

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

STATE OF FLORIDA

V.

CURTIS JUDSON REEVES

NIKI AVEREZ-SOYOS
Clerk & Computer
Pasco County, Florida

2021 NOV 23 PM 12:01

Filed For Record
Pasco County, Florida

**SUPPLEMENT NO. 3 TO STATE'S
MOTION TO USE REDACTED TRANSCRIPTS OF
DEFENDANT'S INTERVIEWS BY LAW ENFORCEMENT**

COMES NOW, BRUCE BARTLETT, State Attorney for the Sixth Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, files this supplement number 3 to its motion to use redacted transcripts of the Defendant's two interviews by law enforcement as an aid to the jury in understanding the content of the recorded interviews, and as good cause would show:

Supplement Case Authority

Schreiber v. State, 973 So.2d 1265 (Fla. 2nd DCA 2008)

"The "doctrine of completeness," or "rule of completeness," to which the trial court was referring is apparently that of section 90.108(1), Florida Statutes (2005), which reads, in pertinent part, as follows:

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require him or her at that time to introduce any other part or any other writing or recorded statement that in fairness ought to be considered contemporaneously.

See also Larzelere v. State, 676 So.2d 394, 401 (Fla.1996) (noting that section 90.108 is known as the "rule of completeness"). The purpose of the rule is "to avoid the potential for creating misleading impressions by taking statements out of context." *Id.* (citing Charles W. Ehrhardt, *Florida Evidence* § 108.1 (1995 ed.)). Although the plain language of the statute requires the adverse party to introduce the other part of the statement at the time that the first party introduces the statement, Florida courts have generally allowed the adverse party to delay introducing the other part of the statement until cross-examination. *See, e.g., Vazquez v. State*, 700 So.2d 5, 8-9 (Fla. 4th DCA 1997); *cf. Ehrhardt, Florida Evidence* at § 108.1 nn. 4-5 (2007 *1269 ed.).


Likewise, although the language of the statute does not refer to oral statements, the courts have applied the rule of completeness to such statements. *See Ehrhardt, Florida Evidence* at § 108.1 n. 7 (2007 ed.). The fairness determination noted in the rule “falls within the discretion of the trial judge.” *Larzelere, 676 So.2d at 402.*” Id. 1268.

“We note first that Schreiber's statements were not admissible as an admission under section 90.803(18)¹ because she was not offering the statement against a party. *See Lott v. State, 695 So.2d 1239, 1243 (Fla.1997)* (“Self-serving statements are not admissible under section 90.803(18).”); *Cotton v. State, 763 So.2d 437, 439 (Fla. 4th DCA 2000)*. However, even if we assume that the rule of completeness can be used to introduce otherwise inadmissible hearsay in appropriate circumstances,² here the scope of the rule does not allow for the introduction of Schreiber's exculpatory statements. Rather, “[t]he opposing party is entitled to have a portion of the [statement] introduced *only insofar as it tends to explain or shed light upon the part already admitted.*” *Ehrhardt, Florida Evidence* at § 108.1 (2007 ed.) (emphasis added); *see also Evans v. State, 808 So.2d 92, 104 (Fla.2001)* (concluding that the rule of completeness did not entitle the defendant to elicit a detective's hearsay testimony on cross-examination when the jury was not misled or confused by the detective's direct examination testimony and the detective did not testify about a specific witness's partial statement that required further clarification); *United States v. Pendas-Martinez, 845 F.2d 938, 944 (11th Cir.1988)* (“While there are conflicting Circuit Court decisions on whether the rule makes admissible parts of a document that otherwise would be inadmissible under the [federal] Rules of Evidence, it is consistently held that the rule permits introduction only of additional material that is relevant and is necessary to qualify, explain, or place into context the portion already introduced.” (footnote and citations omitted)); *United States v. Marin, 669 F.2d 73, 84 (2d Cir.1982)* (“The completeness doctrine does not, however, require introduction of portions of a statement that are neither explanatory of nor relevant to the admitted passages.”)” Id. 1269

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Supplement No. 3 To State's Motion To Use Redacted Transcripts of the Defendant's Interviews By Law Enforcement was furnished to Richard Escobar, Esq., Attorney for the Defendant, at 2917 West Kennedy Blvd., Suite 100, Tampa, FL 33609-3163, by U.S. Mailst Personal Service / Email: rescobar@escobarlaw.com this 21st day of November 2021.

BERNIE McCABE, State Attorney
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By 
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