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IN THE SUPREME COURT OF FLORIDA

COREY JAMAINE DOZIER,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Case No.: SC15-2092

ON DISCRETIONARY REVIEW FROM
THE FIRST DISTRICT COURT OF APPEAL

ANSWER BRIEF ON THE MERITS

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STATEMENT OF THE CASE AND FACTS

Respondent accepts Petitioner's statement of the case and facts as generally supported by the record, subject to the following restatement quoted from the decision below:

> The petitioner was arrested on September 11, 2011, in Dorchester County, South Carolina, on charges of kidnapping, carjacking, and armed robbery. On the same date, a felony warrant issued in Duval County, Florida, for charges of grand theft auto and attempted murder. On April 13, 2012, the petitioner entered a guilty plea to the South Carolina charges, and the Jacksonville Sheriff's Office provided the Dorchester County Sheriff's Office with a detainer requesting a hold on the petitioner for the Florida charges on April 16, 2012.
>
> The petitioner mailed a handwritten letter on June 28, 2012, to the Jacksonville Sheriff's Office. In that letter, the petitioner noted that he had charges pending in Duval County, and expressed that he was "serious about getting them taken care of as soon as possible." The letter advised that the petitioner was at that time in the custody of the South Carolina Department of Corrections, and stated that the petitioner was being held at Ridgeland Correctional Institution. The petitioner requested repeatedly that the Duval County charges be resolved as soon as possible.
>
> On July 3, 2012, the Jacksonville Sheriff's Office responded with a letter stating that "[t]he Records Section of the Jacksonville Sheriff's Office is unable to provide you with the extradition processing information you have requested. The Correctional facility you are currently in should be able to assist you in contacting the appropriate section for your inquiries."
>
> The petitioner then submitted an inmate request directed to the Warden at Ridgeland Correctional Institution in South Carolina on October 11, 2012, which indicated that it was the petitioner's "formal request for your assistance in reaching the final resolution" of the Florida charges, and indicated that the request was "being made pursuant to the interstate agreement for

detainers" codified in the South Carolina Code of Laws at section 17-11-30, Article III. The request bore a handwritten note under the "Disposition by Staff Member" section which read, "Please process for IAD. He has detainers for the State of Florida."

After apparently receiving no response to the October 11, 2012, inmate request, the petitioner filled out another inmate request on January 7, 2013, also directed to the Warden at Ridgeland Correctional Institution. The second request referred back to the October 11, 2012, request, and again indicated that it was the petitioner's formal request for disposition of the Duval County charges per the IADA. The "Disposition by Staff Member" section on this second request read, "INMATE DOZIER: Your request is being handled by Classification." Neither the October 11, 2012, nor the January 7, 2013, requests were served on the Jacksonville Sheriff's Office, the Duval County Circuit Court, or the Fourth Circuit State Attorney's Office.

The petitioner attempted to file a pro se motion to dismiss the Duval County charges per the IADA on August 29, 2013. The state obtained a three-count indictment against the petitioner on November 1, 2013, for first-degree murder, attempted first-degree murder, and theft of a motor vehicle. Counsel was appointed to represent the petitioner on the Duval County charges, and counsel filed a renewed motion to dismiss per the IADA on March 27, 2014. The trial court denied both motions to dismiss, finding that the first motion was procedurally barred because it was filed before the indictment, and there were accordingly no charges to dismiss at the time the first pro se motion to dismiss was filed. As to the second motion to dismiss, filed by counsel, the court found that the indictment was filed on November 1, 2013, and the defendant was not arrested until January 15, 2014—the day he arrived in Duval County on the Florida charges. The court found that the petitioner's speedy trial rights attached on the date of the indictment, November 1, 2013, and the petitioner was therefore required to be brought to trial on or before April 25, 2014. That date had not yet passed when the order denying the motion to dismiss was rendered on April 8, 2014, and the motion was accordingly denied.

> In the instant petition for writ of prohibition, the petitioner asserts that he is entitled to a discharge from all Duval County charges because he was entitled to a final disposition of the charges within 180 days of his IADA request. Under the petitioner's reasoning, because he made his first request on June 28, 2012, his second request on October 11, 2012, and his third request on January 7, 2013, he was required to be brought to trial by July 6, 2013, at the latest.

Dozier v. State, 175 So. 3d 322, 323-24 (Fla. 1st DCA 2015).

SUMMARY OF ARGUMENT

Issue I:

The decision below properly determined that a detainer based upon a felony arrest warrant did not trigger the protections of the IADA. In context, the term "untried" as applied to indictment, information, and complaint refers to charging documents. In Florida, a defendant may not be tried on the basis of a felony arrest warrant. Accordingly, a felony arrest warrant is not an "untried complaint" sufficient to trigger the protections of the IADA. Furthermore, this issue was not part of Petitioner's request for jurisdiction, and there is no conflict for this Court to review. Therefore, the court should decline to exercise jurisdiction over this issue.

Issue II:

The decision below properly determined that even if it was wrong about Issue I, Petitioner failed to substantially comply with the requirements of the IADA. The State had no notice of Petitioner's request to invoke the protections of the IADA. Under either a strict or substantial compliance jurisdiction Petitioner's claim fails because he never caused his request to be delivered to the prosecuting officer. Accordingly, the decision below properly found Petitioner failed to substantially comply with requirements of the IADA. Furthermore, this Court should decline jurisdiction over this issue, because the decision below articulated a substantial compliance standard, which is in line with Petitioner's interpretation of this Court's decision in Torres-Arboledo.

ARGUMENT

ISSUE I: WHETHER A DETAINER BASED UPON A FELONY ARREST WARRANT IS SUFFICIENT TO ALLOW A DEFENDANT TO TRIGGER THE PROTECTIONS OF THE IADA WHERE A WARRANT IS NOT AN UNTRIED COMPLAINT. (RESTATED)

Standard of Review

Respondent adopts Petitioner's proposed *de novo* standard of review. (IB. 6).[1]

Jurisdiction

Petitioner's Jurisdictional Brief failed to assert a conflict with this portion of the ruling from the decision below. Rather, Petitioner's jurisdictional claim was based on its arguments under Issue II. Respondent maintains this Court should not review Issue II, as has been argued by Respondent's Jurisdictional Answer Brief. If this Court finds that jurisdiction was improvidently granted under Issue II, then it cannot address Issue I because there is no conflict for this Court to review under this issue. In fact, other courts in Florida have held similar to the decision below on this issue. See Taylor v. State, 582 So. 2d 152 (Fla. 4th DCA 1991); see also Churchwell v. State, 44 So. 3d 645 (Fla. 2d DCA 2010).

[1] References to Petitioner's Initial Brief will be made as "IB." followed by any appropriate page number(s). References to Petitioner's Jurisdictional Brief will be made as "PJB." followed by the appropriate page number.

Merits

The decision below properly determined that a detainer based upon a warrant is not an untried indictment, information, or complaint sufficient to trigger the protections of the Interstate Agreement on Detainers Act (Hereinafter "IADA"). Petitioner argues the decision below erred because the detainer filed against him was an untried complaint entitling him to the protections of the IADA. (IB. 11). However, a detainer based solely upon a warrant is not an untried indictment, information, or complaint. Accordingly, the decision below properly approved the trial court's decision to deny Petitioner's motion to dismiss.

It is the purpose of the IADA to determine the proper status of, and encourage the expeditious and orderly disposition of, all detainers based on untried indictments, informations, or complaints. § 941.45, Art. I, Fla. Stat. (2012). Accordingly, when a detainer is placed on a prisoner in one party state, on the basis of an untried indictment, information, or complaint in another party state, the prisoner may trigger a 180-day clock in which to be brought to trial within the latter state. Id. at Art. III(a). In order to invoke this protection, the prisoner "shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his or her imprisonment and the prisoner's request for a final disposition to be made of the indictment, information, or complaint[.]" Id. The contention under Petitioner's first point is that a detainer based upon a felony warrant qualifies as an untried complaint.

The decision below correctly reasoned that because one could not be tried on the basis of a felony warrant, Petitioner's warrant for grand theft and attempted murder was not an untried complaint. Dozier v. State, 175 So. 3d 322, 326 (Fla. 1st DCA 2015). The court followed the reasoning of United States v. Bottoms, 755 F.2d 1349 (9th Cir. 1985), to define "complaint" to exclude detainers based solely upon a warrant. Id. at 1350. The court in Bottoms rejected the lay definition of "complaint" in favor of a legal one to hold that the term "complaint" did not include warrants. Id. To reach this conclusion the court utilized the doctrine of *ejusdem generis* to define "complaint" in the context of its use. Id. The court explained the use of the word "untried" as the qualifier for the phrase "indictment, information, and complaint" supported its conclusion. Id Finally, the court looked to Article III(d) of the IADA to support its conclusion. In Article III(d), the IADA referenced "dismissal with prejudice" of indictments, informations, and complaints, and one cannot dismiss a warrant with prejudice. Id. The decision below held similarly when it explained as follows:

> There is no such thing as an "untried warrant" or an "untried detainer" because a defendant may not be tried on a warrant or a detainer. The use of the word "untried" indicates that the words "indictment," "information," and "complaint" are meant to refer to charging documents.

Dozier, 175 So. 3d at 326.

This rationale is supported by the Virginia Supreme Court in Locklear v. Commonwealth, 376 S.E.2d 793, 795 (Va. 1989). In Locklear, the court held "that the use of the word 'complaints' in the Act was intended to apply only to instruments such as indictments, informations or complaints upon which

the detainee could be tried immediately upon his return." Id. In Virginia, a defendant could not be tried on the basis of a complaint. Id. Accordingly, the court found that a "complaint" did not include a felony warrant. Pertinent to the analysis in Locklear was its recognition that follows:

> There are jurisdictions in which documents entitled complaints are instruments upon which detainees could be immediately tried upon their return to the receiving state.

Id. However, this was not the case in Virginia, nor is it the case in the circuit courts of Florida, because Petitioner could not have been tried on the basis of his felony arrest warrant.

Florida Rule of Criminal Procedure 3.140 provides the methods for prosecution in Florida. Capital crimes must be prosecuted by indictment. Fla. R. Crim. P. 3.140(a)(1). In all other crimes, "prosecution shall be solely by indictment or information." Fla. R. Crim. P. 3.140(a)(2). This is subject to one exception; crimes arising in county court may be charged by affidavit or notice to appear. Id. Accordingly, the term "complaint" as used in the IADA may refer to charges in county court, because one may be tried on such an affidavit. However, only an indictment or information can trigger the prosecution in circuit court. Similar to the explanation in Locklear, Petitioner's warrant was not a complaint for his felony charges, because he could not have been immediately tried upon his return to the state. Therefore, the decision below properly found that Petitioner's felony arrest warrant was insufficient to trigger the IADA.

The decision below is not the only Florida court to rely on Bottoms to reach a similar result. The Fourth District Court of Appeal relied on Bottoms to explain that an arrest warrant is not an untried complaint so as to trigger the IADA. Taylor v. State, 582 So. 2d 152 (Fla. 4th DCA 1991). Later, the Second District Court of Appeal followed Taylor to note the same. Churchwell v. State, 44 So. 3d 645 (Fla. 2d DCA 2010). However, some other states have held contrary to Bottoms. As noted by Petitioner--and the decision below--Maryland v. Smith, 534 A.2d 371 (Md.Ct.Spec.App. 1987), disagreed with the approach in Bottoms.

The court in Smith defined "complaint" in light of the IADA's stated purpose. Id. at 374. However, this reasoning is flawed because it is circuitous in nature. The stated purpose of the IADA is the following:

> The party states find that *charges outstanding* against a prisoner, detainers *based on untried* indictments, informations, or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all *detainers based on untried* indictments, informations, or complaints.

§ 941.45, Art. I, Fla. Stat. (2012) (emphasis added). According to Article I, the "Policy and Purpose" of the IADA only applies when there is an untried indictment, information, or complaint. Id. This language mirrors the language at issue in Article III(a). Therefore, any guidance provided by Article I

runs into the same conflict; it only applies where there is an untried indictment, information, or complaint.

Although the Smith court correctly recognized that the agreement should be "liberally construed so as to effectuate its purposes[,]" the court erred by liberally construing *when* the IADA applies, as opposed to *how* it applies. See Smith, 534 A.2d at 374; see also § 941.45, Art. IX, Fla. Stat. (2012). The purpose is only effectuated where there is an untried indictment, information, or complaint. That is not to say the agreement is liberally applied, but rather liberally construed where applicable. Therefore, the term "untried complaint" should not be liberally applied to warrants, but rather where there is an untried complaint, then construction is liberal.

The Smith decision also takes umbrage with the Bottoms' interpretation of the term "complaints" because it disregards the purpose of the IADA. See Smith, 534 A.2d at 374. The IADA explains that detainers create "difficulties in securing speedy trial of persons already incarcerated in other jurisdictions [which] produce uncertainties which obstruct programs of prisoner treatment and rehabilitation." § 941.45, Art. I, Fla. Stat. (2012); see also Smith, 534 A.2d at 374. Uncertainties will always exist when a warrant is outstanding for a person's arrest. However, as noted supra, the IADA can only apply where the detainer is based on an untried indictment, information, or complaint. Therefore, where the detainer is based solely on a felony warrant, there is no untried complaint to resolve, and the IADA cannot be triggered.

The practical problems with the holding in Smith can be seen in the facts of this case. Petitioner's warrant, detainer, and indictment each contain varying charges. On September 11, 2012, a warrant was issued for Petitioner's arrest for grand theft and attempted murder. On April 12, 2013, a detainer was placed on Petitioner for murder and attempted murder. On November 1, 2013, Petitioner was indicted for murder, attempted murder, and grand theft. Within 180 days of this indictment, Petitioner moved for its dismissal alleging it was based on his initial warrant for grand theft and attempted murder. The warrant had undoubtedly existed for over 180-days since Petitioner's request for the complaint's resolution pursuant to the IADA.

Accordingly, Petitioner claimed that the indictment was based on an untried complaint in the form of the warrant. However, the warrant did not contain the allegations of murder which appear in the indictment. Therefore, part of Petitioner's request includes a dismissal of a murder charge based on a warrant which omitted this charge. To the extent the detainer alleges both murder and attempted murder, it still fails to outline any facts justifying a complaint for murder. Accordingly, the first time the allegations of murder are actually spelled out is in the indictment.

Under the IADA, the detainer must be based on an untried indictment, information, or complaint to trigger the 180-day rule. Here, the record is unclear what "untried complaint" existed for the murder charge Petitioner now wishes to have dismissed. Petitioner's situation was unclear for the simple reason that the State had not yet charged Petitioner with his crimes. Accordingly, a felony warrant cannot be seen to have triggered the IADA's

180-day rule, because there are neither "charges outstanding against a prisoner," nor any detainer "based on untried indictments, informations, or complaints[.]" See § 941.45, Art. I, Fla. Stat. (2012).

The decision below properly determined that a detainer based upon a felony warrant is not an untried complaint for purposes of the IADA. When read in context, the IADA is only triggered where an untried indictment, information, or complaint exists. One cannot be tried in circuit court on the basis of a felony arrest warrant. Therefore, the decision below properly found that a felony warrant cannot trigger the protections of the IADA.

ISSUE II: WHETHER DEFENDANT COMPLIED WITH THE PROVISIONS OF THE IADA WHERE HE OMITTED SERVICE UPON THE PROPER PROSECUTING AUTHORITY. (RESTATED)

Jurisdiction

Respondent continues its assertion that this Court should decline jurisdiction over this case. The decision below explained that "[t]he IADA requires 'substantial compliance' with the requirements of a request for a final disposition to trigger the IADA's protections." Dozier, 175 So. 3d at 326. Conversely, Petitioner avers the decision below actually "created a 'strict compliance standard' which conflicts with prior case law establishing that Florida is a 'substantial compliance' state for purposes of the IADA." (IB. 12). However, the decision below never required strict compliance, but instead outlined that "petitioner failed to demonstrate substantial compliance with the IADA's requirements[.]" Accordingly, Petitioner's argument asserts jurisdiction based on the unfavorable outcome of the decision below's analysis of substantial compliance in Petitioner's case.

Petitioner initially requested this Court's jurisdiction because the decision below expressly and directly conflicted with this Court's decision in Torres-Arboledo v. State, 524 So. 2d 403 (Fla. 1988). Petitioner explained the decision below disregarded the standard for substantial compliance set forth by Torres-Arboledo. (PJB. 7). However, as outlined in Respondent's Jurisdictional Brief, Torres-Arboledo merely noted as follows:

> *Even if* we were to agree with the Roberts [427 So. 2d 787 (Fla. 2d DCA 1983)] court that a prisoner should not be denied the benefits of the IAD when there has been

> substantial compliance with the act, Torres-Arboledo fails to meet even a substantial compliance standard.

Torres-Arboledo, 524 So. 2d at 412 (emphasis added). Accordingly, the Torres-Arboledo opinion did not reach a decision about whether Florida is a strict or substantial compliance state. Instead, the decision held that because Torres-Arboledo failed to meet the broader requirements of substantial compliance he would not be entitled to relief under either standard. See id. Therefore, there is no conflict for this Court to review under this issue.

Notwithstanding that Torres-Arboledo did not make Florida a substantial compliance state, the decision below properly outlined a substantial compliance rule of law. Accordingly, the decision does not conflict with Petitioner's interpretation of Torres-Arboledo. Furthermore, if this Court finds that jurisdiction was improvidently granted as it relates to Petitioner's substantial compliance argument under Issue II, it cannot review the merits of Petitioner's argument under Issue I. Petitioner has never alleged that the decision below's determination on Issue I--that a felony warrant is not an untried complaint--conflicts with any other decision of this state. In fact, as outlined in Issue I other courts in Florida have held similar to the decision below in this regard. See Taylor v. State, 582 So. 2d 152 (Fla. 4th DCA 1991); see also Churchwell v. State, 44 So. 3d 645 (Fla. 2d DCA 2010). Accordingly, there is no conflict for this Court to review under either argument raised by Petitioner's Initial Brief, and Respondent

directs this Court to Respondent's Jurisdictional Answer Brief for further argument on this point.

Merits

The decision below properly explained that Petitioner failed to substantially comply with the requirements for his IADA request. Petitioner argues that the decision below created a strict compliance standard because it was not Petitioner's duty to direct that the warden must send his IADA request be to the State Attorney's Office. (IB. 12). However, by failing to serve the State Attorney's Office Petitioner's request omitted something essential to the agreement's operation. Therefore, Petitioner failed to even substantially comply with the IADA.

In Federal Court, the Government's obligations under the IADA will not begin until the prosecuting officer in the receiving state is notified that a defendant is invoking the protections of the IADA. Fex v. Michigan, 507 U.S. 43 (1993) (rejecting that the 180-day clock commenced when the prisoner gave his request to the correctional authorities in his custodial state). In Fex, the United States Supreme Court explained, "that the 180-day time period in Article III(a) of the IAD does not commence until the prisoner's request for final disposition of the charges against him has actually been delivered to the court and prosecuting officer of the jurisdiction that lodged the detainer against him." Id. at 52. Prior to Fex, Florida similarly recognized that dismissal was not required when "the appropriate Florida prosecuting officer did not receive any notice" of a defendant's IADA demand due to the

failure of prison officials in the custodial state to send the prosecuting authority notice of the IADA request. Parker v. State, 539 So. 2d 1168 (Fla. 1st DCA 1989); see Segroves v. State, 629 So. 2d 967 (Fla. 5th DCA 1993)). Regardless of whether Florida is a substantial or strict compliance jurisdiction, the 180-day time period should not begin running until the prosecuting authority has proper notice of a defendant's request. Petitioner seeks to expand substantial compliance to include the dismissal of a case where Petitioner fails to direct that his request be sent to the proper prosecuting authority, by placing the onus on the custodial state to know the proper parties to serve with his request. This would allow for dismissal of a defendant's case even when the Prosecutor's office had no knowledge of a defendant's IADA demand, when that failure of knowledge was not due to any action or inaction on the part of Florida officials.

In United States v. White, the Sixth Circuit Court of Appeals relied on Fex to reject White's contention that his speedy trial request to the custodial state constituted notice on the prosecuting authority to justify dismissal of his case. United States v. White, 185 Fed.Appx. 504 (6th Cir. 2006). In White, the defendant made requests on the custodial state for the speedy resolution of his detainer charges, but none of those charges were served on the U.S. Marshal's Service, the U.S. Attorney's Office, nor the district court. Id. at 506. The court explained there was no violation of the 180-day IADA rule because "White's speedy trial request at CCI [the custodial institution] did not constitute notice 'to be delivered to the

prosecuting officer and the appropriate court.'" Id. at 509 (quoting 18 U.S.C. App. § 2, Art. III(a)).

Ultimately, the Government resolved White's case within 180-days of its notice of White's IADA request. Id. Although the Sixth Circuit Court of Appeals is a jurisdiction of strict compliance, it noted "[e]ven assuming that substantial compliance with the IADA may sometimes be permissible, we conclude that this is not such a case." Id. The court recognized that it had previously explained the following: "When the prisoner has done everything possible to comply with the IAD, and it is the custodial state that is responsible for the prisoner's default, then strict compliance with the IAD may not be required." Id. (citing Norton v. Parke, 892 F.2d 476, 481 (6th Cir. 1989) However, the court failed to find White's case susceptible to such an exception, because "[i]t would be unfair to penalize the Government in this case when neither the U.S. Attorney's Office nor the district court received notice of White's speedy trial request of CCI officials." Id. Accordingly, under either a strict or substantial compliance regime, where the prosecuting office has no notice of the inmate's IADA request the case should not be subject to dismissal.

Petitioner asserts the decision below erred in its application of substantial compliance by relying on cases where the State had actual knowledge of the inmate's request, but failed to act based on technicalities despite that knowledge. In State v. Roberts, 427 So. 2d 787 (Fla. 2d DCA 1983), the prosecuting office received Robert's request. Accordingly, the

court found "the prosecutor and the appropriate court had actual notice of the necessary information." Id. at 790. Additionally, in Cox v. State, 389 So. 2d 1028 (Fla. 5th DCA 1980), the State acknowledged receipt of Cox's request but claimed his request was inadequate, because the office received the copy from the clerk and not Cox. Id. The court explained this omission was not substantive and should not excuse the State's failure to act, since the purpose of the notice was effectuated by the State receiving the request from the clerk. Id. In the case at bar, the State did not have knowledge of Petitioner's IADA request. Although the State knew Petitioner was incarcerated in South Carolina while a warrant was outstanding in Florida, nothing in the record established that the State actually knew Petitioner had requested the protections of the IADA.

Petitioner also relies on Washington v. Morris, 74 Wash. App. 293 (Wash. App. 1994), to support its position. (IB. 13). The Morris Court interpreted Washington's IADA rule by rejecting the United States Supreme Court's decision in Fex. Id. at 299. Accordingly, the court in Morris held that Washington's 120-day period for IADA requests ran from the date the inmate delivered his request to the custodial state. Id. However, Morris is distinguishable on one key point. Morris' IADA request was actually served on the prosecuting authority. Id. at 294. Accordingly, the court in Morris did not have to address whether that clock begins when the inmate omits something essential to the agreements operation, such as proper notice to the prosecuting authority. The importance of this difference, is that the State at least knew it was on the clock to get Morris to trial. Here, the

State had no idea the clock had begun for Petitioner. Even a prosecuting office which receives notice that has been delayed by the custodial state, could still act to expeditiously resolve the inmate's request.

This potential delay is covered within the IADA by Article III(a), where it allows the State reasonable continuances for "good cause". § 941.45, Art. III(a). Consequently, a prosecutor's office which receives delayed notice from the custodial state of an inmate's invocation of the IADA may still have the ability to expeditiously resolve the inmate's claim. However, where the inmate fails to direct that the proper prosecuting office be forwarded his request--while he may have minimally complied with the IADA--he should not be said to have substantially complied.

Petitioner's reliance on Ohio v. Mourey, 597 N.E.2d 101 (OH S.Ct. 1992), fails for the same reason as its reliance on Morris. (IB. 15). The Ohio Supreme Court did not have to address the failure of the defendant to notify the State prosecuting authority. The court in Mourey recognized that the problem with strict compliance is it "tends to hold the prisoner accountable for measures and duties that are totally beyond his or her control." Id. at 105. However, even this negative view of strict compliance undermines Petitioner's argument, because the ability to direct service on the prosecuting authority was within Petitioner's control. Here, Petitioner failed to properly request service on the proper prosecuting authority.

Ultimately, the purpose of the IADA is for the speedy resolution of charges forming the basis for a detainer. For the same reasons as discussed

in Issue I, supra--regarding the stated purpose of the IADA--it would not further the purpose of the IADA to dismiss charges against an inmate where the State was unaware the inmate invoked the protections of the IADA. In Smith, supra, the court analyzed the IADA and warned against the State purposely delaying action on an inmate's charges. See State v. Smith, 534 A.2d 371, 374 (Md.Ct.Spec.App. 1987) ("Permitting the State to postpone the commencement of the operation of the IAD sanctions the very thing the Compact was designed to prevent—an inmate's languishing in a limbo, a suspended animation, pending disposition of charges in the State that issued the detainer."). However, the State cannot expeditiously honor an inmate's IADA request when the inmate fails to inform the State it is invoking those protections. The purpose of the IADA is to "encourage the expeditious and orderly disposition" of charges, yet those charges cannot be disposed of when the State is unaware the inmate is seeking such disposition. Accordingly, the best way to further the purpose of the IADA is to only hold the State accountable where it has actual notice of the inmate's request.

The decision below properly outlined that Petitioner had failed to substantially comply with the IADA. The prosecutor's office was never notified of Petitioner's IADA request. Petitioner's argument relies on cases where the prosecutor's office knew of an inmate's request, but failed to act expeditiously in resolving that request. Petitioner's argument does not further the purpose of the IADA, because the State cannot expeditiously resolve charges it is unaware that an inmate wants resolved. Accordingly,

the decision below properly found Petitioner failed to substantially comply with the requirements of the IADA.

CONCLUSION

Based on the foregoing discussions, Respondent respectfully requests this Honorable Court affirm the decision of the First District Court of Appeal. Alternatively, Respondent continues to aver this court decline to exercise jurisdiction over this case.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by electronic mail to the following: S. Nicole Jamieson, Counsel for Petitioner, at Nicole.Jamieson@rc1.myflorida.com, and dawn.baldassare@rc1.myflorida.com, on July 28, 2016.

CERTIFICATE OF COMPLIANCE

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Pamela Jo Bondi
Attorney General

/s/ Matthew Pavese
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