

Supreme Court of Florida

No. 67,740

GEORGE GARCIA, Petitioner,
vs.
STATE OF FLORIDA, Respondent.

[October 30, 1986]

OVERTON, J.

This is a petition to review Garcia v. State, 474 So. 2d 1203 (Fla. 5th DCA 1985), in which the district court held that, where defendants are joined on conspiracy charges, the state's interest in a joint trial prevails over a defendant's speedy trial right. This decision conflicts with our opinion in Miner v. Westlake, 478 So. 2d 1066 (Fla. 1985). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

In Westlake, we held that state "convenience" in a joint trial is not an exceptional circumstance under rule 3.191(d)(2), Florida Rule of Criminal Procedure, justifying extension of the speedy trial period. See also Fleet v. Bustos, 482 So. 2d 1368 (Fla. 1986); State v. Darby, 482 So. 2d 1368 (Fla. 1986). In the instant case, the state claims that a conspiracy charge and its attendant complications justify an extension beyond the speedy trial limit. We disagree. The conspiracy charge, without any other circumstances, is, in effect, the convenience argument we rejected in Westlake. If we accepted the state's argument, the

state would automatically be entitled to a speedy trial extension any time a codefendant in a conspiracy charge is granted a continuance. We hold that the circumstances must be something related to the specific incident, rather than just the general nature of a conspiracy charge.

Accordingly, we quash the district court decision and direct that this cause be remanded to the trial court for entry of an order consistent with this decision.

It is so ordered.

ADKINS, BOYD and BARKETT, JJ., Concur
EHRlich, J., Dissents with an opinion, in which McDONALD, C.J.,
Concurs
SHAW, J., Dissents

EHRlich, J., dissenting.

I would approve the opinion below. Its rationale stated in the last paragraph

In summary, where defendants are joined on conspiracy charges, and the state timely moves for an extension of the speedy trial time period, showing that the extension is necessary to accommodate the co-defendants, the state's interest in a joint trial prevails over the defendant's speedy trial right provided the extension is not to an unreasonably distant date.

clearly distinguishes it from Miner v. Westlake, 478 So.2d 1066 (Fla. 1985), and makes good sense.

I, therefore, dissent.

McDONALD, C.J., Concurr

Application for Review of the Decision of the District Court
of Appeal - Direct Conflict of Decisions

Fifth District - Case No. 84-695.

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