charged is punishable by
20 up to life, and in a case where Judge Siracusa, after
21 an extensive hearing, specifically found in his order
22 that the proof of guilt is evident and the
23 presumption of guilt is great, Judge, I would suggest
24 to the Court that those conditions are appropriate,
25 that the monetary aspects of those conditions are not

1 so taxing that Mr. Reeves cannot afford those.

2 It is the State's position that those conditions
3 direct relate to the trial Court's concern for the
4 public safety based on the conduct for which Mr.
5 Reeves is charged. It is a discretionary call on
6 this Court's part as to whether or not those
7 conditions should be modified to some extent.

8 I would suggest to the Court that as far as
9 Matt Reeves is concerned, the State's position is
10 that someone without a familial interest or conflict
11 or special interest in this case or bias in this case
12 because he is listed as a Defense witness and did
13 testify at the immunity hearing, that someone without
14 any interest in this case should, in fact, be in
15 charge of the firearms belonging to Mr. Reeves.

16 THE COURT: So Mr. Martin, you're indicating
17 that you not necessarily would object to somebody
18 else, just not to Mr. -- specifically Mr. Martin -- I
19 mean, Mr. --

20 MR. MARTIN: Matt Reeves.

21 THE COURT: -- Matt Reeves, correct?

22 MR. MARTIN: The Court, Judge Siracusa,
23 indicated that it could be to any person that the
24 Court, you know, accepted. And I think that
25 contemplates that it could be numerous people down

1 the line as time progresses.

2 THE COURT: Okay.

3 MR. MARTIN: The question becomes is who it
4 should be. And if it -- in fact, there was a
5 motion -- let me just refer to my notes.

6 THE COURT: Sure.

7 MR. MARTIN: There was a motion filed and I
8 couldn't find an order on it. August 13th, 2014
9 requesting the firearms be in possession of one
10 Sergeant Jarrett Seal, S-E-A-L, who's with the Tampa
11 bomb squad and it would be kept at a safe in his
12 home. It was filed by Mr. Michaels. I couldn't find
13 an order on it.

14 But as you can see, there's other people out
15 there that potentially could have the safe, if you
16 will, that Mr. Escobar's placed into storage, at
17 someone else's residence, if you will, other than
18 Mr. Reeves. In fact, it was suggested almost five
19 years ago that Sergeant Jarrett Seal might be an
20 appropriate individual.

21 So I point that out to the Court that there are
22 other individuals out there that maybe
23 Mr. Curtis Reeves could impose upon and ask to do
24 that other than his son.

25 So my objection to Matt Reeves being in

1 possession of the firearms as stated is the familial
2 relationship and the interest in this case. I think
3 that everyone would feel more comfortable if it was
4 some neutral party whoever it is. We can cross that
5 bridge when we come to it, but at this point, I would
6 suggest that Mr. Matt Reeves is not the person
7 because of his interest and involvement in this
8 particular case and the fact that he's the son of the
9 defendant, Mr. Curtis Reeves.

10 So that's the State's argument at this point as
11 far as the conditions of bond. They're reasonable.
12 They directly relate to specific concerns that were
13 identified and recognized by Pat -- by Judge Siracusa
14 and was also recognized by the Second DCA as a
15 legitimate concern based upon the facts of this
16 particular case.

17 And as the State -- as I've said, Your Honor,
18 this is the balance. And I think it's been
19 appropriately balanced. The conditions that have
20 been placed on Mr. Reeves balances his right, if you
21 will, or his desire for pretrial release. And it
22 directly goes to the concerns by the Court for public
23 safety.

24 So the State's position is that we would object
25 to the modification as stated in the defendant's

1 motion to modify bond and ask this Court to deny the
2 motion.

3 Thank you, ma'am.

4 THE COURT: Thank you.

5 Mr. Martin, might I just ask you one question?

6 MR. MARTIN: Yes, ma'am, please.

7 THE COURT: I know you said it was
8 Sergeant Jarrett Seal.

9 MR. MARTIN: S-E-A-L is what's in the motion.

10 THE COURT: And that's from the Tampa -- city of
11 Tampa Police Department?

12 You said that there was a motion that was filed
13 in August -- on August 13th of 2014, but no order was
14 done. Is it your position you'd have no argument if
15 it was placed with him at this time? Are you -- you
16 have no objections?

17 MR. MARTIN: Well, he has to still be with
18 Tampa PD. I mean --

19 THE COURT: You would still have to know some
20 more information is what you're saying?

21 MR. MARTIN: Yes, ma'am, I would.

22 Judge, I have one. It's been marked with this
23 and this --

24 THE COURT: Madam Clerk, would you be so kind --

25 MR. MARTIN: May I approach, Judge?

1 THE COURT: Yes, you may.

2 MR. MARTIN: It might be quicker if you just
3 looked at it real quick.

4 THE COURT: Thank you.

5 MR. MARTIN: There are marks on it that I made,
6 but I showed those marks to Mr. Michaels.

7 THE COURT: Okay. Thank you so much. I
8 appreciate that.

9 MR. MARTIN: And like I said --

10 THE COURT: Right, but you'd have to know. If
11 it was exactly the same information that's been
12 provided there and placed under oath that he's still
13 with the bomb squad and he does reside in Odessa,
14 what is the State's position in regards to that?

15 MR. MARTIN: I think, Judge, if I could --

16 THE COURT: Yes.

17 MR. MARTIN: -- I would be willing to work with
18 Mr. Escobar. We've worked together before. We could
19 work that part out if I know who it is. I could
20 probably indicate to Mr. Escobar that he could file
21 the motion indicating the State has no objection to
22 this individual and move on. I think that's
23 something that could be worked out, but --

24 THE COURT: Okay.

25 MR. MARTIN: -- without knowing more --

1 THE COURT: Right, and we don't have that person
2 here today. I understand, but thank you for that
3 motion and we'll make sure to -- Mr. Michaels -- oh,
4 no, Mr. Escobar. Okay.

5 Oh, I'm sorry. Mr. Martin, were you finished?

6 MR. MARTIN: I'm just removing my material,
7 Judge.

8 THE COURT: Sure. Were you finished, though,
9 with argument, sir?

10 MR. MARTIN: Yes, ma'am, I am.

11 THE COURT: Thank you so much.

12 MR. MARTIN: Thank you.

13 THE COURT: Mr. Michaels, whenever you're ready.

14 MR. MICHAELS: Thank you, Judge.

15 You know, our motion isn't really -- as it was
16 characterized by Mr. Martin. This isn't a motion
17 saying, well he's been on it five years, it's not
18 necessary anymore. This is a motion to ask the Court
19 to exercise the Court's discretion in doing what's
20 reasonable here. It's not reasonable to have him on
21 a GPS.

22 And although Mr. Martin did math and said, well,
23 it's only \$344 a month, you know, my congratulations
24 to Mr. Martin if \$344 a month isn't much money to
25 him. And I appreciate that he said that, you know,

1 that it's taxing to Mr. Reeves. And that's what it
2 is, it's taxing.

3 The purpose of bond and pretrial release is to
4 guarantee somebody's appearance at trial and to
5 protect the community. And I agree with that.

6 When the prosecutor read to the -- the State the
7 mandate and the quote regarding pretrial release and
8 the imposition of house arrest and GPS monitor, if
9 you look at Judge Siracusa's first order,
10 Judge Siracusa uses that language. They're simply
11 parroting the language that Judge Siracusa issued in
12 his first order.

13 In Judge Siracusa's first order, he says, I'm
14 finding proof evident, presumption great, but if I
15 were to give a bond, this is what I would do. And so
16 the Second DCA's looking at it and saying, you know,
17 that's reasonable under the circumstances.

18 They aren't saying that's what's necessary; they
19 aren't saying that's what should be done. They're
20 saying, okay, that may be reasonable. They're
21 parroting Judge Siracusa's language. They aren't --
22 they aren't advocating that sort of imposition of
23 conditions of pretrial release.

24 So I disagree with the State's interpretation of
25 the Second DCA's mandate. They're simply parroting

1 what Judge Siracusa said plain and simple.

2 So really what we have here is, you know, we
3 have this Court looking at it and saying, should this
4 76-year-old man -- and they're talking about an
5 isolated incident in a movie theater. What they
6 didn't talk about is that Curtis Reeves, in his 27
7 years as a highly-decorated police officer for the
8 Tampa Police Department -- and when the Court reads
9 the transcripts, the Court's going to see all the
10 testimony, all the certifications, all the
11 information that came out to say that Curtis Reeves
12 is an individual who is not a danger to the
13 community, but cares for and protects the community.

14 The information that comes out will show this
15 Court that Mr. Reeves, in his 27 years as a police
16 officer, being part of a SWAT team, being a
17 detective, being a patrol officer, being in some of
18 the toughest environments in the city never once
19 fired his gun.

20 So this is an individual who's a danger to the
21 community. You know, Judge Siracusa said in that
22 paragraph that the prosecutor read that the Court
23 should have few concerns. It doesn't say that the
24 Court has concerns; it doesn't say that the Court
25 should consider him a danger to the community. It's

1 saying that based upon what the Court will hear, the
2 Court should have few concerns. So there's no
3 articulation that there is a concern that he's a
4 danger to the community.

5 So, you know, Judge, we would ask the Court to
6 exercise the Court's discretion to really look at the
7 big picture here.

8 And I mentioned the *Drejka* case because I think
9 that's important. That guy's not under house arrest.
10 Why is Mr. Reeves under house arrest? And when you
11 look at the whole idea of house arrest, really, you
12 know, let's look at Judge Siracusa's order. And I
13 bring that point up again because I just can't get
14 over it.

15 I'm thinking he can go to the grocery store. It
16 doesn't say where; it doesn't say how many times.
17 Think about that. It says he can go for medical
18 appointments. It doesn't say where, how many times,
19 when. The same -- the same goes for -- see, there's
20 grocery store, there's medical -- same goes for
21 worship, religious worship. And so if he's allowed
22 to go out and about, why does he have to be confined
23 to his house? Why can't he just go out and about and
24 go about his business?

25 He certainly -- and you'll see when you read the

1 transcript he's a teetotaler, so he's not a guy --
2 and the Second DCA references it in their mandate --
3 he's not a guy that has a drug or alcohol problem.
4 He's a family man of long-time standing in the
5 community.

6 And so these are not indications that the
7 community needs to be protected from him. And these
8 are not indications that he should be confined to
9 house arrest.

10 And what does GPS say? If he's been a police
11 officer for 27 years, if he wanted to find a way to
12 get around the GPS, I imagine he would find a way.

13 And we talk about the guns and not giving them
14 to Matt Reeves. Let's think about this. Who are
15 Mr. Reeves' friends? Law enforcement officers,
16 retired law enforcement officers. And what do law
17 enforcement officers retired have access to? Guns.

18 Mr. Reeves isn't about to go get a gun from his
19 son that belongs to him or from anybody else for that
20 matter. Certainly, he has access to people that have
21 guns. So I guess what the Court should order then,
22 if we're to say that because Matt Reeves is in a
23 familial position; therefore, we have to have some
24 concern that he's going to give a gun to his father,
25 then what we have to do then, I guess, is order that

1 Mr. Reeves remain in isolation and not talk to
2 anybody, whoever was in law enforcement. It doesn't
3 make sense.

4 Matt Reeves got up there. He said, I will take
5 them. I swear to the Court that I will not give them
6 to my father.

7 By the way, Matt Reeves, a law enforcement
8 officer, he has what? He has guns. So certainly if
9 he's not holding Mr. Reeves' guns, if he was a guy
10 that gives guns to his father for some reason, he
11 could give his own gun to his father. That doesn't
12 happen. That's not going to happen. So I think that
13 argument is baseless, frankly, Judge.

14 And so for those reasons, we would ask the Court
15 to grant our motion, to modify the conditions of
16 pretrial release. And if the Court, at this time
17 would -- we would ask the Court to rule at least on
18 that condition concerning Matthew Reeves and having
19 him have possession of the guns and take possession
20 of those guns so they're not sitting in storage
21 another month and racking up costs.

22 THE COURT: Thank you, Mr. Michaels.

23 The only question I didn't ask you is that --
24 just as I asked Mr. Martin, I'll ask you,
25 Mr. Michaels.

1 I understand your position as to where the guns
2 should go; however, you did, in fact, file a motion
3 back on August 13th of 2014, correct?

4 MR. MICHAELS: Yes, Judge, and there were
5 reasons why it wasn't heard.

6 THE COURT: Okay.

7 MR. MICHAELS: And, frankly, you know, I'd be
8 happy at sidebar to discuss it with the Court and
9 Mr. Martin, but they're reasons why my recollection
10 is that it didn't go forward.

11 THE COURT: Okay. Would you please approach?

12 MR. MICHAELS: Yes, Judge.

13 (Bench conference.)

14 THE COURT: I'm sidebar, but did you want it off
15 the record?

16 MR. MICHAELS: Yeah, we could.

17 THE COURT: Are you asking it to be off the
18 record?

19 THE COURT REPORTER: Off record?

20 MR. MICHAELS: Yes.

21 (Off-the-record bench conference.)

22 (Open court.)

23 THE COURT: That concludes the hearing today.

24 I'll take it under advisement and issue an order.

25 (Proceedings concluded.)

STATE OF FLORIDA)
)
COUNTY OF PASCO)

I, Melinda McClain, Registered Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true record.

DATED this 16th day of July, 2018.

/S MELINDA MCCLAIN

Melinda McClain, RPR

