

IN THE SUPREME COURT OF FLORIDA

COREY JAMAIN DOZIER,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

CASE NO. SC15-2092

L.T. NOS. 1D15-1427
2013-CF-010155

ON REVIEW FROM THE
FIRST DISTRICT COURT OF APPEAL

PETITIONER'S INITIAL BRIEF ON THE MERITS

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PRELIMINARY STATEMENT

This is an appeal taken pursuant to Fla. R. App. P. 9.030(a)(2)(A)(iv) of the First District Court of Appeal's denial of Mr. Dozier's Petition for Writ of Prohibition seeking immediate discharge from pending charges in Duval County, Florida based on a violation of Mr. Dozier's speedy trial rights under the Interstate Agreement on Detainers Act ("IADA" or "Act").

Corey Dozier will be referred to as "Mr. Dozier" or "Petitioner". The State of Florida will be referred to as "Respondent" or "State". The record on appeal consists of 156 pages and will be referred to as "R", followed by the appropriate page number. An appendix is attached containing the First District Court of Appeal's opinion in this case.

STATEMENT OF THE FACTS

Mr. Dozier was arrested in Dorchester County, South Carolina on September 11, 2011 for the charges of kidnapping, carjacking, and armed robbery, after having been allegedly involved in a shooting in Jacksonville, Florida on the same date. Fourth Circuit Assistant State Attorney Bernie De La Rionda and Jacksonville Sheriff's Office Homicide Detective D.A. Green, sought a warrant for Mr. Dozier's arrest, and the same was issued by the Honorable Gary Flower on September 11, 2011. Detectives from the Jacksonville Sheriff's Office traveled to South Carolina to conduct interviews of Mr. Dozier related to the Jacksonville homicide

investigation shortly after his arrest by the Dorchester County Sheriff's Office.

On April 13, 2012, Mr. Dozier resolved his pending South Carolina charges by plea agreement and was received into the custody of the South Carolina Department of Corrections ("SCDC"). On April 16, 2012, SCDC was notified by the Jacksonville Sheriff's Office that Mr. Dozier had pending charges in Jacksonville, Florida for "Murder" and "Attempted Murder". (R, 43.)

In July of 2012, Mr. Dozier notified the Duval County Clerk of Court as well as the Jacksonville Sheriff's Office, in writing, of his location, his SCDC inmate identification number, his desire to waive extradition, and his desire for a speedy resolution of his pending Jacksonville charges. In the letter he named one of the detectives with the Jacksonville Sheriff's Office who came to interview him about the Jacksonville homicide while he was being detained in South Carolina. Mr. Dozier expressed his desire to resolve his pending Jacksonville charges "immediately". (R, 44-46.) Mr. Dozier's letter to the Clerk of Court was received as indicated by the "filed" stamp which appears on the top of the document. Mr. Dozier's letter to the Jacksonville Sheriff's Office was received as indicated by the written response sent by the Jacksonville Sheriff's Office instructing Mr. Dozier to notify the warden of his desire to be extradited to Florida. (R, 44-46, 47.)

On October 11, 2012, Mr. Dozier gave written notice to the

warden of the Ridgeland Correctional Institution of his desire to invoke the protections of the IADA with respect to the detainer placed against him for all pending Florida charges. (R, 48.)

On January 7, 2013, Mr. Dozier made a second written request to the warden of Ridgeland Correctional, invoking the protections of the IADA with respect to his pending Florida charges. (R, 50.)

On August 29, 2013, Mr. Dozier served a pro se, typed "Motion to Dismiss Charge With Prejudice" upon the Duval County Clerk of Court. (R, 51.) Mr. Dozier included multiple copies of his motion and instructed the clerk to serve a copy upon the "Chief Administrative Judge for Duval County". Mr. Dozier also included a certificate of service indicating he had served a copy of his motion upon the "solicitor for Duval County". Mr. Dozier included the incorrect address for the Fourth Judicial Circuit Office of the State Attorney and referred to the prosecutor as a "solicitor", a commonly used term in South Carolina. (R, 52.) Mr. Dozier appropriately identified his pending Florida charges by warrant number. He also included his SCDC inmate identification number and his location in South Carolina. Mr. Dozier's pro se motion argued his charges should be dismissed with prejudice for the State's failure to act upon his invocation of the speedy trial provisions of the IADA. (R, 53-55.)

On November 1, 2013, the State filed an Indictment against Mr. Dozier for the charges of First Degree Murder, Attempted First

Degree Murder and Grand Theft Auto. Mr. Dozier arrived to the Duval County Jail on January 15, 2014.

STATEMENT OF THE CASE

On March 27, 2014, undersigned counsel filed a Motion to Dismiss Indictment with the trial court. A hearing was held on the motion on March 31, 2014. During the hearing on the Motion to Dismiss, Assistant State Attorney Bernie De la Rionda stated on the record that he knew where Mr. Dozier was being held in South Carolina. He also knew that Mr. Dozier resolved his pending South Carolina charges and had subsequently been taken into the custody of the South Carolina Department of Corrections. Mr. De la Rionda explained the delay in bringing Mr. Dozier back to Florida by stating he became tied up with another case in South Florida that "took a lot of time". (R, 98.) On April 8, 2014, the trial court entered an order denying Mr. Dozier's Motion to Dismiss. (R, 138.)

On March 26, 2015, Mr. Dozier filed a Petition for Writ of Prohibition in the First District Court of Appeal. On August 21, 2015, the District Court entered a written opinion denying Mr. Dozier's Petition for Writ of Prohibition upon two grounds. The court below found Mr. Dozier was not entitled to the protections of the IADA because no "indictment, information, or complaint" existed at the time of Mr. Dozier's invocation of the IADA provisions. Secondly, the Court found that Mr. Dozier did not substantially comply with the requirements of the IADA because he could not

provide proof that his IADA requests were served upon the prosecuting authority. Dozier v. State, 175 So.3d 322 (Fla. 1st DCA 2015).

Mr. Dozier timely sought this Court's discretionary jurisdiction based on conflict between the First District's decision in this case and decisions of this Court and the Second and Fifth Districts. The Court accepted jurisdiction and this briefing follows.

SUMMARY OF THE ARGUMENT

The Interstate Agreement on Detainers Act ("IADA") was adopted by Florida and codified by statute upon the enactment of Florida Statute 941.45. The Act operates as binding between Florida and any other party state which has also enacted the same into law. South Carolina is a party state to the IADA. See, South Carolina Code, Section 17-11-10 (2013). The Act implements a uniform procedure by which an out of state inmate may seek a speedy resolution of all pending criminal charges in a party state. The Act extends speedy trial protections similar to those afforded by Florida Criminal Rule of Procedure 3.191. Florida is a substantial compliance state with respect to the IADA and requires an individual to substantially comply with the provisions of the Act in order to successfully invoke its protections. State v. Fay, 763 So.2d 473, (App. 4 Dist. 2000); State v. Roberts, 427 So.2d 787 (App. 2 Dist. 1983).

A Florida detainer was placed upon Mr. Dozier while he was in the custody of the South Carolina Department of Corrections. He subsequently invoked the provisions of the IADA, requesting a speedy disposition of all pending Florida matters. Mr. Dozier substantially complied with the requirements of the IADA. The State failed to bring him to trial in Florida within 180 days pursuant to the requirements of the IADA. Because of the State's failure to bring him to trial within the 180 day time period prescribed by the IADA, Mr. Dozier is entitled to a dismissal of his charges with prejudice. See, e.g., State v. Roberts, 427 So.2d 787 (Fla. 2d DCA 1983). The lower court erred in denying Mr. Dozier's Petition for Writ of Prohibition.

STANDARD OF REVIEW

The standard of review as to this issue is de novo as it involves the interpretation of a statutory provision, specifically, Section 941.45, Florida Statutes. Larimore v. State, 2 So.3d 101 (Fla. 2008); See also, State v. Phillips, 852 So.2d 922 (Fla. 1st DCA 2003).

ARGUMENT

THE FIRST DCA ERRED IN FINDING THAT MR. DOZIER IS NOT ENTITLED TO DISMISSAL OF HIS CHARGES WITH PREJUDICE UNDER IADA AFTER HE SUBSTANTIALLY COMPLIED WITH IADA'S REQUIREMENTS AND THE PROSECUTION FAILED TO TIMELY BRING HIM TO TRIAL.

- I. Mr. Dozier is entitled to the protections of the IADA based on the detainer lodged against him by the State of Florida while in the custody of SCDC. The detainer arose

out of a criminal complaint.

This Court must reverse and remand Mr. Dozier's case for dismissal of all charges finding that the trial court erred in denying his Motion to Dismiss. Article I of IADA expressly states the purpose of the Act. The purpose of the IADA is to, "encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, informations, or complaints." Article I, Section 941.45, Fla. Stat. (2012). The State of Florida lodged a detainer against Mr. Dozier on April 16, 2012, once he was received into the custody of SCDC. (R, 43.) The detainer was for "murder" and "attempted murder." Mr. Dozier and prison classifications were notified of the detainer. As a result, Mr. Dozier invoked the protections of the IADA, requesting a speedy resolution of all pending Florida matters.

The Act, titled "Interstate Agreement on Detainers", recognizes in Article I that there is great difficulty and uncertainty that can come from "charges outstanding against a prisoner" and "detainers based on untried indictments, informations, or complaints". Uncertainty in the status of out-of-state detainees based on untried indictments, informations, or complaints can create difficulty for out of state inmates when it comes to securing speedy trial rights and can restrict access to prison programs for rehabilitation or treatment. Id. The title of

the Act, along with the purpose stated in Article I, necessitates the conclusion that Mr. Dozier's pending detainer entitled him to the protections of the IADA. An out of state detainer placed upon a prisoner has the same restrictive effect as an out of state charge based upon a pending indictment. That is, it can restrict access to programs, impact work assignments within the prison, impact qualification for treatment, impact housing assignments, and create lingering uncertainty regarding the status of the basis of the out of state detainer.

The First District Court of Appeal court acknowledged that no Florida court has yet to address the meaning of "indictments, informations, or complaints" as it applies to the IADA. In declining to extend the protections of the IADA to Mr. Dozier, the District Court followed United States v. Bottoms, 755 F.2d 1249 (9th Cir. 1985), which held that a defendant was not entitled to the protections of the IADA where he had not been formally charged by indictment, information, or complaint. Dozier v. State, 175 So.3d 322 (Fla. 1st DCA 2015). However, the lower court did not address what *would* constitute a complaint under the IADA.

The below court's reliance upon the Bottoms approach ignores Article IX of the IADA which directs that, "this agreement shall be liberally construed so as to effectuate its purposes." Section IX, 941.45 Fla. Stat (2012). The narrow construction of this provision by the Bottoms court and the First District Court of Appeal would

allow the state to subvert the purpose of the IADA by playing technical speedy trial games in which the state could lodge a detainer based upon a warrant and then prevent triggering the IADA by purposefully delaying obtaining an indictment or filing an information.

This Court should interpret the phrase, "detainers based upon untried indictments, information, or complaints" in a manner which effectuates the stated purpose of the IADA. In Maryland v. Smith, 534 A. 2d 371 (Md. Ct. Spec. App. 1987), the Maryland Court of Special Appeals declined to follow the approach in Bottoms, dubbing it a "hypertechnical pilpul approach". Id. at 383. Such narrow construction as employed by the Bottoms court would draw a conclusion "contrary to the clear legislative intent." Id. As the Court notes in Smith, "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 the charges in the State that issued the detainer." Id. at 384. A detainer lodged against an inmate obstructs access to programs and prohibits minor privileges afforded to an inmate such as employment. Id.

The United States Supreme Court discussed the history behind the adoption of the IADA, noting that adoption was motivated, "in part by a practice of filing detainers based on untried criminal charges that had little basis". Carchman v. Nash, 473 U.S. 716,

729 (1985). "Because even unsubstantiated detainers may have a deleterious effect on the prisoner's treatment, a prisoner must be afforded an opportunity to purge his record of detainers." Smith 534 A. 2d at 375 (citing Carchman at 729). There is additional harm that would come from the narrow approach employed by the lower court and Bottoms. To allow the state to retain the absolute power over the triggering mechanism of the speedy trial protections under the IADA would allow a prosecutor to indefinitely delay an out-of-state inmate's right to a trial. This type of indefinite delay is exactly the harm sought to be prevented by constitutional speedy trial mechanisms. Delay of a trial can produce indefinite confinement, "anxiety and concern of the accused," and "the possibility that the [accused's] defense will be impaired" by dimming memories and loss of exculpatory evidence. Barker v. Wingo, 407 U.S. 514, 532 (1972).

The Smith Court is not alone in determining that the filing of a detainer is the triggering mechanism upon which a prisoner may invoke the protections of the IADA. The Kentucky Supreme Court held in Rosen v. Watson, 103 S.W.3d 25 (2003), that it is the filing of a detainer and not the issuance of an indictment which triggers the application of the IADA. Id. at 29. The Rosen Court reasoned that its holding was consistent with the purpose of the IADA which was to lessen the detrimental effect that detainers have on the prison population.

Although the IADA does not define "detainer," in Carchman at 716, the Court defined a "detainer" as follows, "[a] detainer is a request filed by a criminal justice agency with the institution in which a prisoner is incarcerated asking the institution either to hold the prisoner for the agency or to notify the agency when release of the prisoner is imminent." Id. at 719. A detainer as defined by Carchman was filed against Mr. Dozier by the State of Florida and he was entitled to the protections of the IADA as a result.

The IADA allows for an out-of-state inmate to expeditiously dispose of detainers based upon untried "indictments, informations, or complaints". 941.45, Fla. Stat. (2012). In determining Mr. Dozier was not entitled to the protections of the IADA, the lower court failed to address what *would* constitute a complaint for purposes of the IADA. However, the First DCA has previously explained that a criminal complaint is the sworn instrument by which law enforcement commences an arrest and prosecution; or more simply put, a criminal complaint is a police report. Bartlett v. State, 993 So.2d 157 (1st DCA 2008). Further, Section 901.02, Fla. Stat. (2013), addresses the basis upon which a court may issue a warrant. As indicated in Section 901.02(1), a criminal complaint is the sworn police report outlining probable cause for arrest which must necessarily be examined prior to the issuance of a warrant. A criminal complaint was sworn against Mr. Dozier on

September 11, 2011 by Detective Hill with the Jacksonville Sheriff's Office for the charges of Murder, Attempted Murder, and Grand Theft. The complaint constituted the basis of the detainer placed against Mr. Dozier when he was in the custody of SCDC.

Mr. Dozier is therefore entitled to the protections of the IADA.

II. Mr. Dozier is entitled to a dismissal of his charges because he substantially complied with the provisions of the IADA when requesting a final disposition and the State of Florida failed to bring him to trial within 180 days of his request.

The Court below determined Mr. Dozier was not entitled to his requested relief because he could not conclusively prove that his IADA invocation was actually served upon the prosecutor. Dozier v. State, 175 So.3d at 326. The First DCA's narrow construction of the IADA created a "strict compliance standard," which conflicts with prior case law establishing that Florida is a "substantial compliance" state for purposes of the IADA. State v. Roberts, 427 So.2d 787; See also, State v. Fay, 763 So.2d 473; Torres-Arboledo v. State, 524 So.2d 403 (1988).

For instance, the Second District held that Florida is a substantial compliance state rather than a strict compliance state, and that the IADA should be liberally construed to effectuate its purpose as stated in Article IX of Section 941.45, Fla. Stat. State v. Roberts, 427 So.2d 787; See also, State v. Fay, 763 So.2d 473; Torres-Arboledo v. State, 524 So.2d 403 (1988).

In keeping with substantial compliance analysis, the Fifth District determined on facts very similar to this case that the failure of a defendant to send a copy of his letter demanding speedy trial directly to the prosecutor and further omission of some of the requirements of 941.45(3)(a), did not bar the defendant's relief. Cox v. State, 389 So.2d 1028 (Fla. 5th DCA 1980). In Cox, the defendant filed his requests for speedy trial with the clerk of court, much like Mr. Dozier. Although the clerk forwarded a copy of defendant Cox's invocation to the prosecutor, the Cox Court importantly noted that the state should not be permitted to hide behind the technical requirements of the rule in the face of a failure to act.

Section 941.45(3)(a), Fla. Stat. provides that an inmate shall be brought to trial on a pending indictment, information, or complaint "within 180 days after the prisoner shall have caused to be delivered to the prosecuting officer and an appropriate court of the prosecuting officer's jurisdiction written notice of his place of imprisonment and the prisoner's request for final disposition". Subsection (3)(b) then goes on to explain to a prisoner how he should go about achieving the requirements of (3)(a). That is, the written notice, "shall be given or sent by the prisoner to the warden". Id. "When the two subsections are read together, the procedural burdens imposed upon an inmate are clear." Washington v. Morris, 74 Wash. App. 293 (Wash. App. 1994). In Morris, the

Superior Court held that the act of delivering an IADA request to the superintendent of the prison, not delivery upon the prosecutor, triggered the speedy trial periods under the IADA. The Court determined that the two subsections must be read together to discern the obligations of a prisoner invoking speedy trial under the IADA, and such an interpretation is clearly consistent with the stated purpose of the IADA which is to "encourage the expeditious and orderly disposition of charges and determination of the proper status of any and all detainees". Id. at 297.

Mr. Dozier twice notified the warden of Ridgeland Correctional in writing of his IADA invocation. In his first notification on October 11, 2012, he specified that he was making a "formal request for your assistance in reaching the final resolution" of the Florida charges, "pursuant to the interstate agreement for detainees". (R, 48.) Mr. Dozier gave his second written notification to the warden of Ridgeland Correctional on January 7, 2013, after receiving no response to his first written request. (R, 50.) His second request referred back to the first, and indicated it was his formal request for disposition of the Duval County, Florida charges pursuant to the IADA. It is important to note that Mr. Dozier received a response to his January 7, 2013 request, and was informed by prison staff that his request was "being handled by Classification", per the "disposition by staff member" section. (R, 50.) By this written response, Mr. Dozier

was notified that he had fulfilled his obligations under the IADA, per Section 941.45(3)(b) Fla. Stat., and the next step was to be handled by prison officials as contemplated by the statute. Mr. Dozier substantially complied with the provisions of the IADA by making two written requests to the warden of Ridgeland Correctional, thereby invoking the speedy trial provisions of the IADA.

The Supreme Court of Ohio has also adopted a substantial compliance approach to the IADA, because to do otherwise would "hold the prisoner accountable for measures and duties that are totally beyond his or her control" and noted that a substantial compliance interpretation is consistent with the "liberal construction mandate set forth in Article IX of the agreement." Ohio v. Mourey, 597 N.E.2d 101 (1992). In analyzing substantial compliance, the Mourey Court determined the prisoner substantially complied with the IADA by delivering his written request to California prison officials in accordance with subsection (3)(a) of the IADA. The Court further held that, "delays in expediting an IAD[A] request attributable to prison officials or prosecuting authorities should not toll the running of the one-hundred-eighty-day time period." Id. at 487. Punishing Mr. Dozier for negligence on the part of sending state officials would be contrary to the spirit of the IADA. Mr. Dozier complied with his only obligations under the IADA. See also, Walker v. State, 201 S.W.3d 841 (App.

2007).

In Torres-Arboledo v. State, 524 So.2d 403 (1988) this Court held that Florida is a substantial compliance state and where "a prisoner makes a good faith effort to bring himself within the Agreement's purview, and omits nothing essential to the Agreement's operation, then his failure of strict compliance will not deprive him of its benefits." Id. at 412. This Court further held in Torres-Arboledo that substantial compliance could be found in one of two circumstances: 1) actual notice to the receiving authorities or 2) "a clear failure by the sending authorities to carry out their obligations under the agreement." Id.

The District Court's opinion in Dozier ignores the holding of this Court in Torres-Arboledo. The lower court acknowledged the negligence on the part of South Carolina sending state officials in failing to forward or act upon Petitioner's two written requests to the warden, seeking to invoke the protections of the IADA. The lower court acknowledged four attempts by Mr. Dozier to invoke the protections of the IADA. In the spirit of Torres-Arboledo, Mr. Dozier's attempts to invoke the speedy trial protections under the IADA were thwarted by negligence on the part of both sending state and receiving state officials.

South Carolina prison officials failed to properly act upon a clear written request pursuant to the IADA. They further led Mr. Dozier to believe he fulfilled his only obligations under the IADA

by notifying him in writing that his IADA request was being handled by classifications. (R, 50.) Mr. Dozier additionally served written notice upon the Jacksonville Sheriff's Office of his desire to expeditiously resolve his pending Florida charges. The Jacksonville Sheriff's Office can be said to be a prosecuting authority for purposes of the IADA as it was the agency who initiated Mr. Dozier's prosecution for his Florida crimes.

In other circumstances such as dealing with Brady evidence, the state attorney is imputed with knowledge attributable to law enforcement. In Floyd v. State, 902 So.2d 775 (Fla. 2005), the Court found a Brady violation occurred when the prosecutor failed to turn over exculpatory information known only to the police and not to the prosecutor. This exculpatory evidence was in the form of police reports documenting exculpatory witness interviews. The violation was substantiated even though the prosecutor was not in actual possession of the documents. See also, Henderson v. State, 745 So.2d 319 (Fla. 1999).

Finally, Mr. Dozier filed a pro se, typed Motion to Dismiss with the Duval County Clerk of Court, requesting a copy be provided to the "Chief Judge for appropriate action". (R, 51.) Mr. Dozier identified his charges by warrant number and provided a wealth of information as well as his location in SCDC. The clerk's office frequently receives and handles pro se pleadings. Its function is to ensure these items are properly filed and forwarded to the

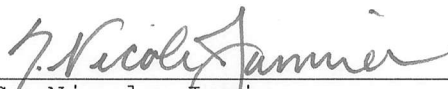
appropriate parties for action. The failure to forward Mr. Dozier's request to the State Attorney's Office was an act of negligence on the part of receiving state officials. Further, Assistant State Attorney Bernie De la Rionda admitted actual knowledge of Mr. Dozier's whereabouts and availability for trial during the hearing on the Motion to Dismiss in the trial court. (R, 98). Mr. Dozier's four separate attempts to invoke the protections of the IADA constitute substantial compliance for purposes of the IADA.

CONCLUSION

Mr. Dozier is entitled to the protections of the IADA based upon the detainer lodged against him while he was in the custody of SCDC. That detainer arose out of a criminal complaint as contemplated by the IADA. Mr. Dozier substantially complied with the provisions of the IADA, sufficiently invoking its protections. Because the prosecution failed to bring Mr. Dozier to trial within 180 days as required by the IADA, this Court should reverse and remand for a dismissal of all charges.

Respectfully submitted,

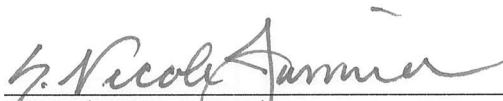
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petitioner's Initial Brief on the Merits has been furnished to Lauren Gonzalez, Assistant Attorney General, Office of the Attorney General, Pl-01, The Capitol, Tallahassee, Florida, 32301, by e-service to crimapptlh@myfloridalegal.com, on this 23rd day of May, 2016.



S. Nicole Jamieson
Assistant Regional Conflict Counsel

CERTIFICATE OF TYPE SIZE AND STYLE

Counsel for Appellant certifies that the size and style of type used in this Petitioner's Initial Brief on the Merits is 12 point Courier New.

APPENDIX

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

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

COREY JAMAINE DOZIER,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D15-1427

Opinion filed August 21, 2015.

Petition for Writ of Prohibition -- Original Jurisdiction.

Jeffrey E. Lewis, Regional Conflict Counsel, Waffa J. Hanania and S. Nicole Jamieson, Assistant Regional Conflict Counsel, Yulee, for Petitioner.

Pamela Jo Bondi, Attorney General, Trisha Meggs Pate, Bureau Chief, and Lauren L. Gonzalez, Assistant Attorney General, Tallahassee, for Respondent.

PER CURIAM.

This is a petition for writ of prohibition seeking the petitioner's immediate discharge from the three charges currently pending against him, for one count each of first-degree murder, attempted first-degree murder, and grand theft auto. The petitioner asserts that his speedy trial rights under the Interstate Agreement on Detainers Act ("IADA") have been violated. We disagree, and we deny the petition.

Background

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.

Analysis

The IADA “is a compact entered into by forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands, and United States to establish procedures for the resolution of one jurisdiction’s outstanding charges against a prisoner of another jurisdiction.” Monroe v. State, 978 So. 2d 177, 179 (Fla. 2d DCA 2007) (citations omitted). Article III(a) of the IADA provides:

Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he or she shall be brought to trial within 180 days after 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; provided that, for good cause shown in open court, the prisoner or the prisoner’s counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

§ 941.45, Fla. Stat. (2012). Article III(b) of the IADA requires that “[t]he written notice and request for final disposition referred to in paragraph (a) shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of the prisoner, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.” Id. Once a request has been made per this provision, if the state fails to bring a defendant to trial within 180 days, dismissal of the detainer charges is mandated. See, e.g., State v. Roberts, 427 So. 2d 787 (Fla. 2d DCA 1983).

We conclude that relief is not warranted in this case for two reasons. First, the state argues that at the time of the petitioner’s IADA request, even though a detainer had been filed, no “indictment, information, or complaint” yet existed that would trigger the IADA’s application. No court of this state appears to have yet answered the question of whether a mere “detainer” pursuant to a felony arrest can constitute a “complaint” per the IADA. This is a question without a clear answer. For example, in United States v. Bottoms, 755 F.2d 1349 (9th Cir. 1985), the court held that a defendant was not entitled to a final disposition under the IADA where he had not been formally charged by indictment, information, or complaint. By contrast, the Court of Special Appeals of Maryland deemed the approach in Bottoms to be “hypertechnical,” holding that a felony arrest warrant detainer is an “untried complaint” for purposes of

the IADA. See State v. Smith, 534 A.2d 371 (Md. Ct. Spec. App. 1987). In Crawford v. State, 669 N.E.2d 141 (Ind. 1996), the Supreme Court of Indiana followed Bottoms rather than Smith, noting that the common and correct practice was to give detainers a narrow scope. In State v. Moore, 774 S.W.2d 590 (Tenn. 1989), the Supreme Court of Tennessee, however, followed Smith in holding that an arrest warrant or detainer is sufficient to invoke the protections of the IADA because that holding was consistent with “the general practice of prosecuting officials in this and other states,” though noting its concerns that “[p]roceeding on a bare warrant, however, obviously can produce situations of unusual complexity as shown by the facts of the instant case.” Id. at 597.

We agree with the court’s analysis in Bottoms and adopt that line of reasoning. The court in Bottoms defined “complaint” narrowly, as a term of art excluding warrants and detainers issued thereupon. 755 F.2d at 1350. The existence of the word “untried” in the IADA clause in question supports the conclusion that the IADA cannot be triggered solely by the filing of a detainer pursuant to a felony warrant. 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. The word “complaint” refers to a type of a charging document, and does

not appear to have been intended to broaden the scope of the IADA provision in question beyond charging documents to arrest warrants and detainers. As the court in

Bottoms concluded:

. . . its use as the final of a series of three technical terms, all related in the meaning, precludes accepting his argument. The principles of *ejusdem generis* and common sense dictate that “complaints” be read as a legal word of art [t]he use of “untried” as the qualifier for all three words supports this conclusion.

755 F.2d at 1350. We disagree with Smith, which held that this approach “misinterpreted the statute, in favor of a strained reliance upon a rule that forced a conclusion that is contrary to the clear legislative intent.” 534 A.2d at 373. To the contrary, we conclude that a structured and reasoned approach lead to the conclusion reached in Bottoms, which precludes relief in this case.

Even if we are mistaken on this point, relief is unavailable for a second reason. The IADA requires “substantial compliance” with the requirements of a request for a final disposition to trigger the IADA’s protections. See, e.g., State v. Fay, 763 So. 2d 473, 475 (Fla. 4th DCA 2000). Here, the petitioner failed to demonstrate substantial compliance with the IADA’s requirements. First, as the trial court’s order denying the petitioner’s motion to dismiss correctly noted, none of the IADA requests were served on the prosecuting authority. To the extent that the second and third requests were served on South Carolina prison officers, who failed to forward them to officials in the

state of Florida, substantial compliance is still not demonstrated because Florida officials cannot be held liable for the South Carolina officials' inaction. See Parker v. State, 539 So. 2d 1168 (Fla. 1st DCA 1989) (holding that, where a defendant provided an IADA notice to Pennsylvania correctional officers and those officers failed to forward it, "[s]ince the lack of notice was not due to any action or inaction on the part of Florida officials, the state of Florida was not precluded from proceeding against appellant") (citing Welch v. State, 528 So. 2d 1236 (Fla. 1st DCA 1988); Colt v. State, 440 So. 2d 409 (Fla. 1st DCA 1983); Williams v. State, 426 So. 2d 1121 (Fla. 1st DCA 1983)). And although the first "notice" – the letter mailed by the petitioner on or about July 10, 2012 - was served on the Jacksonville Sheriff's Office, despite mentioning the petitioner's desire for a speedy disposition of the Duval County charges, it was neither served on the prosecuting authority nor the lower tribunal, nor was it accompanied by a certificate from the petitioner's correctional institution.

Conclusion

The petitioner's requests for a final disposition were insufficient to trigger the speedy trial protections of the IADA because, at the time that they were made, no "information, indictment, or complaint" had yet been filed and, in any event, the requests were not substantially compliant with the requirements for a request for a final

disposition under the IADA. The petitioner's speedy trial rights under the IADA were not violated in these circumstances. We therefore deny the petition.

RAY, SWANSON, and MAKAR, JJ., CONCUR.