

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

STATE OF FLORIDA,  
Plaintiff,

Case No: CRC-1400216CFAES

vs.

CURTIS J. REEVES,  
Defendant.

Division: 1

**MOTION TO PERMIT ACCUSED TO APPEAR IN CIVILIAN  
CLOTHING AND WITHOUT RESTRAINTS  
AT ALL PROCEEDINGS**

Defendant, CURTIS J. REEVES, by and through undersigned counsel, moves this Honorable Court for an order permitting defendant to appear at all in-court proceedings in civilian clothes instead of a jail uniform. In addition the defendant requests that he not be shackled or handcuffed or restrained in any way.

**MEMORANDUM IN SUPPORT**

1. The presumption of innocence is a basic component of the fundamental right to a fair trial. *See Coffin v. United States*, 156 U.S. 432, 453 (1895). "The presumption of innocence requires the garb of innocence, and regardless of the ultimate outcome, or the evidence awaiting presentation." *Kennedy v. Cardwell*, 487 F.2d 101, 104 (6<sup>th</sup> Cir. 1973) (citation omitted).

"[E]very defendant is entitled to be brought before the court with the appearance, dignity, and self-respect of a free and innocent man." *Id.*

2. Defendant is presently incarcerated and is scheduled for a Bond Hearing on February 5, 2014. Unless the Court orders that he be permitted to change into civilian clothes, the right to receive a fair trial will be impermissibly infringed upon.

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3. It is reasonable to assume that the Bond Hearing will be heavily covered by local and national media (given the saturation of coverage up to this point). If the defendant is put on display to prospective jurors in jail garb, they will naturally be led to doubt in his presumption of innocence. The defendant's right to a fair trial by an untainted jury will be undermined if not destroyed. In *Estelle v. Williams*, 425 U.S. 501 (1976), the Court emphasized that, "...the constant reminder of the accused's condition implicit in such distinctive, identifiable attire may affect a juror's judgement." *Id.* at 504-505. Although that case concerned jail garb at trial, the principle applies equally when prospective jurors are tainted by pre-trial publicity depicting defendant in jail garb.

4. There are no facts specific to this case that would justify restraint in any manner during court hearings.

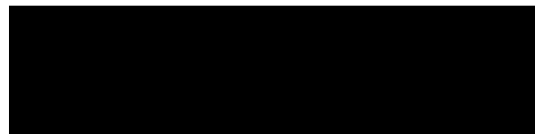
5. "The fifth and Fourteenth Amendments prohibit the use of physical restraints visible to the jury absent a trial court determination, in the exercise of its discretion that they are justified by a State interest specific to a particular trial." *Deck v. Missouri*, 544 U.S. 622, 629 (2005). "Given their prejudicial effect, due process does not permit the use of visible restraints..." *Id.* at 632.

6. While *Deck* deals with the issue of visible restraints at trial, the same principle should apply to prospective jurors being tainted by pre-trial media coverage depicting the defendant in restraints.

**WHEREFORE** defendant moves this Honorable Court to allow him to appear at all court proceedings in civilian clothes and without restraints.

**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 27<sup>th</sup> day of January, 2014.



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