

OUTLINE: MISDEMEANOR BOND HEARINGS

Presenter: Senior Judge Tom Petersen
Wednesday February 4, 2009

1. Brief Biography Related to Bond Hearings:

- a. 1966: Founded Pretrial Services/ Pretrial Release Program (VISTA)
- b. 1967 – 1971: Assistant Public Defender
- c. 1971: Founded Pretrial Intervention and co-founded Advocate Program
- d. 1971 – 1989: Assistant State Attorney and Chief Assistant to Richard Gerstein and Janet Reno
- e. 1989-1999: Circuit Court Judge
- f. 1999-2003: Associate Professor, University of Miami
- g. 2003-Present: Senior Judge, Bond Hearings

2. The Legal Context: Statutes and Rules

- a. FS 903.011: "Bail" and "bond" defined
- b. FS 903.046: Purpose of and criteria for bail determination
- c. FS 903.047: Conditions of Pretrial Release
- d. FS 903.0471: Violation of condition of pretrial release

- e. Rule 3.130: First Appearance
- f. Rule 3.131: Pretrial Release
 - * State v. Raymond , 906 So.2d 1045 (Fla. 2005)
- g. Rule 3.133: Pretrial Probable Cause Determinations
 - * State v. Conley, 799 So.2d 400 (Fla. 2001)

3. Persistent Probable Cause Issues

- a. FS 810.011: Trespass: Definitions
 - * "We Care" signs and language issues
- b. FS 810.08: Trespass in structure or conveyance
- c. FS 810.09: Trespass on property other than structure or conveyance
 - * In the Interest of R.M., 553 So.2d 714 (4 Dist., 1989)
 - * Lewis v. State, 932 So.2d 357 (2 Dist., 2006)

d. Trespass and the Homeless: the Pottinger case

* Pottinger v. City of Miami, 810 F.Supp. 1551 (S.D. Fla.1992)

e. FS 856.021: Loitering or prowling

* Addis v. State, 557 So.2d 84 (3 Dist., 1990)

* A.D. v. State, 817 So.2d 1027 (3 Dist., 2002)

f. FS 877.03: Breach of the Peace; disorderly conduct

* Vulgar or profane language cases

4. First Offenders Diversion Programs or Withhold Adjudication

a. Recidivism considerations

b. Financial considerations: Pay Now or Pay Later

c. Is there any such thing as "a clean record" ?

5. Navigating a Slippery Slope: The Absence of I.C.E.