

STATE ATTORNEY'S OFFICE

EIGHTH JUDICIAL CIRCUIT
WILLIAM P. CERVONE, STATE ATTORNEY

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Editor: Rose Mary Treadway

September 2007

A MESSAGE FROM

BILL CERVONE
STATE ATTORNEY

As always, this issue of the legal bulletin highlights new legislation that has now gone into effect. The "Anti-Murder Act" is the primary piece of legislation that impacts criminal prosecutions and that has, of course, been in effect since last spring. Other note-worthy changes include new laws dealing with cybercrime, in particular offenses against children, and Sexual Offender registration requirements. As you look through the short summaries that are included, please understand that you will need to read the complete text of a particular bill to fully understand what it involves.

If you need a copy, please call the SAO and we will get it to you. Alternatively, you can easily pull these up on a variety of websites.

Also important to all of us is the current financial shortfall state and local

governments are facing. This has the potential to impact all of us in various ways. The SAO, like all state agencies, has been directed to give back 4% of its current budget immediately, which we have done by not filling positions that have become vacant and eliminating various other expenses. A 4% reduction in funding is manageable, as opposed to the potential 10% reduction that we have been ordered to address for the next fiscal year. Where this goes is anyone's guess, as is the impact of these shortfalls on every agency's staffing and planning.

We remain committed to the level of service we have provided up to now in every county of the Circuit. Plans for increased staffing, however, are necessarily going to be on hold for the time being. As always, your help in maximizing what we can accomplish by focusing our already limited resources will be greatly appreciated.

SAO PERSONNEL CHANGES

STEVE FRISCO has joined the Gainesville SAO as an ASA and is assigned to the Misdemeanor Division. Steve is a graduate of Florida Coastal and is a Gainesville native.

SAM BENNETT is a new ASA assigned to the Levy County SAO. Sam is a native of Williston and was an Assistant Public Defender in Citrus County.

ANGELA BOUNDS, ASA in Levy County, resigned in July to take a position at the Gainesville Public Defender's Office.

STACEY STEINBERG has returned to the SAO after working in private practice in south Florida for the last few months. Stacey will be handling felony cases in the Gainesville Office.

ASA **MARGARET STACK** has been re-assigned to a specialized caseload aimed at reducing jail crowding problems in Alachua County. Her general felony caseload has been assumed by **RICH CHANG**. **JIM FISHER** is now handling all major narcotics cases in Alachua County as budget constraints prevent filling his former drug unit position.

CONGRATULATIONS!

The Alachua County Sheriff's Office has announced the following promotions:

Captain **DONNIE LOVE** promoted to Division Commander of the Planning, Accreditation and Training Division; Lieutenant **JOEL DECOURSEY** promoted to

captain in charge of Judicial Services Division; Sergeant **COREY WARREN** promoted to lieutenant; and detention officer **CLIFF ARNOLD** promoted to sergeant at the Security Operations Division at the Jail.

Retired Waldo Police Chief **A.W. SMITH** has taken a position at the Federal Courthouse in Gainesville and **MIKE SZABO** has been named the new Waldo Police Chief.

Retired ASO Colonel **EMERY GAINEY** has been named by Attorney General Bill McCollum as the new Law Enforcement Liaison for the AG's Office. Gainey will act as an intermediary between the Office of the Attorney General and the Florida Sheriff's Association, Police Chiefs Association, and other federal, state, and local law enforcement agencies in developing and implementing law enforcement related policy for the AG's Office.

Alachua resident **BRAD STANLEY** has been named the 2007 Florida Fish and Wildlife Conservation Commission Law Enforcement Officer of the Year.

ASA **RALPH YAZDIYA** and his wife Vicky are the proud parents of a new son, their second.

**A MESSAGE FROM ALEX SINK,
CHIEF FINANCIAL OFFICER**

Cherri.Krall@fldfs.com

**FLORIDA CASE LAW
CITIZEN INFORMANT–NOT!**

The emergence of Caller ID stealth services poses a new threat to Florida citizens. With the use of "Telespoof" or "Spoofcard" services, callers can remain anonymous, enter a name of their choosing, or enter a destination number for the receiver to see on the Caller ID when they receive the call. These services, which reportedly allow the caller to "be whoever you want to be", are currently available through two known websites: <http://www.telespoof.com/index.php> and <http://www.spoofcard.com/faq.php#q1>

Additional features include the ability to change the caller's voice to male or female, and the ability to record the conversation for later retrieval. The cost of services is minimal, making it an affordable tool for various scams and schemes.

If you have additional information regarding spoof caller ID services or if you are currently working financial or fraud related cases involving use of these services, please contact: Cherri Krall, Crime Intelligence Analyst Supervisor, Florida Department of Financial Services, Division of Insurance Fraud, Tampa Field Office; Telephone: (813) 972-8611; email:

When police make an arrest, and the arrested person provides information about the incident regarding another person's involvement, the arrested informant's information is not entitled to a presumption of reliability, the Second DCA ruled in July in Wallace v State.

Uniformed Tampa police were investigating drug use near a bar. They saw an illegally parked car, and saw a gun partially hidden under the front seat. A drug dog alerted on the car and the police obtained the name of the owner. They went into the bar and announced that the car would be towed if not moved.

The owner came out and was arrested after finding marijuana in the car. The car owner then said that the concealed gun was owned by the Defendant, Wallace. Wallace was located and detained, and admitted to owning the gun resulting in a possession of a firearm by a felon charge.

"In this case, we are not concerned with an anonymous tipster. Instead, Mr. Ike-Onyechi was an informant who

had been identified by name and who was providing information to the police in person. The State argues that these facts alone were sufficient to establish the reliability of Mr. Ike-Onyechi's tip and to provide a reasonable suspicion for the investigatory detention of Mr. Wallace. In effect, the State suggests that for the purpose of determining his veracity, Mr. Ike-Onyechi should be treated as a 'citizen-informant.'"

"Generally speaking, a citizen-informant is an ordinary citizen who has either been the victim of or a witness to a crime and who reports the pertinent facts to law enforcement officials... 'If an unquestionably honest citizen comes forward with a report of criminal activity--which if fabricated would subject him to criminal liability--...rigorous scrutiny of the basis of his knowledge {is} unnecessary."

"Here, when Mr. Ike-Onyechi gave his tip to the police, he was already detained and in handcuffs. He had just watched the police remove a partially hidden firearm and a marijuana cigar from his car. Whether or not the presence of the firearm in the vehicle was a crime, the police were treating the incident as a violation of section 790.01(2). For these reasons, Mr. Ike-Onyechi could have had a strong

motive to fabricate an explanation for the presence of the hidden firearm in his vehicle that exculpated himself and implicated someone else. ... Thus Mr. Ike-Onyechi did not qualify as a citizen-informant. Further police investigation of his tip was necessary before Mr. Wallace could be detained."

Because the vehicle owner was not only an apparent participant in the possession of marijuana offense that was under investigation by police, but he also had an obvious self-interest in implicating the defendant to avoid additional criminal liability for the firearm offense, the tip, standing alone, did not give police well-founded suspicion to conduct an investigatory detention of the defendant. The owner of the vehicle did not provide detailed and verifiable information that police could have used to corroborate his tip, nor could the tip be corroborated by reference to predictions about the defendant's future behavior.

The owner's statement to police did not qualify as a declaration against penal interest because the owner denied any connection to either the pistol or the marijuana. Further, the police made no attempt to locate an unidentified third man who, according to the owner, had also arrived at

the lounge in the vehicle and who could possibly have corroborated the owner's tip.

The Dissent argued that considering the totality of the circumstances, the investigatory stop was legal. After Mr. Ike-Onyechi identified Wallace, the officers approached Wallace, stopped him and read Miranda to him and began asking questions. Wallace freely made statements that he had placed a gun in the car. The dissenting judge recited a Supreme Court case that recognized that the Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape.

"Although Mr. Ike-Onyechi had not previously provided information to the police, he was not an anonymous tipster. He was in custody, and the police had ascertained his identity. He told the police about the gun's presence in his car based on his personal knowledge, and he identified Mr. Wallace as the person who put the gun in the car before they went into the lounge...giving this information shortly after his arrest."

CONSTRUCTIVE POSSESSION:
CLOSE BUT NOT CLOSE
ENOUGH

Undercover officers saw Tarver and another man involved in suspicious behavior in a "high crime" residential neighborhood known for narcotics sales. Deputy Weaver was directed to make contact with the two men and to investigate. Weaver was in an unmarked car wearing a tactical uniform when he pulled up to the intersection where the two men were standing near a dumpster. A third man who had not been previously seen by the deputy fled on foot.

Tarver and Joseph Williams were standing approximately five feet apart. Upon approaching the two men, Weaver saw a clear plastic baggie on the ground next to Mr. Williams' foot. He testified that he immediately recognized the substance in the baggie was cannabis and ordered Tarver and Williams to lie on the ground. Weaver cuffed and arrested Williams for possession of cannabis.

Weaver testified that he placed Tarver in cuffs to "control the situation" since one man had already fled the scene. Weaver patted down Tarver and felt a "rather large bulge" in Tarver's jacket and was concerned for officer safety. Cannabis was discovered in the jacket and

Tarver was charged.

The trial court held that the deputy had reasonable suspicion to conduct an investigatory stop and that the cannabis found at Mr. Williams' feet provided probable cause to arrest and search Tarver.

The Second DCA in Tarver v State disagreed, holding that mere proximity to contraband found in a public place and in the vicinity of several individuals does not warrant a finding that law enforcement has probable cause to believe that person or persons closest to the contraband possessed it.

STUDENT INFORMANTS AND SEARCH AND SEIZURE

A student-informant advised the assistant principal of his middle school that D.G., an eighth grader, "may have been in possession of marijuana". The assistant principal went to D.G.'s classroom and ordered D.G. to accompany him back to the office. At the office, D.G. was ordered to empty his pockets, where marijuana was found.

After conviction, D.G. appealed, arguing that the student informant's "tip" was insufficient to allow the search, because the tipster had given information in a prior tip that had proved to

be incorrect.

The Third DCA in D.G. v State held that the student informant's statement that D.G. "may have been in possession of marijuana" was sufficient for the principal to have reasonable suspicion justifying D.G.'s call to the office and emptying of pockets. Further, the court held that simply because the informant had been incorrect previously on a tip did not disqualify the tipster on this occasion as there is no requirement that informants be infallible.

ANONYMOUS TIP "TRANSMOGRIFIED"

Baptiste was Terry-stopped by police after a then-anonymous informant dialed 911 to report that a person who matched his description was "waving" a firearm in the vicinity. Immediately after the stop, the person who called came to the scene and, without giving his name, identified himself as the caller and Baptiste as the person he saw with a gun.

A subsequent pat-down and search of Baptiste's person indeed revealed that he was carrying a nine-millimeter Taurus handgun.

Baptiste argued that when he was first observed and stopped by the police, he was merely walking down the street and neither had a

weapon in plain view or was apparently otherwise violating the law. He contended that the original anonymous tip was insufficient to support the stop and subsequent seizure.

The Third DCA in Baptiste v State disagreed, upholding the search as justified.

The court noted that the content of the original tip described not merely the easily falsified and otherwise unverifiable fact that the defendant was carrying a *concealed* firearm, but rather the quite obvious and extremely dangerous fact that a firearm was being openly displayed. In these circumstances, the tip itself rendered it reasonable for the officer to affect the stop necessary to inquire further. Further, the court opined that the "anonymous" tipster who made the 911 call was transmogrified into a constitutionally reliable citizen informant when the caller—before the pat down search and seizure of the gun—came to the scene and identified himself to the officers.

TRESPASS IN PARK: STRICT REQUIREMENTS

V.B., a juvenile, was arrested for Trespass on property other than a structure or conveyance, for

being in a city park after hours. The State charged V.B. with a violation of Ch 810.011, having trespassed after having received notice against entering or remaining given by posting, fencing, or cultivation.

The State presented evidence that V.B. was found at 3:45 a.m. at Amelia Earhart Park by a park security guard who was patrolling the park. The park is surrounded by three different kinds of fencing. To enter the park by car, one must enter through a gate designed for vehicular traffic. This gate is closed each evening at sunset.

Pedestrians can enter the park through an open passageway that is not gated and is never closed. There was testimony that "No Trespassing" signs were posted throughout the park, but no evidence as to where or how many. The defendant's motion for judgment of acquittal on the grounds that the State had failed to establish that V.B. had been put on notice as required by the statute was denied by the court.

V.B. testified that he entered the park through the open pedestrian passageway and that he did not see a "No Trespassing" sign upon entering the park. V.B. was found guilty.

The Third DCA in V.B. v State

reversed the conviction, holding that the State did not prove the strict compliance with the requirements for notice against entering required by Ch 810.011(5(a)).

Ch 810.011(5(a) specifically describes the requirements for providing notice by posting with regards to trespass:

Land upon which signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appears prominently, in letters of not less than 2 inches in height, the words "no trespassing" and in addition thereto the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line.

The court noted that strict compliance with these requirements is necessary to constitute proper constructive notice via posting. Here the State failed to prove strict compliance with the statutory requisites. The only evidence presented proved that there were signs posted throughout the park. There was no evidence regarding the number of signs, the location of the signs, and/or the content and lettering size of the signs. Accordingly, the State failed to prove constructive notice via posting.

ESCAPE

Deputy Minella was called to investigate an alleged violent incident involving Shelton and his roommate, the alleged perpetrator, Hebert. Upon arriving at their home, Deputy Minella saw Hebert with what appeared to be a shotgun. Minella told Hebert he was under arrest and to put the gun down. The deputy fled the home. Next, the deputy heard breaking glass and saw the butt of a rifle being used to break the glass out of the window in the home. The deputy kept shouting to Hebert that he was under arrest and to put the gun down. Rather than comply, Hebert exited the home and pointed the gun at him.

The officer fired shots at Hebert and a chase ensued. Hebert raised the gun at the officer again and the deputy fired at Hebert, grazing him. Hebert went down. Hebert was then handcuffed. The gun turned out to be a BB gun.

Hebert stated to law enforcement that he heard the deputy order him out of the house and that he believed he heard the deputy tell him he was under arrest. Hebert was convicted of various offenses including Escape.

The Fourth DCA in **Hebert v State** reversed the Escape conviction.

The crime of Escape is defined to include the circumstance when a "prisoner" "being transported to or from a place of confinement" "escapes...from such confinement." Ch 944.40

A "prisoner" is defined for purposes of Ch 944 to include "any person who is under ...criminal arrest and in the lawful custody of any law enforcement official." The Florida Supreme Court has thus held the escape statute criminalizes an individual's flight following an arrest, reasoning that "transportation to a place of confinement begins at the time the suspect is placed under arrest." For there to be an escape, there must first be a valid arrest. There can be no escape from a mere detention.

The issue in this case is whether Hebert was ever placed under arrest. A valid arrest exists, such that an escape conviction can be sustained, when the following four factors are present:

- (1) a purpose or intention to effect an arrest under a real or pretended authority;
- (2) an actual or constructive seizure or detention of the person to be arrested by a person having present power to control the person arrested;
- (3) a communication by the arresting officer to the person whose arrest is sought, of an intention or purpose then and there to effect an arrest; and

- (4) an understanding by the person whose arrest is sought that it is the intention of the arresting officer then and there to arrest and detain him."

Although the court agreed factors 1, 3, and 4 had been met, it held that there was insufficient evidence of factor 2: that there was an actual or constructive seizure or detention of the person to be arrested. Citing California v. Hodari, a 1991 U.S. Supreme Court case holding that an arrest requires either physical force...or where that is absent, submission to the assertion of authority, the DCA found that there can be no arrest without either touching or submission.

The DCA ultimately found in this case that the evidence was insufficient to sustain an escape conviction as it demonstrated nothing more than a show of authority; the required physical touching or submission to the officer's authority was absent. Hebert never submitted or acquiesced to the officer's orders that he stop because he was under arrest and Hebert continued to flee up until the time he was shot. And, even if Deputy Minella's striking Hebert with a bullet were characterized as a "physical touching," such touching could not sustain an escape conviction because thereafter Hebert never attempted to escape or flee.

SEARCH & SEIZURE ON THE

PORCH

Officer Bridges was on neighborhood team patrol in a "drug" neighborhood at 7 a.m. when he saw several males asleep on a porch. The officer walked up the walkway and, before he reached the front porch, saw what appeared to be crack cocaine laying in E.D.R.'s lap. He stepped up to the porch and collected the evidence from E.D.R.'s lap while he slept. E.D.R. was then awakened and arrested.

Bridges testified he stopped because he thought it unusual that young men would be sleeping on the porch in a high drug area that early in the morning. The porch was not enclosed, and the drugs were in plain view. The house faced the street and the elevated porch had no screen, railing, or door; it was open and could be viewed from a car on the street. Though nothing suspicious was happening on the porch; it was just odd that young men were sleeping on the porch at 7 a.m. He did not recall seeing any no trespass signs, and no one invited him onto the porch. There was no fence around the property.

The trial court ruled that the officers had trespassed on private property without a legitimate police purpose, and suppressed the evidence, dismissing the case.

The Fifth DCA in State v E.D.R reversed, ruling that the juvenile did not have a reasonable expectation of privacy in the unenclosed front porch. The court noted that the Fourth Amendment does not protect areas of the home that are "open and exposed to public view." Here, the unenclosed porch was in front of the house, not obscured from public view, E.D.R. was sleeping in a chair on the front edge of the porch, and any delivery person or passerby could have walked onto the porch

and left a package or knocked on the door without a violation of the resident's reasonable expectation of privacy. In doing so, the officers, like a delivery person, would have seen the cocaine in plain view. The officers had probable cause to arrest him and seize the evidence.

ILLEGAL PATDOWN TAINTS FUTURE ARREST

Hidalgo was initially stopped by two plain clothes detectives while he was walking down a busy residential street with an individual identified as Gabriel. One detective recognized Gabriel, a known burglar who had been arrested a number of times. Although this detective knew that Gabriel did not live in the area, neither detective knew anything about Hidalgo.

Gabriel and Hidalgo were called over and voluntarily went to talk to the detectives. Gabriel and Hidalgo were asked for identification and, over safety concerns, "patted-down." After the pat-down was completed, Hidalgo pulled a yellow sheet of paper from one of his pockets as he searched for his ID. One of the detectives recognized it as a pawn shop receipt. The officer examined the receipt, questioned Hidalgo about the two watches listed on the receipt (which Hidalgo claimed were his), and returned the slip to Hidalgo. Gabriel and Hidalgo were permitted to leave.

In the following week to ten days, one of the detectives searched a pawn shop database and discovered reports of stolen watches matching the descriptions of those listed on Hidalgo's receipt. The watch owners were taken to the pawn shop named on the receipt that Hidalgo had in his pocket and identified the watches pawned as belonging to them. Hidalgo was arrested.

Hidalgo waived his Miranda rights and confessed to stealing the

watches. He moved to suppress his statements and the evidence of the crimes, but the trial court denied those motions.

The Third DCA in Hidalgo v State reversed his conviction, holding that his consensual encounter with the detectives became a detention as soon as he was patted down.

Since no reasonable suspicion existed at the time, the detention was unlawful. Although the State argued that there was an attenuation from the stop until the discovery of the evidence that allowed the subsequent arrest, the court disagreed. "In order to determine if evidence is sufficiently attenuated, the court must consider three factors: (1) the temporal proximity of the arrest and the discovery of the evidence sought to be suppressed; (2) the presence of intervening circumstances; and (3) the purpose and flagrancy of the police misconduct." "Although the detective who patted-down Hidalgo did not seize the pawn shop receipt from him, the information he gleaned from it was used to track down the stolen watches, to locate them at the pawn shop, to have their owners identify them, to arrest Hidalgo for their theft and to secure a confession regarding not just this property but other stolen property as well. While these activities took a number of days to accomplish, they were proximate to both the stop and the arrest and certainly not interrupted by any intervening events...accordingly, Hidalgo's confession and all evidence discovered following the stop and frisk should have been suppressed."

**CONSENSUAL ENCOUNTER AND
MIRANDA**

M.W.H. and his friend, a Mr. Rodriguez, were in a pawn shop. Law enforcement officers were dispatched to the pawn shop to arrest Rodriguez on an out of state warrant. Rodriguez and M.W.H. were still in the pawn shop when officers arrived.

Officer Murphy arrested Rodriguez and searched him. During the search, the officer found cannabis on Rodriguez. While escorting Rodriguez to his patrol car, the officer was approached by a pawn shop employee.

The employee told the officer that he saw M.W.H. go to a secluded place in the shop, remove an item from his wallet, and place that item under a shelf. Officer Murphy then advised M.W.H. of this information and asked him "what's up?" M.W.H. initially denied any knowledge of hiding an item in the store. Officer Murphy then advised M.W.H. that there was video surveillance in the shop. M.W.H. immediately became cooperative and took the officer to the shelf where he had hidden a bag of cocaine. H.W.H. also admitted that he was the owner of the cocaine.

On appeal, M.W.H. raised two issues: that the officer did not have reasonable suspicion to initially detain him and that the officer was required to advise M.W.H. of Miranda rights prior to any questioning.

The Fifth DCA in M.W.H. v State held that the encounter was consensual in that the juvenile was free to ignore the officer's request to discuss his actions in the pawn shop. Even if that were not the case, according to the court, and stop was an investigatory stop, the information provided by the pawn shop employee gave the officer reasonable suspicion that M.W.H. was engaged in criminal activity.

As to the Miranda issue, the court held that since Miranda is only required during a custodial interrogation, no such arrest or restraint on the juvenile's freedom of movement occurred. "A police officer's questioning of a suspect does not, by itself, convert an otherwise consensual encounter into a custodial interrogation. Here, Officer Murphy approached M.W.H. in public, advised him of the information received from the pawn shop employee, and asked him 'what's up?' This encounter between M.W.H. and the officer clearly was not the functional equivalent of a formal arrest."

CITIZEN-INFORMANT'S INFO
NOT PROBABLE CAUSE

An unknown person approached Officer Murphy at the Fort Pierce Police Department to report that while working construction across from a residence, he had seen multiple hand to hand transactions that he believed to be drug related. He described people driving up and walking over to a man, who, in exchange for money, gave those individuals items that he believed to be drugs. He did not describe the location as a known drug area and did not say that he knew or recognized any of the participants in the transactions.

The citizen informant described in detail the location and the perpetrators sufficient for Officer Murphy to immediately travel to and locate the scene and Defendant Chaney.

Officer Murphy testified that based on her experience, she believed that the information she received was consistent with drug activity. After arrival, the officer did not see any unusual behavior which would indicate drug sales or other criminal activity. She immediately approached Chaney, put her hands on

the back of his pants, reached inside his pocket, and pulled out a large quantity of crack cocaine rocks. Chaney was arrested.

The Fourth DCA in Chaney v State reversed the conviction, holding that the citizen informant's tip was insufficient to provide probable cause for the officer to reach into Chaney's back pocket and seize items, where there was no evidence that the location had a prior history of drug transactions or that the officer had prior knowledge of the Defendant's involvement in drug dealing. The officer only corroborated the tip as to innocent details such as physical description of the location and the suspect. She did not conduct any surveillance or acquire additional information to confirm the informant's report of suspected drug activity.

BOLO NOT SUFFICIENT FOR
STOP

Leesburg Police Officer Mack testified that at the beginning of his shift, he had been instructed to "be on the lookout" for an older, black male with dreadlocks, driving a green Mercedes. The suspect was wanted for questioning regarding an alleged aggravated battery or assault that had occurred a day or two prior.

Officer Mack later stopped Nettles' car. Nettles, a 49 year old black man, had dreadlocks and was driving a green Mercedes. During the encounter, cocaine was found in Nettles' shirt pocket and he was charged with Possession of Cocaine and with violating his probation.

The Fifth DCA in Nettles v State reversed the conviction, holding that the BOLO did not provide a sufficient basis for an investigatory stop of the defendant's vehicle. The court stated that the State presented no

evidence as to the source of the information provided to the Leesburg Police Department. "We can only speculate as to whether the person(s) providing the Leesburg Police Department with the description of the alleged perpetrator of the aggravated battery or assault was a reliable citizen informant, or an anonymous informant whose tip contained "no indicia of reliability."

A tip lacking any indicia of reliability does not provide reasonable suspicion to make an investigatory stop. Reasonable suspicion is not established solely by the accuracy of the description. There is also a requirement that a tip be reliable in its assertion of illegality.

The court advised that law enforcement agencies may be required to modify their procedures regarding the issuance of BOLOS so that patrol officers know the nature of the source of the information provided to them. Alternatively, on certain occasions, the State may need to call witnesses in addition to the arresting police officer in order to establish the reliability of the information upon which the arresting police officer acted.

FOR COPIES OF CASES...

For a copy of the complete text of any of the cases mentioned in this or an earlier issue of the Legal Bulletin, please call ASA Rose Mary Treadway at the SAO at 352-374-3672.

NOW ON-LINE

The Legal Bulletin is now available on-line, including old issues beginning with calendar year 2000. To access the Legal Bulletin go to the SAO website at sa08.org and click on the "legal bulletin" box.

REMINDER: FREE LUNCH!!!

As in years past, the Gainesville State Attorney's Office will serve a free hotdog/hamburger lunch on the Friday before each home Gator football game to show our appreciation for all you do for our office and the Eighth Judicial Circuit. See you in the parking lot!

REMINDER

Law Enforcement Officers are reminded to check in with the receptionist at the Gainesville SAO before entering the locked glass doors to see an attorney. The receptionist will then telephone the attorney so that the officers can be met and escorted to their destinations.

Also, officers are reminded to either bring their subpoenas or know the name of the attorney they are there to see.

REMINDER: LEGAL BULLETIN