

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY
2014CF000216CFAXES-1

Next For Record
Pasco County, Fla.

2020 SEP -3 PM 1:45

W. J. ...
Cheryl ...
Pasco County, Florida

STATE OF FLORIDA

V.

CURTIS JUDSON REEVES

STATE'S RESPONSE TO DEFENDANT'S MOTION TO DESIGNATE ANTHONY BOSSONE AND EACH AND EVER WITNESS EMPLOYED BY THE PASCO COUNTY SHERIFF'S OFFICE AS WITNESSES IDENTIFIED WITH AN ADVERSE PARTY UNDER §90.612(3), AND TO ALLOW THE DEFENSE TO QUESTION EACH OF THEM WITH LEADING QUESTIONS

COMES NOW, Bernie McCabe, State Attorney, for the Sixth Judicial Circuit in and for Pasco County, Florida, by and through the undersigned Assistant State Attorney hereby responds to Defendant's *Motion To Designate Anthony Bossone And Each And Every Witness Employed By The Pasco County Sheriff's Office As Witnesses Identified With An Adverse Party Under §90.612(3), And To Allow The Defense To Question Each Of Them With Leading Questions* as follows:

State's Position

Anthony Bossone and members of the Paso Sheriff's Office, when called as a witness in a criminal case by the defendant do not constitute a category of witnesses which leading questions is automatically permitted during direct examination.

ARGUMENT

Defendant's sole argument in support of the his contention that members of the Pasco Sheriff's Office are witnesses "identified with an adverse party" is grounded by the belief that in this case the witnesses have been an "arm" of the Office of the State Attorney.

In context of this case, the Pasco Sheriff's Office was not an arm of the Office of the State Attorney. The Pasco Sheriff's Office was not created by the Office of the State Attorney. The

Pasco Sheriff's Office is not an alter ego or instrumentality of the Office of the State Attorney.

The Pasco Sheriff's Office and the Office of the State Attorney in and for Pasco County are separate and distinct constitutional agencies, with separate and distinct duties and obligations. Their respective duties and responsibilities are guided by separate state laws. The autonomy between them is absolute. Neither can control the operations of the other. The employees of the Pasco Sheriff's Office are not and cannot be simultaneously employed by the Office of the State Attorney.

The case law cited by the Defendant in support of his contention that the Court should find each and every member of the Pasco Sheriff's Office who are witnesses in the above-styled case, are witnesses contemplated by Rule 90.612(3) as a witness "identified with an adverse party" suggest a relationship in the first degree.

The relationships with one of the adverse parties approved by the appellate courts included employees, co-workers, partners in crime, and close friends.

The Pasco Sheriff's Office conducted the criminal investigation in the above-styled case and passed their findings on to the Office of the State Attorney. The Office of the State Attorney was not involved in the criminal investigation. The criminal investigation was reviewed to determine what, if any criminal charges should be filed.

The Defendant did not cite, nor can the State find any case that approved the trial court finding an officer of the investigating agency in a criminal case as a witness "identified with an adverse party" as contemplated by Rule 90.612(3).

CONCLUSION

Detective Bossone and other members of the Pasco Sheriff's Office are not identified with the Office of the State as contemplated by Rule 90.612(3).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing *State's Response To Defendant's Motion To Designate Anthony Bossone And Each And Every Witness Employed By The Pasco County Sheriff's*

Office As Witnesses Identified With An Adverse Party Under §90.612(3), And To Allow The Defense To Question Each Of Them With Leading Questions was furnished to Richard Escobar, Esq., Attorney for the Defendant, at 2917 West Kennedy Blvd., Suite 100, Tampa, FL 33609-3163, by U.S. Mail or Personal Service this 3rd day of September, 2020.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida

By: 

Glehn L. Martin, Jr.
Assistant State Attorney
Bar No. 435988
P.O. Box 5028
Clearwater, FL 33758
(727) 464-6221