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IN THE SUPREME COURT OF FLORIDA

COREY JAMAINE DOZIER,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Case No.: SC15-2092
Lower Case Nos.: 1D13-4950
2011-CF-216

ON DISCRETIONARY REVIEW FROM
THE FIRST DISTRICT COURT OF APPEAL

JURISDICTIONAL BRIEF OF RESPONDENT

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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 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.
>
> . . .
>
> 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); Coit v. State, 440 So. 2d 409 (Fla. 1st DCA 1983); Williams v. State, 426 So. 2d 1121 (Fla. 1st DCA 1983)).

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

SUMMARY OF ARGUMENT

The decision below does not expressly and directly conflict with Torres-Arboledo. In Torres-Arboledo, this Court did not adopt a substantial compliance standard for interpreting the IADA. Rather, this Court found that because the defendant failed to meet the broader substantial compliance standard, his argument failed under either a strict or substantial compliance standard. Additionally, the only potential rule for substantial compliance created by Torres-Arboledo outlined that the prisoner must make a good faith effort to bring himself within the Agreement's purview, and omit nothing essential to the Agreement's operation. The decision below does not conflict with this rule because Petitioner's request omitted the essential requirement that an indictment, information, or complaint exist against him.

Additionally, neither Roberts nor Cox expressly and directly conflict with the decision below. The key factual consideration between the cases is that in both Roberts and Cox the prosecuting authority had actual knowledge of the defendant's request. Whereas, here the prosecuting authority did not have actual notice of Petitioner's request. This distinction was recognized by this Court in Torres-Arboledo. Accordingly, this case does not expressly and directly conflict with Roberts and Cox.

ARGUMENT

1. THE DECISION BELOW DOES NOT EXPRESSLY AND DIRECTLY CONFLICT WITH TORRES-ARBOLEDO.

Petitioner claims this court has jurisdiction to review the decision below because it expressly and directly conflicts with the substantial compliance standard for the IADA held applicable by Torres-Arboledo v. State, 524 So. 2d 403 (Fla. 1988). (PJB. 10). Respondent disagrees with this assertion, because Torres-Arboledo did not adopt the substantial compliance standard. On September 11, 2011, Petitioner was arrested in South Carolina for charges of kidnapping, carjacking, and armed robbery. Dozier v. State, 175 So. 3d 322, 323 (Fla. 1st DCA 2015). On this same date a felony warrant issued in Duval County, Florida, for charges of grand theft auto and attempted murder. Id. On April 13, 2012, Petitioner pled guilty to the South Carolina charges. Id. On October, 11, 2012, "petitioner then submitted an inmate request directed to the Warden at Ridgeland Correctional Institution in South Carolina[,]" this letter indicated that it was Petitioner's "formal request for your assistance in reaching the final resolution" of the Florida charges. Id. at 324. The request also indicated that it was "being made pursuant to the interstate agreement for detainers[.]" Id. "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.'" Id.

On January 7, 2013 -- apparently having received no response to the October 11th request -- Petitioner filled out another inmate request. Id.

This 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." Id. "The 'Disposition by Staff Member' section on this second request read, 'INMATE DOZIER: Your request is being handled by Classification.'" Id. Neither request was served on the proper parties per the IADA[1]. Id.

The decision below concluded relief was not warranted in this case for two reasons. Id. at 325. First, the decision below found that the term "complaint" excluded warrants and detainers issued thereupon. Id. at 326. Accordingly, "the IADA cannot be triggered solely by the filing of a detainer pursuant to a felony warrant." Id. Petitioner's Jurisdictional Brief does not assert a conflict in this holding. Therefore, Petitioner's argument asserts a conflict with the second reason given by the decision below.

The second reason given by the decision below was that "the Petitioner failed to demonstrate substantial compliance with the IADA's requirements." Id. The decision below found that none of the IADA requests were served on the prosecuting authority. Id. Further, the decision noted the following:

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[1] As explained below, because formal charges had not been filed, there was no prosecuting authority to serve the request upon, that is most likely why the proper party was not served.

> 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); Coit v. State, 440 So.2d 409 (Fla. 1st DCA 1983); Williams v. State, 426 So.2d 1121 (Fla. 1st DCA 1983)).

Id.

Petitioner asserts an express and direct conflict between the decision below and this Court's decision in Torres-Arboledo. (PJB. 7). Particularly, Petitioner explains the decision below conflicts with Torres-Arboledo because this Court found that Florida is a substantial compliance state. (PJB. 6). However, this Court's decision did not hold that Florida is a substantial compliance state. In Torres-Arboledo, this Court explained the following:

> *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). This Court explained that Torres-Arboledo was not substantially compliant because he never provided actual notice to the prosecuting authorities as was the case in Roberts. Additionally, this Court found Torres-Arboledo was not

substantially compliant because he failed to give the warden sufficient notice of his IADA request. Id. Accordingly, the Torres-Arboledo opinion did not reach a decision about whether Florida is a strict or substantial compliance state. Instead, the opinion 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.

Petitioner particularly asserts this case conflicts with the Torres-Arboledo opinion because this Court held that substantial compliance will 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." (PJB. 7); Torres-Arboledo, 524 So. 2d at 412. However, Torres-Arboledo did not hold this was the rule for substantial compliance. To the extent Torres-Arboledo delineates a rule for substantial compliance, that rule outlined, "if the 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. (emphasis as provided by original) (quotations and citations omitted). The "actual notice to the receiving authorities" or "clear error" circumstances outlined by this Court in Torres-Arboledo -- and relied on by Petitioner -- explain what may negate substantial compliance, not what is substantial compliance.

As to this point, the takeaway from this Court's opinion is that because the custodial official never received Torres-Arboledo's request his

duties were not triggered. This is because Torres-Arboledo was not substantially compliant where his failure to notify the warden was an omission essential to the agreement's operation. Whereas, the decision below found Petitioner was not substantially compliant because the prosecuting authority did not receive actual notice. Accordingly, the lack of actual notice on the prosecuting authority was the omission which was essential to the agreement's operation.

Further, to the extent Petitioner argues the duty was on the custodial official to forward Petitioner's request, the decision below does not conflict Torres-Arboledo. This Court's crafting of the substantial compliance rule cited to State v. Culligan, to require that it "omits nothing essential to the Agreement's operation." That reliance is critical to interpreting the purported rule for substantial compliance. In Culligan, the prosecuting authority had actual notice of the defendant's request, but the defendant's request failed to include the requirements mandated by Section 941.45(3)(a)(b). State v. Culligan, 454 So. 2d 700 (Fla. 4th DCA 1984). Accordingly, the court held that even though the State had actual notice of Culligan's claim, his omission of requirements essential to the agreement's operation negated this claim. Id. Therefore, failure to substantially comply can still be found in the face of actual notice to the prosecuting authority where other terms significant to the IADA's operation are omitted from the request.

Here, the facts relied on by the decision below do not establish that Petitioner's request was sufficient under the IADA to trigger the warden's

responsibility. Most clearly lacking from the request -- especially in light of the decisions below's first holding -- was a request for final disposition of an indictment, information, or complaint. Therefore, Petitioner's request could never have included all of the essential terms for the IADA, because there was only a warrant and detainer in his case. Any requirements that the custodial official forward Petitioner's request was not triggered because clearly Petitioner omitted something essential to the agreement's operation; actual charges against Petitioner. Therefore, the decision below does not expressly and directly conflict with Torres-Arboledo. Rather it is in-line with this Court's decision that a request which omits something essential to the IADA's operation cannot be in substantial compliance with the Agreement.

2. THE DECISION BELOW DOES NOT EXPRESSLY AND DIRECTLY CONFLICT WITH ROBERTS OR COX.

Petitioner additionally argues the decision below adopts a strict compliance standard contrary to the decisions of Roberts v State, 427 So. 2d 787 (Fla. 2d DCA 1983) and Cox v. State, 389 So. 2d 1028 (Fla. 5th DCA 1980). (PJB. 10). In both Roberts and Cox the prosecuting authority had actual knowledge of the defendants' request. Roberts, 427 So. 2d at 790; Cox, 389 So. 2d at 1030. Whereas here, the decision below found Petitioner was not substantially complaint with the IADA because "none of the IADA requests were served on the prosecuting authority." Dozier, 175, So. 3d at 326. Accordingly, both Roberts and Cox found substantial compliance because the State had actual notice; whereas here the decision below failed

to find substantial compliance considering the lack of actual notice to the State. This Court in Torres-Arboledo recognized this distinction noting that in Roberts, "[b]oth the prosecutor and the appropriate court had actual notice of the information necessary to process the detainer." Torres-Arboledo, 524 So. 2d at 412. Therefore, this Court rejected Torres-Arboledo's substantial compliance with the IADA, because he never gave notice of his request to the proper authorities. Id.

Accordingly, the decisions of Roberts and Cox found substantial compliance where actual notice was given to the prosecuting authority. No actual notice was given to the prosecuting authority in the instant case, therefore Petitioner was not substantially compliant and the decision below does not conflict with either Roberts or Cox. Additionally, the decision below does not conflict with the Torres-Arboledo opinion which also recognized this distinction between itself and Roberts. Therefore, the decision below does not expressly and directly conflict with Cox, Roberts, or Torres-Arboledo on this application of substantial compliance.

CONCLUSION

Based on the foregoing discussions, Respondent respectfully requests this Honorable Court decline to accept jurisdiction over this case.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by electronic mail to the following: S. Nicole Jamieson, counsel for Appellant, at Nicole.jamieson@rc1.myflorida.com and dawn.baldassare@rc1.myflorida.com, on this 16th day of December, 2015.

CERTIFICATE OF COMPLIANCE

I certify that this document was computer generated using Courier New 12 point font.

Respectfully submitted,
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/s/ Matthew Pavese
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AGO#: L15-1-14000

IN THE SUPREME COURT OF FLORIDA

COREY JAMAINE DOZIER, Petitioner, v. STATE OF FLORIDA, Respondent.	Case No.: Lower Case Nos.:	SC15-2092 1D13-4950 2011-CF-216

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

Exhibit A

175 So.3d 322
District Court of Appeal of Florida,
First District.

Corey Jamaine DOZIER, Petitioner,
v.
STATE of Florida, Respondent.

No. 1D15–1427. | Aug. 21, 2015.
| Rehearing Denied Oct. 13, 2015.

Synopsis

Background: Petitioner sought writ of prohibition, asserting that he was entitled to discharge of criminal charges on grounds that his speedy trial rights under the Interstate Agreement on Detainers Act (IADA) had been violated.

Holdings: The District Court of Appeal held that:

[1] a felony arrest did not constitute a "complaint" for purposes of IADA speedy trial provision;

[2] defendant failed to substantially comply with IADA by providing notice to out-of-state prison officials; and

[3] defendant failed to substantially comply with IADA by serving notice on sheriff's office.

Petition denied.

Attorneys and Law Firms

*323 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.

Opinion

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.

*324 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."

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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

[1] [2] 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 ***325** 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).

[3] **[4]** 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,* 73 Md.App. 378, 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 ***326** 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.

[5] **[6]** **[7]** 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); *Coit 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 ***327** 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.

All Citations

175 So.3d 322, 40 Fla. L. Weekly D1946

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