

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

STATE OF FLORIDA,

Plaintiff,

v.

CASE NO.: CRC1400216CFAES

CURTIS JUDSON REEVES,

Defendant.

PROCEEDINGS: STATUS CHECK

DATE: February 5, 2020

BEFORE: THE HONORABLE KEMBA JOHNSON LEWIS
Circuit Judge
Sixth Judicial Circuit
Dade City, Florida

PLACE: Robert D. Sumner Judicial Center
38053 Live Oak Avenue
Dade City, Florida 33523

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P R O C E E D I N G S

1
2 THE COURT: I'm going to take up the Curtis
3 Reeves first.

4 Good morning, Mr. Escobar. Good morning,
5 Mr. Michaels.

6 We're just going to wait for -- is your client
7 here?

8 Yes. I do see him.

9 Good morning, sir.

10 We're going to wait for, I guess, Mr. Martin
11 to come in, but I'd like to take that case up
12 first.

13 MR. MICHAELS: Okay. Very good.

14 THE COURT: Your client is fine where he is
15 sitting; however, if he'd like to come forward, he
16 certainly may. Either way. Whatever you'd like.
17 I know we're just a status check, but still, if
18 he'd like --

19 MR. ESCOBAR: Thank you.

20 THE COURT: Sure.

21 Good morning, Mr. Martin.

22 MR. MARTIN: Judge, I guess I owe you an
23 apology for being late. I apologize to you.

24 THE COURT: No. You're fine.

25 Did you have co-counsel that you're waiting

1 on?

2 MR. MARTIN: I haven't seen him.

3 THE COURT: If you'd like us to wait, we
4 certainly can.

5 MR. MARTIN: No, ma'am.

6 THE COURT: Okay. All right. I'd like to
7 take up the Curtis Reeves case, if we're able to do
8 that.

9 Is that okay?

10 MR. MARTIN: Yes, ma'am.

11 THE COURT: All right. In Case Number
12 2014CF216, I'm sure all of you have received the
13 opinion, correct?

14 MR. ESCOBAR: We have, Your Honor.

15 THE COURT: Okay. And I know a status check
16 was requested by the Defense. We're just setting a
17 trial date?

18 MR. ESCOBAR: Your Honor, Mr. Martin and
19 myself had spoken a few weeks ago. And during that
20 conversation, we were of the opinion that we needed
21 to check with a lot of our witnesses concerning
22 their schedules, especially the experts. We've got
23 a battalion of experts.

24 And so this, as a Court knows, a voluminous
25 case, 127 Category A witnesses, about 7,000 pages

1 of transcripts, and that's not counting all the
2 motions and memorandum and what have you. So
3 trying to get back up to speed with this case is
4 going, in my opinion, take some time.

5 THE COURT: Uh-huh.

6 MR. ESCOBAR: In addition to that, Your Honor,
7 Mr. Michaels and myself run a very busy criminal
8 practice. I've got trials, I can tell this Court,
9 in February, March, April, May, June, August. And
10 many of my trials unfortunately are huge trials.

11 And so what I am proposing today, which I
12 think would be the best thing for all of us, is to
13 set another status in April, give us an opportunity
14 to meet with all of our experts, find out what
15 their calendars are.

16 THE COURT: Okay.

17 MR. ESCOBAR: Find out from our witnesses, our
18 lay witnesses as well, what their calendars are and
19 then come back and give the Court what we believe
20 would be a solid trial date where we can try this
21 matter.

22 THE COURT: Okay. Mr. Martin?

23 MR. MARTIN: Good morning, Judge.

24 THE COURT: Good morning, again.

25 MR. MARTIN: Judge, we just past the sixth

1 anniversary of this particular case. It's the
2 oldest case that I have. And hopefully the age of
3 the case will result in some priority in setting
4 this for trial. The State wants to try it as soon
5 as possible, May or June.

6 I've had some discussions with Mr. Escobar. I
7 understand his trial schedule. I have other trials
8 going up until that time too. However, I think
9 this trial -- this case should take precedent over
10 any other case in the Circuit because of its age;
11 the community wants it tried; the victim's family
12 wants it tried, and I think we ought to set a trial
13 date absolutely as soon as possible.

14 I understand he has trials June and July and
15 August. We're all busy. I know the Court's busy.
16 But I would urge this Court to give this case the
17 priority that the State believes it deserves and
18 setting this as early -- as early as possible.

19 I don't believe an April trial date is
20 warranted. We've already had time to work with our
21 witnesses. The State is in the process, and has
22 been, sending out letters. We have a great number
23 of them returned. We have spoken with a great
24 number of witnesses. They know exactly what is
25 coming up soon, hopefully this summer.

1 We have some issues with witnesses that we
2 will have whether we do this trial this summer or
3 later on. I understand that. But that's the
4 nature of dealing with a case that is so old.
5 We're going to have witness problems.

6 Mr. Escobar's firm and myself and the team
7 that works with me, we're all experienced lawyers.
8 We know how to deal with it.

9 So I would suggest -- we're in February. I
10 would suggest a status check no later than
11 mid-March because we've already had five or six
12 weeks to deal with witnesses. And let's get this
13 on a fast track. If we're going to have another
14 status check to try to set a meaningful trial date,
15 as witnesses have information that may impact on
16 their availability or we have found that they have
17 moved. We've been updating addresses. We have
18 periodically sent witness lists to Mr. Escobar's
19 office, so they already know what I know regarding
20 the witnesses.

21 Now, I know Mr. Escobar has certain witnesses
22 and experts he needs to deal with, but I would
23 suggest to the Court that six weeks from now a
24 status check is not unreasonable for both sides who
25 have already had six weeks to work with their

1 witnesses, to come back to the Court and explain to
2 the Court exactly where we are as far as witnesses.

3 I will tell the Court that we're going to need
4 some motion practice time. There will probably be
5 other issues that will come up because we're now
6 dealing with a trial and not an immunity hearing.
7 I know I have at least five motions in limines that
8 I'll ask the Court to hear. Three of them will be
9 Daubert issues.

10 So there is going to be some time that's going
11 to have to be devoted before we get it to trial,
12 but I really urge this Court to consider the time
13 that has lapsed since this incident occurred, and
14 as much as this Court can, give this case the
15 priority that it deserves so that we can get this
16 case tried as soon as this Court's available to
17 accommodate us.

18 Thank you.

19 THE COURT: Thank you.

20 MR. ESCOBAR: Your Honor, may I just briefly?

21 THE COURT: Yes.

22 MR. ESCOBAR: With all due respect to
23 Mr. Martin, he has four cases that he is
24 responsible for in his office. Myself and
25 Mr. Michaels each have 100 that I'm personally

1 responsible for and so is he. Our volume is 100
2 fold almost of Mr. Martin. I can understand with
3 four cases that he may be able to get ready.
4 Unfortunately we can't. And I'm just telling you
5 that not with any disrespect to Mr. Martin, we
6 talked about that yesterday, all my clients deserve
7 fair representation and all my clients deserve
8 their day in court.

9 This case has been waiting for the Supreme
10 Court to make a decision. They've made their
11 decision, and now we're going to be getting ready
12 for trial.

13 So I would respectfully ask for that April
14 date. I think that by April, Mr. Michaels and I
15 can talk to all of our witnesses, find out what
16 conflicts they have on their calendars, and then
17 come back here and then set a trial date that is
18 certain that we're going to pick and we're going to
19 go.

20 THE COURT: Okay. Thank you, gentlemen.

21 You do agree, Mr. Martin, there are 127
22 witnesses approximately?

23 MR. MARTIN: Well, true, Judge.

24 THE COURT: I just didn't know the volume.

25 MR. MARTIN: You do understand that the State

1 is obligated to basically identify everybody that
2 was in the movie theater and everyone else.

3 THE COURT: Absolutely.

4 MR. MARTIN: Are 127 witnesses going to be
5 called? No.

6 THE COURT: Okay. But we have about that.

7 And, gentlemen, do you have a general idea of
8 how long this trial will last? Are we talking
9 three to four weeks?

10 MR. MARTIN: Yes.

11 THE COURT: Is it the three or the four?

12 MR. ESCOBAR: I think it's going to be three,
13 Your Honor.

14 The stand your ground took two weeks.

15 THE COURT: Okay.

16 MR. ESCOBAR: We're going to have jury
17 selection. There's probably going to be a bit more
18 robust a presentation of witnesses, and so I would
19 think three weeks is probably a very good estimate.

20 MR. MARTIN: I would tend to agree.

21 THE COURT: Okay. First, the Court would like
22 to say it's obviously a 2014 case and I know that
23 this is a priority case. And I understand within
24 the circuit that it needs to be tried and it will
25 be. But we also want to make sure that there are,

1 as you said -- and I've looked, generally I've read
2 the transcript from the stand your ground and there
3 are a number of experts and things of that nature
4 that need to be looked into.

5 I will set a status check date. I also think
6 that tentatively I'd like to just go ahead and put
7 out a trial date of a certainty. That way, we can
8 start saying -- because, Mr. Escobar, I understand
9 that you are very busy and I completely respect
10 that. However, at least if we can get something
11 kind of tentatively on the calendar, you won't put
12 something else on your calendar and we can kind of
13 go forward.

14 MR. ESCOBAR: Judge, I can do that. We've
15 talked about a date that I think would accommodate
16 what we're doing and what we -- what our calendar
17 is. So ...

18 THE COURT: What's your tentative date?

19 MR. ESCOBAR: Judge, I think that if we can
20 set this -- I don't like to set these things for
21 November and December because we know what happens.

22 THE COURT: Right.

23 MR. ESCOBAR: They're horrible months to set
24 it. I think if we can set this mid to late
25 January, all the holidays will be away.

1 THE COURT: January 21?

2 MR. ESCOBAR: Twenty-one.

3 THE COURT: Sir, I think you might want to
4 reconsider that.

5 MR. ESCOBAR: Judge, the only other date that
6 we talked about was October of this year, but that
7 is going to be really pressing it under the
8 circumstances.

9 THE COURT: Under the circumstances, all the
10 dates that you said you had trials, you never
11 mentioned October.

12 MR. ESCOBAR: No. And that's why I mentioned
13 October now. I just don't know whether we're going
14 to be able to get all of our experts to agree that,
15 hey, that's the date they're going to be available.
16 That's why I wanted to have this interim date.

17 THE COURT: Right. Well, that's my point. I
18 don't want to wait six weeks to come back and then
19 say, okay, now six weeks have passed and now we're
20 going to set a trial date in the future.

21 MR. ESCOBAR: Judge, I would suggest mid to
22 late October would be what I would recommend.

23 THE COURT: I know, Mr. Martin, that you
24 clearly and very clearly have put it that you'd
25 like it this --

1 MR. MARTIN: I need to say no more.

2 THE COURT: I know. And -- but at the same
3 time, this Court is not really inclined to go into
4 2021. Really and truly, it is not. It does need
5 to be tried. I understand that you have a very
6 busy law practice and, likewise, Mr. Michaels and
7 you have to prepare for this particular trial. I
8 completely understand that.

9 I am going to go ahead and I will set the
10 status check, but I'm going to set the status check
11 in March. But I'm going to set a tentative trial
12 date. And that is going to be October 5th of 2020.
13 That will be the weeks of October 5th, the week of
14 October 12th, the week of October 19th. Those
15 three weeks.

16 I would suggest during this time period before
17 we come back at another date, at our status check
18 that while talking to your witnesses, while
19 preparing and doing this now you have something to
20 at least tell them. I really do not wish to go --
21 and what I did not hear -- in order to be fair to
22 both parties, I did not hear you say anything about
23 October when you said you had trials that are
24 already set.

25 MR. ESCOBAR: That's correct, Your Honor.

1 THE COURT: This Court would prefer to have
2 done it in July or August, but since he did say
3 those dates, I am going to go into October. But
4 that's as far as I'm really willing to go. That is
5 eight months from now. That is quite a substantial
6 period of time. As a matter of fact, I think today
7 is February the 5th, and I'm saying October 5th.
8 So it's exactly eight months from now. I think
9 that something, despite the amount of witnesses,
10 should be able to be accomplished by then.

11 MR. ESCOBAR: Yes, Your Honor.

12 THE COURT: Okay. As far as the status check,
13 you said March, Mr. Martin?

14 MR. MARTIN: I think that's reasonable. We
15 both have been working on our witnesses.

16 THE COURT: Yes, sir. And ...

17 MR. MARTIN: Mid-March.

18 THE COURT: Mid-March?

19 Is there any particular day of the week that's
20 a little better for everyone?

21 MR. ESCOBAR: Mid-week would be good for us.
22 Any time mid-week. Because the first two days of
23 the week are normally --

24 MR. MARTIN: The only thing I have in March,
25 Judge, is I have a death penalty Spencer Hearing.

1 THE COURT: Okay.

2 MR. MARTIN: On the 26th and 27th of March.
3 And I'll be working with my witnesses on the 23rd,
4 24th, and 25th of March.

5 THE COURT: The only day I picked was the
6 26th, so I'm going to pick a different date.

7 MR. MARTIN: The 19th is a -- you know, if we
8 can do it in the afternoon so we don't have to get
9 up at 4:30. I'm just kidding.

10 THE COURT: Okay. You said the 19th?

11 MR. MARTIN: Yeah.

12 THE COURT: Okay. What about -- what about
13 March 12th at 1:00?

14 MR. MARTIN: That works for me, Judge.

15 THE COURT: It's a Thursday. And you said you
16 prefer afternoon, sir?

17 Is that convenient for you?

18 MR. MARTIN: I do. It's just the drive.

19 THE COURT: I understand.

20 MR. ESCOBAR: I have depositions.

21 THE COURT: Okay.

22 MR. ESCOBAR: The 19th was good for me. The
23 12th I've got depositions on a big trafficking case
24 out of Hernando that we've been waiting for these
25 federal officers to show up for depos.

1 THE COURT: I understand.

2 How about March 11th, the day before?

3 MR. ESCOBAR: I can do March 11th.

4 THE COURT: Okay.

5 MR. MARTIN: Judge, I have a phone conference
6 with my doctor that's in the Spencer Hearing in the
7 morning. If we could do it around 2:00 -- I mean,
8 late in the afternoon so I can finish that phone
9 conference at 12:30, and then have time to drive
10 from Pinellas County to here.

11 THE COURT: Is 2:00 going to be convenient or
12 do you want it at 3:00?

13 MR. MARTIN: Two o'clock, 2:30. Is 2:30 --

14 THE COURT: Three o'clock it is.

15 MR. MARTIN: Three o'clock it is.

16 THE COURT: Three o'clock it is.

17 How about March 11th, 2020, at 3:00 --

18 MR. MARTIN: Perfect.

19 THE COURT: -- for the status check?

20 The Court has now just set the trial dates.
21 Please work as hard as you can to speak with
22 your -- eight months is more than plenty of time to
23 see of the dates of when we're doing it. Because I
24 really don't want to wait until that date to set
25 the trial date. I just think that it's not going

1 to be advantageous and we'll end up looking at
2 2021.

3 MR. ESCOBAR: We will, Your Honor.

4 THE COURT: Thank you so much. Okay?

5 Is there anything else, Mr. Martin?

6 MR. MARTIN: No, Your Honor. Thank you.

7 THE COURT: Anything else, Mr. Escobar?

8 Mr. Michaels?

9 MR. ESCOBAR: No, Judge.

10 MR. MICHAELS: No, Judge.

11 THE COURT: Okay. Thank you so much.

12 MR. MARTIN: I apologize for being late.

13 THE COURT: No. You're fine. Thank you.

14 (Proceedings concluded.)
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1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA)4)
5 COUNTY OF PASCO)6
7 I, Victoria L. Campbell, Registered Professional
8 Reporter, certify that I was authorized to and did
9 stenographically report the foregoing proceedings and that
10 the transcript is a true record.11 DATED this 24th day of August, 2020.
12
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14

15 /s/Victoria L. Campbell

16 Victoria L. Campbell, RPR
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