

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

STATE OF FLORIDA,

Case No: CRC-1400216CFAES

v.

CURTIS J. REEVES,
Defendant.

Division: 1

**MOTION TO RELEASE DEFENDANT ON HIS OWN RECOGNIZANCE
OR SET REASONABLE BAIL**

COMES NOW, the Defendant, CURTIS JUDSON REEVES, by and through his undersigned attorney and pursuant to Florida Rules of Criminal Procedure 3.131, 3.130, 3.132, 3.133 and Florida Statutes §903.035, §903.046, and respectfully requests this Honorable Court to release the defendant on his own recognizance or set reasonable bail, and as grounds therefore alleges the following:

I. PROCEDURAL HISTORY

1. On January 13, 2014, Mr. Reeves was arrested for the charge of murder in the second degree, in violation of §782.04, Florida Statutes.

2. The arrest was based upon the following facts alleged in the Pasco County

Complaint Affidavit: (See Pasco County Complaint Affidavit Attached as Exhibit A)

- (a) "Your affiant a detective with the Pasco County Sheriff's Office had the occasion to become involved in the investigation of a shooting."
- (b) "The witnesses advised the defendant confronted the victim about texting during the movie previews and went to advise management. When the defendant returned additional words were exchanged between the victim and the defendant and the victim turned and threw a bag of popcorn at the defendant. Witnesses advised they did not observe any punches being

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Paula S. O'Neil
Clerk & Controller
Pasco County, Florida

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thrown. The defendant removed a handgun and shot the suspect in the chest.”

(c) “The defendant advised that the victim turned and stood up striking him in the face with an unknown object. The defendant advised that he removed the 380 semi auto handgun from his pants pocket firing one round striking the victim and that he was in fear of being attacked.”

(d) “The victim was transported to Florida Hospital where he died.”

3. Mr. Reeves was immediately incarcerated in the Pasco County Jail without bail, wherein he remains.

4. On January 14, 2014 Mr. Reeves appeared before the Honorable Lynn Tepper for his initial appearance pursuant to Florida Rule of Criminal Procedure 1.130 and for the court’s determination of probable cause for his arrest pursuant to Florida Rule of Criminal Procedure 3.133. The Court did not hear from any witnesses but instead relied on the content of the Pasco County Complaint Affidavit to make its determination. The Court made the following findings:

The Court: The Court finds in reviewing 782.04 (3), with regard to premeditated – the second - degree murder, it’s a – “when perpetrated by any act imminently dangerous to another”. I guess that would be pulling a gun? “Any evidencing a depraved mind regardless of human life.” And the only description I have is, he was struck in the face by an unknown object. Not by a hard object. Not that he was knocked around. Just struck in the face by an unknown object. And regardless of human life, pulling a gun when hit in the face with some unknown object – and the additional information in here is popcorn. It may or may not have been popcorn, but an unknown object doesn’t equal taking out a gun and firing it at somebody’s chest. In addition, that certainly would be to effect the death. The Court is finding that there is more than sufficient probable cause of second-degree murder.

The court is finding that I do believe that I can rely upon the probable cause affidavit do indicate that the proof of guilt is evident and that the – there certainly – while you have inference that there may be lawful defenses, the Court does not find that there is anything other than a presumption. That there is proof of evident – sorry. The evidence is significant. And the court finds that the proof is great in the probable cause affidavit that a second-degree murder took place, and Mr. Reeves, I’m sure, has already been advised by his

attorney, who is facing life in prison.

Obviously the state needs to further investigate this in order to decide precisely what they will be filing. But I find that since I do believe the state has in their probable cause affidavit, which includes referencing that witnesses in this theater were questioned, including the defendants own statement, that the proof of guilt is evident. And I am finding that regardless of his ties to this community, that the state can seek no bond, without prejudice, for a hearing in front of Judge Siracusa to be heard further on bond, and to have ---if you wish to have a full blown hearing. But I am ruling that there is no bond.

(See Transcript, attached as Exhibit B).

II. Probable Cause Determination at First Appearance

To properly analyze whether the Pasco County Complaint Affidavit alleges sufficient facts to establish probable cause for the crime of second degree murder, one must first examine the elements of the crime of murder in the second degree, the elements of the crime of manslaughter as well as the statutes pertaining to the justifiable use of deadly force.

A. Murder in the Second Degree

Florida Statute 782.04 (2)(2014) provides

The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s.775.082, s. 775.083, or s. 775.084.

An act is immediately dangerous to another and evincing a depraved mind for purposes of the offense of second degree murder, if the act or series of acts is one that: (1) a person of ordinary judgment would know is reasonably certain to kill or do serious bodily injury to another; (2) is done from ill will, hatred, spite or an evil intent; and (3) is of such a nature that the act

itself indicated an indifference to human life. *Dorsey v. State*, 74 So.3d 521 (Fla. 4th DCA 2011), *Poole v. State*, 30 So.3d 696 (Fla. 2d DCA 2010), *Rayl v. State*, 765 So.2d 917 (Fla. 2d DCA 2000).

“Although exceptions exists, the crime of second degree-murder is normally committed by a person who knows the victim and has had time to develop a level of enmity toward the victim” *Light v. State*, 841 So.2d 623,626 (Fla. 2d DCA 2003). “Hatred, spite, evil intent, or ill will usually require more than a instant to develop” *Id.* “Florida courts have held that an impulsive overreaction to an attack or injury is itself insufficient to prove ill will, hatred, spite, or evil intent”. *Dorsey*, 74 So.2d at 524.

The Pasco County Complaint Affidavit clearly fails to allege sufficient facts to establish probable cause for the crime of second degree murder. First, the affidavit fails to allege facts which establish that the use of deadly force by the defendant was “done from ill will, hatred, spite or evil intent” as required by 782.04 (2). In this regard, the affidavit fails to describe with any detail the verbal exchange between Mr. Oulson and Mr. Reeves. The affidavit does, however, clearly state that, after the parties’ initial verbal exchange, Mr. Reeves left to advise theater management of Mr. Oulson’s actions. This is a clear indication that Mr. Reeves’ desire was to peacefully and prudently rectify the problem. Additionally, the Pasco County Complaint Affidavit clearly establishes Mr. Reeves’ assertion that his actions in the use of force were in self-defense and the result of his fear of bodily harm.

Under Florida law, an accused may assert his justifiable use of deadly force as outlined in Florida Statute § 782.02 and § 776.012.

B. Self-Defense

Florida Statute 782.02 (“Justifiable Use of Deadly Force”) reads:

The use of deadly force is justifiable when a person is resisting any attempt to murder such person or to commit any felony upon him or her or upon or in any dwelling house in which such person shall be.

Likewise, Florida Statute 776.012 (“Use of Force in Defense of Person”) reads:

A person is justified in using force , except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other imminent use of unlawful force. However, a person is justified in the use of deadly force and does not have a duty to retreat if:

- (1) He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony

By amending Florida Statutes to include the so-called Stand Your Ground amendments, the Florida Legislature abrogated the duty to retreat.

The term “reasonable belief” is not defined by statute. Reasonable belief is a common law concept that has been developed in case law. In *Brown v. United States*, 256 U.S. 335, 343 (1921), the Supreme Court articulated the standard for reasonable belief, noting “[d]etached reflections cannot be demanded in the presence of an upended knife.” The Court held further “it is not a condition of immunity that one in that situation should pause to consider whether a reasonable man might not think it possible to fly with safety or to disable his assailant rather than to kill him.” *Id.*

The standard jury instructions also outline the standard for determining a defendant’s reasonable belief:

In deciding whether defendant was justified in the use of deadly force, you must judge [him] [her] by the circumstances which [he] [she] was surrounded at the time the force was used. The danger facing the defendant need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, the defendant must have actually believed that the danger was real.

If the defendant [was not engaged in an unlawful activity and] was attacked in any place where [he] [she] had a right to be, [he] [she] had no duty to retreat and had the right to stand [his] [her] ground and meet force with force, including deadly force, if [he] [she] reasonably believed that it was necessary to do so to prevent death or great bodily harm to [himself] [herself] [another] or to prevent the commission of a forcible felony.

Fla. Std. Jury Insr. (Crim.). [Justifiable Use of Deadly Force]

By requiring that the a defendant be judged by his or her circumstances, the law recognizes that reasonable belief must be considered by an objective person in the defendant's subjective circumstances. Those circumstances include, but are not limited to, the defendant's age, disabilities, special skills, and physical surroundings.

In this case, the first alleged act of violence in the Pasco County Complaint Affidavit describes Mr. Oulson assaulting Mr. Reeves by throwing a bag of popcorn at him when he returned from his meeting with theater management. The affidavit additionally alleges that Mr. Reeves advised law enforcement that Mr. Oulson struck him in the face with an unknown object. These acts of violence by Mr. Oulson constitute the crime of battery. Pursuant to Florida Statutes 784.08, this battery is a felony due to the fact that Mr. Reeves was 71 years old when he was struck by Mr. Oulson. This statute clearly reflects the Legislature's attempt to give special protection to the elderly, "whose old age often brings physical, emotional, and mental infirmities making [him or her] more vulnerable because the individual cannot defend himself from an

attack” Tracy L. Kramer, Section 784.08 of the Florida Statutes: A Necessary Tool to Combat Elder Abuse and Victimization, 19 Nova L. Rev. 735 (1995).

Lastly, the affidavit states that Mr. Reeves used deadly force only due to the fact that he was in fear of being attacked. Clearly, as alleged in the Pasco County Complaint Affidavit, Mr. Oulson had committed at least one, possibly two felony crimes against Mr. Reeves prior to the use of deadly force.

In evaluating Mr. Reeves’ claim of self defense, the Court must consider the following facts: Mr. Reeves was confronted while seated in a dark movie theater, with his elderly wife at his side. He was 71 years old and suffers from arthritis in both hands and bursitis in his shoulder. Mr. Reeves was a highly decorated and heavily trained member of the Tampa Police Department. He attended over 60 law enforcement courses during his employment as a police officer, many of which dealt specifically with the skills necessary to recognize imminent danger of death or serious body injury in the line of duty and on the use of necessary force and officer survival. Mr. Reeves also founded and was the commander of the Tactical Response Team for 16 years. This tactical unit is almost always called upon at times of crisis and danger. Mr. Reeves built his career on recognizing imminent danger and responding appropriately. Mr. Reeves, therefore, was in the best position to perceive that the danger to him and his elderly wife was imminent and that deadly force was absolutely necessary to prevent death, great bodily harm, or the commission of a felony / forcible felony.

The United States Congress realized the value of allowing our retired law enforcement officers to carry firearms when it enacted 18 U.S.C. § 921, entitled the Law Enforcement Safety Act of 2004. Mr. Reeves, a retired Captain of 27 years with the Tampa Police Department was

not only entitled but was encouraged to carry a firearm by the passage of this law. In passing the law, Congress recognized that retired law enforcement officers should be permitted to carry concealed firearms “so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.” Proceedings and Debates of the 108th Congress, 150 Cong. Rec. S7301-06 (2004). Mr. Reeves, a retired law enforcement captain of the Tampa Police Department, was properly authorized by law to carry a firearm at the time of the incident.

C. Manslaughter

Florida Statute 782.07 (1) reads as follows:

The killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, is manslaughter, a felony of the second degree, punishable as provided in s. 775.082, 775.083, or s. 775.084.

Undersigned anticipates that the State will argue that Mr. Reeves used excessive force or overreacted to the situation. However, “[w]hile the jury may reasonably reject the theory of self-defense in a case involving a defendant’s impulsive overreaction to a victim’s attack, such a case warrants a conviction for manslaughter, not second degree murder.” *See Dorsey*, 74 So.2d at 524. In *Dorsey*, the Court cited to the following cases in support of its finding – *Poole v. State*, 30 So.3d 696, 698-99 (Fla. 2d DCA 2010) (where defendant stabbed the unarmed victim once after the victim had lunged at him in a confined R.V. the evidence showed an impulsive overreaction to an attack, warranting a conviction for manslaughter but not second degree murder.); *Bellamy v. State*, 977 So.2d 682, 684 (Fla. 2d DCA 2008) (reversing convictions for second degree murder and attempted second degree murder where defendant stabbed victims after he

was pushed to the ground and someone stepped on his neck at a nightclub); *Rayl v. State*, 765 So.2d 917, 919-20 (Fla. 2d DCA 2000) (prosecution failed to establish that the defendant acted with depraved mind where the victim stormed into the defendant's place of business threatening to kill the defendant, the defendant shot the victim twice, and the victim had come toward the defendant before each shot; the fact that the defendant was standing with his arms folded when officers arrived was insufficient to prove ill will); *McDaniel*, 620 So.2d at 1308 (prosecution failed to prove prima facie case of second degree murder where evidence showed that the victim initiated altercation with the defendant by hitting him in the mouth and knocking him to the ground; although defendant's use of knife to ward off further attack may have been excessive, thereby negating a finding of self-defense, his acts did not evince depraved mind; no evidence was presented that defendant acted out of ill will, hatred, spite, or an evil intent).

Likewise, in this case, even if the prosecution were to believe that Mr. Reeves used excessive force in his self defense, pursuant to the case law above, Mr. Reeves would face a manslaughter charge, not second degree murder and would be constitutionally entitled to pre-trial release.

The Honorable Lynn Tepper clearly erred when she found at defendant's first appearance that the Pasco County Complaint Affidavit alleged sufficient probable cause for the crime of second degree murder. The court failed to adequately apply the elements of the crime of murder in the second degree. In particular, the court failed to address the issue of whether the act was from ill will, hatred, spite, or an evil intent. The Defendant hereby requests that this court find that the allegations in the Pasco County Complaint Affidavit fail to support probable cause for the crime of second degree murder.

III. Pre Trial Release Consideration (Bond)

A. Constitutional Right

Both the Florida Constitution and Florida Rule of Criminal Procedure 3.131 make clear that there is a presumption in favor of pretrial release. Specifically, Article I, section 14 of the Florida Constitution provides:

Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of the guilt is evident or the presumption great, every person charged with a crime of violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

Art. I § 14, Fla. Const. (Emphasis added).

Florida Rule of Criminal Procedure 3.131(a) resonates this sentiment, providing, in pertinent part, as follows:

Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions.

[. . .]

If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

The degree of proof necessary before bail can be denied in such cases was set forth by the Supreme Court in *Russell v. State*, 71 So. 27 (1916) and *State ex rel. Van Eeghen v. Williams*, 87 So.2d 45 (Fla. 1956). Specifically, the Court held that the State is held to an even greater degree of proof than that required to establish guilt beyond a reasonable doubt.

In *Mininni v. Gillum*, 477 So.2d 1013 (Fla. 2d DCA 1985), the Second District affirmed the trial court's granting of bail in a capital case, holding

Nevertheless, having examined the affidavits relied upon by the trial court, we conclude that proof of [the defendant's] guilt of first degree murder is neither 'evident' nor 'great' as those terms are employed in the context of bond in capital cases.

In this case, the Pasco County Complaint Affidavit does not even establish probable cause, let alone proof beyond a reasonable doubt or the even more stringent proof positive, presumption great standard. The Defendant requests that this Court find that the evidence that he committed second degree murder is neither proof evident nor presumption great and grant him bail.

B. Judicial Discretion

Even when the proof is evident or the presumption great that the accused committed a capital or life imprisonment offense, the accused may still come forward with a showing addressed to the court's discretion to grant or deny bail. *Arthur*, 390 So. at 719.

The constitutional provision does not require that pretrial release be denied to all persons charged with capital offenses or offenses punishable by life imprisonment where the proof of guilt is evident or the presumption great. *State v. Arthur*, 390 So. 2d 717, 718 (Fla. 1980).

Florida Rule of Criminal Procedure 3.131(b)(3) elaborates on the factors a court must consider in determining bail. It reads:

In determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court may consider the nature and circumstances of the offense charged and the penalty provided by law; the weight of the evidence against the defendant; the defendant's family ties, length of residence in the community, employment history, financial resources, need for substance abuse evaluation and/or treatment, and mental condition; the defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution,

or failure to appear at court proceedings; the nature and probability of danger that the defendant's release poses to the community; the source of funds used to post bail; whether the defendant is already on release pending resolution of another criminal proceeding or is on probation, parole, or other release pending completion of sentence; and any other facts the court considers relevant.

The following details show Mr. Reeves' significant ties to the Hillsborough County, Hernando County, and Pasco County, Florida area:

- a. Age: Mr. Reeves is 71 years old.
- b. Marital Status: Mr. Reeves has been married to Vivian Reeves for 46 years.
- c. Children: Mr. Reeves has a daughter, Jennifer, born on [REDACTED] who lives in Brooksville and a son, Matthew, born on [REDACTED] who lives in Dade City. Matthew is currently employed by the Tampa Police Department as a law enforcement officer.

Mr. Reeves also has one (1) grandchild who likewise resides in Brooksville.

- d. Family:
 - Mother - Annie Ruth Reeves - 93 years old, resides in Tampa, Florida and is in very poor health.
 - Sister - Margaret Masters, resides in Tampa, Florida
 - Sister - Patricia Trowell, resides in Hudson, Florida
 - Sister - Linda Lucas resides in Sanford, Florida
 - Nephew - Bill Smith, resides Sanford, Florida
 - Niece and her husband - Holly and Bill Shoaf, reside in Lutz, Florida
 - Brother-in-Law and Sister-in-Law - Charles and Myra Meid Reside in Land O' Lakes, Florida
 - Nephew and His Wife - Tom and Stephanie Meid, reside in Land O' Lakes, Florida
 - Great Nephew and His Wife - Tyler and Landrah Brown, reside in Lutz, Florida
 - Great Niece and Her Husband - Laura and Jeffrey Renner, reside in Land O' Lakes, Florida

e. Employment: Tampa Police Department

1966 - 1993, Retired from the Tampa Police Department as a Captain and Commander of the Tactical Response Team. Captain Reeves served the Tampa Police Department for 27 years as a Patrolman, Detective in Homicide, Robbery, and Property Crimes. He was selected by the chief of police to create, design, implement, formulate, train the 1st Tactical Response Team (swat) for the Tampa Police Department. He himself attended over 60 law enforcement courses in an effort to learn and apply the principals, techniques and knowledge gained from those courses to develop, train, and enhance this very specialized unit. He not only trained the unit in every aspect of tactical response to crisis, danger, and force but he also trained other law enforcement forces during his 16 years as commander of the Tactical Response Team (Swat).

Busch Entertainment Corporation

1993 - 2004 - Mr. Reeves was Director of Security for Busch Entertainment Corporation in Tampa, Florida. While Director of Security, he re-wrote the operating security procedures and trained security staff in all aspects of security including the use of maze, handcuffs, firearms, as well as the proper handling of park guests. Mr. Reeves became president of the American West Coast Chapter for the American Society of Industrial Security. He attained the designation of Certified Personal Protection (CPP) which is a very difficult designation to attain and extremely prestigious. At the time of his designation there were only 6,000 individuals across the country with this designation.

Law Enforcement Training and Experience

1. 1966 - Tampa Police Department

Graduated from Tampa Police Academy after completing 328 hours course of training in Police Fundamentals. Was awarded the Outstanding Achievement recruit for class # 14. (See Certificate, attached as Exhibit C).

2. 1967 - Council on Police Officer Standards and Training

Awarded a certificate of recognition by the Council on Police Standards and Training (See Certificate, attached as Exhibit C).

3. 1968 - Tampa Police Department
Promoted to the Selective Enforcement Unit which included plain clothes assignments on burglary/robbery stakeouts and felony warrants.
4. 1970 - Tampa Police Department
Promoted to Detective and assigned to the Homicide/Robbery Bureau.
5. 1972 - Florida Institute for Law Enforcement
Was awarded Certificate of Completion on a 21 hours course on Identification. (See Certificate, attached as Exhibit C).
6. 1972 - Florida Institute for Law Enforcement
Was awarded Certificate of Completion of a 21 hours course in interviewing and interrogating. (See Certificate, attached as Exhibit C).
7. 1972 - Hillsborough Community College
Attended full time while employed full time at Tampa Police Department.
8. 1974 - Hillsborough Community College
Associates of Arts Degree - Pre Police Science and Administration. (See Certificate, attached as Exhibit C).
9. 1974 - Council on Police Officer Standards and Training
Awarded the Career Development Certificate for Intermediate Training. (See Certificate, attached as Exhibit C).
10. 1974 - Council on Police Officer Standards and Training
Awarded the Career Development Certificate for advanced training (See Certificate, attached as Exhibit C).
11. 1976 - University of Tampa
University of Tampa, Bachelor of Science with a major in criminology magna cum laude. (See Certificate, attached as Exhibit C)
12. 1976 - University of Tampa
University of Tampa Alpha Chi Honor Society - Elected Member. (See Certificate, attached as Exhibit C).

13. 1976 - Tampa Police Department
Promoted to Sergeant.
14. 1977 - Law Enforcement Officer Training School
Certificate of Completion Hostage Negotiations. (See Certificate, attached as Exhibit C)
15. 1976 - Tampa Police Department
The Chief of the Tampa Police Department appointed Captain Reeves to develop, train, and implement the first Tactical Response Team (Swat) for the department. This required a great amount research, design and implementation. Mr. Reeves was instructed to attend numerous training courses throughout the country to become skilled in all aspects tactical police enforcement techniques. Over the next 16 years under his command, the Tampa Police Department Tactical Response Team earned elite status.
16. 1977 - Department of the Army
Certificate of Completion Marksmanship and Tactical Training. (See Certificate, attached as Exhibit C).
17. 1977 - Federal Bureau of Investigation Training School
Certificate of Completion - Special Tactical Firearms Training (See Certificate, attached as Exhibit C).
18. 1977 - United States Army Marksmanship Unit
Certificate of Completion of Sniper/Counter Sniper Clinic. (See Certificate, attached as Exhibit C).
19. 1977 - The National Rifle Associates of America
Certificate of completion Certified Shotgun Instructor. (See Certificate, attached as Exhibit C).
20. 1977 - Law Enforcement Officers Training School
Certificate of Completion Hostage Negotiations. (See Certificate, attached as Exhibit C)
21. 1977 - The National Rifle Association of America
Certificate of Completion - Certified Pistol Marksmanship Instructor. (See Certificate, attached as Exhibit C).

22. 1977 - The National Rifle Association of America
Certificate of Completion - Certified Rifle Marksmanship Instructor. (See Certificate, attached as Exhibit C).
23. 1978 - Department of the Army
Certificate of Completion Advanced Marksmanship and Counter Sniper Preparatory Course. (See Certificate, attached as Exhibit C).
24. 1978 - The National Rifle Association of America
Certificate of Completion Police Firearms Instructor. (See Certificate, attached as Exhibit C).
25. 1979 - Tampa Police Academy
Advanced Training Certificate on Instructors Techniques (See Certificate, attached as Exhibit C).
26. 1979 - Commission on Police Officer Standards and Training
Certificate of Completion for Instruction Techniques. See Certificate, attached as Exhibit C).
27. 1979 - Law Enforcement Institute
Certificate of Completion on Officer Survival Tactics. (See Certificate, attached as Exhibit C).
28. 1979 - California Public Safety Educators
Certificate of Completion Captured Officer Survival Techniques.(See Certificate, attached as Exhibit C)
29. 1979 - Tampa Police Department
Promoted to Lieutenant.
30. 1979 - Law Enforcement Institute
Certificate of Completion - Vicarious Liability. (See Certificate, attached as Exhibit C).
31. 1980 - Federal Bureau of Investigation Training School
Certificate of Completion Effective Communication. (See Certificate, attached as Exhibit C).
32. 1980 - NRA Home Firearm Responsibility
Certificate of Completion - Instructor.(See Certificate, attached as Exhibit C).

33. 1980 - National Rifle Association of America
Certificate of Qualification Police Sharpshooter. (See Certificate, attached as Exhibit C).
34. 1980 - Police Marksmanship Associations
Life Member. (See Certificate, attached as Exhibit C).
35. 1980 - Law Enforcement Institute
Certificate of Completion Civil Laws and Liabilities. (See Certificate, attached as Exhibit C).
36. 1981 - The International Association of Chiefs of Police
Certificate of Completion Shooting! Classroom and Range Instructor. (See Certificate, attached as Exhibit C).
37. 1981 - The United States Air Force
Certificate of Completion Combat Skills/Terrorist Threat Training. (See Certificate, attached as Exhibit C).
38. 1982 - Central Florida Criminal Justice Regional Training Center
Certificate of Completion 3 Day Disturbance (Riot) Control Seminar (See Certificate, attached as Exhibit C).
39. 1982 - Law Enforcement Officers Training School
Certificate of Completion Anti Sniper and Survival Tactics. (See Certificate, attached as Exhibit C).
40. 1982 - Hillsborough County Fire Services Associations
Certificate of Completion Vertical Rope Rescue School (See Certificate, attached as Exhibit C).
41. 1983 - Federal Bureau of Investigation
Certificate of Completion Management Seminar (See Certificate, attached as Exhibit C).
42. 1983 - National Rifle Association of America
Certificate of Appointment Basic Marksmanship Program Instructor. (See Certificate, attached as Exhibit C).
43. 1983 - Florida Law Enforcement Academy
Certificate of Completion Executive and Organizational Change. (See Certificate, attached as Exhibit C).

44. 1984 - Florida Department of Law Enforcement (FDLE)
Certificate of Completion National Conference on Violence - A
Police Focus on Criminal And Extremist Terror.
(See Certificate, attached as Exhibit C).
45. 1984 - Model for Management
Certificate of Completion Teleometrics Int'l Models for
Management. (See Certificate, attached as Exhibit C).
46. 1984 - Tampa Police Department
Promoted Captain, Homicide/Robbery Bureau, Larceny Bureau,
Patrol Division.
47. 1984 - The Commission of Criminal Justice Standards and
Training Career Development Certificate Executive Development
Base Law Enforcement Officers. (See Certificate, attached as
Exhibit C)
48. 1985 - Florida Institute for Law Enforcement
Certificate of Completion Executive Development Philosophy of
Management. (See Certificate, attached as Exhibit C).
49. 1985 - Florida Institute of Law Enforcement
Certificate of Completion Executive Development Psychology of
Management. (See Certificate, attached as Exhibit C).
50. 1986 - Florida Department of Law Enforcement
Criminal Justice Standards and Training Commission Certificate of
Completion Advanced Criminal Investigation. (See Certificate,
attached as Exhibit C).
51. 1986 - SIGARMS
Certificate of Completion - Weapons handling course for semi-
auto pistols. (See Certificate, attached as Exhibit C).
52. 1987 - Federal Bureau of Investigation
Certificate of Completion Executive Development Seminar. (See
Certificate, attached as Exhibit C).
53. 1988 - FDLE Criminal Justice Standards and Training Commission
Instructor Certification. (See Certificate, attached as Exhibit C).

54. 1989 - The International Associates of Chiefs of Police
Certificate of Completion - Swat Supervisors Tactics and Management, (See Certificate, attached as Exhibit C).
55. 1989 - Delray Beach Police Department
Certificate of Completion Street Survival - Tactical Edge Seminar and the Win Seminar. (See Certificate, attached as Exhibit C).
56. 1989 - FDLE
Certificate of Completion - Managing Major Incidents. (See Certificate, attached as Exhibit C).
57. 1990 - FDLE
Certificate of Completion - Interagency Use of a Swat Team. (See Certificate, attached as Exhibit C).
58. 1991 - FDLE
Certificate of Completion - Demonstrations in the 1990s. (See Certificate, attached as Exhibit C).
59. 1992 - FDLE
Certificate of Completion - Limited Access Terminal Operation. (See Certificate, attached as Exhibit C).
60. 1992 - U.S. Department of Justice FBI
Certificate of Completion - Chemical Agents in Law Enforcement. (See Certificate, attached as Exhibit C).

Security Training and Experience

1. 1994 - Tampa Area Safety Council
Certificate of Completion Violence in the Workplace: Are you Prepared? (See Certificate, attached as Exhibit D).
2. 1994 - Busch Entertainment Corporation
Certificate of Completion Applied Management. (See Certificate, attached as Exhibit D).
3. 1995 - Busch Entertainment Corporation
Certificate of Completion - Situational Leadership. (See Certificate, attached as Exhibit D).

4. 1995 The American Society for Industrial Security
Certified Protection Professional. (See Certificate, attached as Exhibit D).
5. 1995 - Busch Entertainment Corporation
Certificate of Completion - Communication Skills. (See Certificate, attached as Exhibit D).
6. 1997 - American Society for Industrial Security
Certificate of Completion - Business Security/Protection and Prevention. (See Certificate, attached as Exhibit D).
7. 1997 - Bush Entertainment Corporation
Certificate of Completion - Fundamental Concepts of Security Techniques. (See Certificate, attached as Exhibit D).
8. 1999 - American Security for Amusement Park Security and Safety
Certificate of Membership. (See Certificate, attached as Exhibit D).
9. 2000 - The American Society for Industrial Security
Honorable Mention Award. (See Certificate, attached as Exhibit D).
10. 2000 - The American Society for Industrial Security
Certificate of Completion - Security Challenges for the New Millennium. (See Certificate, attached as Exhibit D).
11. 2000 - The American Society for Industrial Security
Charles J Knight Award. (See Certificate, attached as Exhibit D).
12. 2001- The American Society for Industrial Security
Certificate of Merit - Handling People with Diplomacy and Tact. (See Certificate, attached as Exhibit D).
13. 2002 - Orlando Police Department
Certificate of Completion - Visitor Safety and Security Summit. (See Certificate, attached as Exhibit D).
14. 2003 - The American Society for Industrial Security
Certificate of Completion - Domestic Violence and Stalking in the Workplace. (See Certificate, attached as Exhibit D).

15. 2004 - The American Society for Industrial Security
Certificate of Appreciation - Homeland Security Conference
Speaker. (See Certificate, attached as Exhibit D).

f. Education:

Hillsborough High School Tampa Florida - Graduated in 1961.

Hillsborough Community College - 1974 Associates of Arts in Pre-Police Science and Administration.

University of Tampa - 1976 Bachelor's of Science with a Major in Criminology *magna cum laude*. He was a member of the Alpha Chi Honor Society.

- g. Character Witness Letters: The following members of the community have written character letters in support of Mr. Reeves.

1. James D. Berg
2. John J. Boleman
3. Larry G. DeLucenay
4. Mr. Thomas A. Depolis, Retired Deputy Chief, TPD
5. Barry Edwards
6. Mr. James and Elaine Hall
7. Captain R. D. Hall, Retired Tampa Police Captain
8. Jerry A. Hayman
9. Carson L. Helms, Retired Tampa Police Sergeant
10. George L. Lease, Retired Tampa Police Officer
11. Martin Mazurek
12. Mr. Raymond Mehaffey, Retired Captain, TFD
13. Charles Meid, Brother-in-Law
14. Bob Northrop, Retired Tampa Police Officer
15. Detective Roy Pierce, Retired Tampa Police Detective
16. Ms. Betsy Pinkerton, Retired Detective, Tampa Police
17. Mr. Larry J Pinkerton, Retired Lieutenant, Tampa Police
18. Peter Pomponio, Retired Senior Sergeant, Tampa Police
19. Kimi Sams
20. Michael Scalise
21. Holly L. Shoaf, Niece
22. Mr. Gary Smilee
23. Ralph & Barbara Stinson
24. Charles White
25. Mr. Al and Donna Williams:
(See Composite of Letters, attached as Exhibit E).

- h. Ties to the Florida Community:
Mr Reeves has lived in Florida, particularly Tampa, Pasco and Hernando Counties for 71 years.
- I. Residence: Mr Reeves lives with his wife Vivian Reeves at their home which they own in Hernando County, Florida
- j. Religion: Mr. Reeves currently attends Baptist Church of Dade City. From 1968 though 2005, he attended First Baptist Church of Lutz. Coordinated and facilitated the youth recreational program at First Baptist Church of Lutz.
- k. Military: Mr. Reeves served in the United States Navy for four years, where he successfully completed the U.S. Naval Submarine School.
- l. Health: Mr. Reeves was diagnosed with and survived cancer in 1988, he currently suffers from arthritis in both hands and bursitis in his shoulder, hypertension, high cholesterol, and hypoxemia.

Based upon his extensive ties to the community, both in the past and currently, as well as the other factors outlined above, the Defendant is constitutionally entitled to reasonable conditions of pretrial release.

C. Setting Reasonable Conditions of Pretrial Release

The Eighth Amended to the United States Constitution expressly prohibits excessive bail in any cause. The term “excessive” is relative to the defendant’s ability to post said bail. As such, the trial court must consider a defendant’s financial circumstances when applying statutory factors relevant in determining the appropriate amount of bail, as excessive bail is tantamount to no bail. *Alvarez v. Crowder*, 645 So.2d 63, 64 (Fla. 4th DCA 1994). An excessive bail acts as a penalty rather than as a guarantee that the defendant will return to subsequent court proceedings, and must therefore be reduced. *Id.* The appellate courts in Florida have found that a bail which

does not take into account a defendant's financial status and ties to the community are improper. *See Cameron v. McCampbell*, 704 So.2d 721 (Fla. 4th DCA 1998) (trial court must consider financial abilities of defendant when setting amount of bail); *Matera v. Buchanon*, 192 So.2d 18 (Fla. 3rd DCA 1966) (bail should not be fixed in so excessive an amount as to preclude the probability of the accused's being able to furnish it). *Winer v. Spears*, 771 So.2d 621 (Fla. 3d DCA 2000)(bond of \$200,000 was excessive for defendant charged with fraud and theft charges).

In this case, the Court must consider the fact that Mr. Reeves is retired. Although he owns his own home in Hernando County, he and his wife live on relatively modest retirement income. The source of funds used to meet any financial conditions of pre-trial release will be a collection of money available to Mr. Reeves through family and immediate friends.


Mr. Reeves poses no threat to this community; instead he has devoted practically his entire life to protecting the public from crime. The Defendant further assures the Court that he will appear at every stage of the proceedings mandated by this Honorable Court though the trial of this cause.

Based on the facts of the case, Mr. Reeves' entitlement to self-defense, his ties to the community, his financial status, and his lack of danger to the community, he is entitled to a reasonable bond pending a resolution of the case.

WHEREFORE, the Defendant, CURTIS JUDSON REEVES, respectfully requests this Honorable Court to release him on his own recognizance or set reasonable bail in this cause.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
Hand Delivery/Facsimile to the Office of the State Attorney, Dade City, Florida this 31st day
of January, 2014.



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