

IN THE SUPREME COURT OF FLORIDA

RONALD EDWARD HILL, :
 :
 Petitioner, :
 :
 vs. :
 :
 STATE OF FLORIDA, :
 :
 Respondent. :
 _____ :

Case No. 64,493

FILED

SID J. WHITE

MAY 9 1984

CLERK, SUPREME COURT

By  Chief Deputy Clerk

DISCRETIONARY REVIEW OF DECISION OF
THE DISTRICT COURT OF APPEAL
SECOND DISTRICT OF FLORIDA

REPLY BRIEF OF PETITIONER ON MERITS

JERRY HILL
PUBLIC DEFENDER
TENTH JUDICIAL CIRCUIT

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TOPICAL INDEX TO BRIEF

PAGE NO.

PRELIMINARY STATEMENT 1

ARGUMENT 1

PETITIONER WAS ENTITLED TO DISCHARGE WHERE THE STATE FAILED TO HOLD TRIAL WITHIN THE 180 DAY TIME LIMIT OF THE SPEEDY TRIAL RULE AFTER PETITIONER'S COURT-APPOINTED COUNSEL WITHDREW AT THE PRETRIAL CONFERENCE, NEW COUNSEL WAS APPOINTED, THE CASE WAS REDOCK-ETED FOR A LATER DATE, PETITIONER NEVER REQUESTED A CONTINUANCE, AND THE COURT NEVER ORDERED AN EXTENSION OF THE SPEEDY TRIAL PERIOD.

CERTIFICATE OF SERVICE 3

TABLE OF CITATIONS

CASES CITED:

PAGE NO.

Hill v. State
438 So.2d 971 (Fla. 2d DCA 1983)

2

PRELIMINARY STATEMENT

The Brief is filed on behalf of the Petitioner, RONALD EDWARD HILL, in reply to the Brief of the Respondent, the State of Florida.

ARGUMENT

PETITIONER WAS ENTITLED TO DISCHARGE WHERE THE STATE FAILED TO HOLD TRIAL WITHIN THE 180 DAY TIME LIMIT OF THE SPEEDY TRIAL RULE AFTER PETITIONER'S COURT-APPOINTED COUNSEL WITHDREW AT THE PRETRIAL CONFERENCE, NEW COUNSEL WAS APPOINTED, THE CASE WAS REDOCK-ETED FOR A LATER DATE, PETITIONER NEVER REQUESTED A CONTINUANCE, AND THE COURT NEVER ORDERED AN EXTENSION OF THE SPEEDY TRIAL PERIOD.

In Respondent's brief on the merits, Respondent falsely accuses Petitioner's original court-appointed counsel of unethical conduct and dilatory tactics. The record shows that Assistant Public Defender Antonello worked diligently in trying to represent Petitioner and his co-defendants despite difficult circumstances created by the State.

The officer in charge of the county jail and the prosecutor regarded Petitioner and his co-defendants as great escape risks and had been unwilling to keep them in the county jail where defense counsel could confer with them. Whenever there was more than a week between court appearances, the jail transferred Petitioner and his co-defendants to a more secure facility in the state prison system. (R42,43)

Although Petitioner had been taken into custody for the escape on June 10, 1982 (R79,83,84), Hill v. State, 438 So.2d 971 (Fla. 2d DCA 1983), Mr. Antonello was not appointed to represent Petitioner and his co-defendants until September 9, 1982. He met with them in the evenings before the jail sent them back to the prison system. (R43) However, he could not confer with them again until just before the pretrial conferences on November 2, 1982. (R10,36,43)

Despite these hardships, Mr. Antonello managed to conduct at least three lengthy interviews with each of his clients. He attempted to negotiate pleas for each client, with each of them aware of how he was approaching the matter. He followed office policy in staying with the case until a real conflict arose. The conflict of interest was the result of differing degrees of involvement and culpability and different charge bargaining. Two of the defendants wanted to enter pleas, while the other four rejected the plea offers and wanted to go to trial. (R38)

The court expressed its concern with the cost of having to appoint private counsel to represent Petitioner and his co-defendants and asked the prosecutor if the State would make any further effort to resolve the cases by plea agreement. (R39,40) The prosecutor refused to make any further concessions. (R40,41)

Under these circumstances, Petitioner and his counsel were plainly not seeking to delay the proceedings or to obtain a "speedy discharge" as alleged by Respondent. Petitioner relies upon his argument in his brief on the merits that he is entitled

to discharge because the failure to bring him to trial within the time limits of the speedy trial rule was attributable solely to the State.

Respectfully submitted,

JERRY HILL
PUBLIC DEFENDER
TENTH JUDICIAL CIRCUIT



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished to the Office of the Attorney General, Park Trammell Bldg. 8th Floor, 1313 Tampa Street, Tampa, FL 33602, this 7th day of May, 1984



PAUL C. HELM

PCH:rkm