



Jerry Hill
State Attorney

JUVENILE PICK-UP ORDERS

By Tammy Glotfelty

Volume 20, Issue 4

September 2006

Obtaining a Pick-Up Order (PUO) for a juvenile defendant can be a tedious process requiring much waiting and patience by the officer making the request. Locating the appropriate Assistant State Attorney (ASA), receiving a case number from the Clerk's Office, finding a judge for signature, and delivering an order to warrants can take valuable time from an officer's important duties. This article will provide step-by-step instructions to aid officers in securing a juvenile PUO in a timely and efficient manner.

When an officer believes that a PUO is necessary in a juvenile case, it is important to call the State Attorney's Office (SAO) prior to coming in personally. By calling first, our office will determine if an ASA is assigned to prior cases on the defendant, or, if the officer needs to speak with the intake attorney. The ASA will first look to see if the defendant has prior criminal history, and, if so, whether the child is currently under supervision by the Department of Juvenile Justice, either on probation or on committed status. This is important, as in many cases, a PUO is already outstanding due to a prior request by the Department of Juvenile Justice based upon a defendant's failure to comply with supervision. If a PUO is already out-

standing, a second order is usually unnecessary.

If no PUO is outstanding, the ASA will discuss the facts of the case with the officer and will determine if the charges will score the child for secure or home detention. To score for detention, the child must meet the statutory requirements for secure detention or home detention on the Detention Risk Assessment Instrument. With few exceptions, the juvenile division will not request a PUO in cases where the child will be straight released by the court, or when an officer knows the child's whereabouts and can make an arrest based upon the charges in the arrest affidavit. By calling ahead and discussing the charges with the ASA, law enforcement can avoid an unproductive trip to Bartow.

If a PUO is appropriate, the next step is to fax a copy of the affidavit to the SAO. The ASA will review the complaint affidavit, and, if additional information or changes in the affidavit are needed, the ASA will advise law enforcement. Once the affidavit is finalized, the officer should proceed to the SAO. The ASA will prepare the Affidavit Requesting Pick-Up Order and the Pick-Up Order based upon

Inside this issue:

Juvenile Pick-Up Orders	2
Juvenile Pick-Up Checklist	2
From the Courts	3
Top Cops	4
Branch Office/Locations/Phone Numbers	4

Deb Oates, JV Division Director

Telephone Numbers

- (863) 534-4904
- (863) 534-4905
- (863) 534-4939
- (863) 534-4993

JUVENILE PICK-UP ORDERS

...continued from Page 1...

the probable cause statement in the affidavit, and the previous information provided by law enforcement. These documents will be ready for the officer upon arrival at the SAO. Additionally, the ASA will have adequate time to locate a judge who will be available to review the documents.

Once the officer arrives at the SAO, the original affidavit will be attached to the PUO. The officer will be directed to the Juvenile Clerk's Office, where the affidavit is assigned a case number by the clerk. The officer then presents the request to the judge for review and signature.

This will either be in a courtroom, if court is underway, or in a judge's office. Once the PUO is signed, it is returned to the juvenile clerk, who will provide certified copies to the officer for delivery to the Warrants Division at PCSO. The certified copies can be taken by the Clerk's Office later that afternoon, or the officer can walk the copies to the Warrants Division for immediate entry. In the event that an officer obtains

a PUO directly from a weekend duty judge, the officer should verify the age of the defendant, and, if the defendant is a juvenile, transport the defendant to the Juvenile Assessment Center. The DJJ intake counselor will screen the defendant and determine whether the defendant qualifies on the Detention Risk Assessment Instrument for secure detention, home detention or straight release.

In the event that an officer obtains a PUO directly from a weekend duty judge, the officer should verify the age of the defendant, and, if the defendant is a juvenile, transport the defendant to the Juvenile Assessment Center. The DJJ intake counselor will screen the defendant and determine whether the defendant qualifies on the Detention Risk Assessment Instrument for secure detention, home detention or straight release.

We have prepared a Juvenile PUO Checklist, which is provided to law enforcement upon arrival at the SAO.



Tammy Glotfelty is an Assistant State Attorney in the Juvenile Division. Tammy has been with the State Attorney's Office since January 1999.

This checklist provides the officer with detailed information as to where to go and what to do at each stop. Our goal is to help you save time and energy obtaining a juvenile PUO, by minimizing your wait time at our office. As always, if you have any questions, please call our office at 534-4904 or 534-4905.

JUVENILE PICK-UP ORDER CHECKLIST

- Call the Juvenile Division of the State Attorney's Office to discuss request for PUO and charges filed on the defendant.
- If requested by the ASA, fax a copy of affidavit to the State Attorney's Office at (863) 534-4936.
- If necessary, make changes to the original affidavit prior to delivery to the SAO.
- Proceed to SAO and provide original copy of affidavit to the ASA. (The original affidavit will be attached to the affidavit requesting a PUO.)
- Take the documents to the Juvenile Clerk's Office on the 1st Floor of the courthouse. (The clerk will assign a case number to the documents.)
- Take the documents to the assigned Judge.
- Take the documents to the clerk's office to obtain certified copies for PCSO's Warrant Division.
- Take the certified copies to the Warrants Division for entry.

...FROM THE COURTS...

A BLOWGUN MAY BE A DEADLY WEAPON.

The defendant, a juvenile, was charged with aggravated battery. At his trial, the evidence established that he shot his victim with darts from a blow gun. The court found him guilty, and the Fourth District affirmed, holding that a blow gun may be a deadly weapon. *V.M.N. v. State*, 30 FLW D2038 (Fla. 4th DCA Aug. 31, 2005).

DOG ALERT ON CAR WITHOUT MORE DOES NOT JUSTIFY ARREST OF DRIVER.

The defendant was charged with a felony drug offense and filed a motion to suppress. The facts on which the motion was based were that after a drug dog alerted on his car, police arrested and searched him, finding drugs. The trial court denied the motion, and he was convicted as charged. On appeal, the First District reversed, holding that a dog alert on a person's vehicle, without more, does not establish probable cause for the arrest of that person. *Williams v. State*, 30 FLW D2281 (Fla. 1st DCA Sept. 23, 2005).

CONFESSIONS MAY BE OBTAINED BY MISSTATEMENT OF FACT.

The defendant was charged with murder and filed a motion to suppress his confession. The facts on which the motion was based were that the defendant confessed after the police falsely told him that his DNA was found on the victim's body. The trial court denied the motion, and the defendant was convicted of second-degree murder. On appeal, the Third District affirmed, holding that a confession obtained by a misstatement of fact is admissible as long as it is voluntarily made. *Fonte v. State*, 30 FLW D2250 (Fla. 3^d DCA Sept. 21, 2005).

FAILURE TO RETURN DRIVER'S LICENSE TAINTED CONSENT.

The defendant was charged with carrying a concealed firearm and filed a motion to suppress evidence. The facts on which the motion was based were that when officers approached the defendant who was sitting in his parked car, they asked to see his license. He gave it to them, and they conducted a warrant's check which came back negative. Without returning the license, they asked for consent to search the car. The defendant agreed. A search disclosed a gun concealed in the car. The trial court granted the motion, and on appeal, the Fourth District affirmed, holding that the failure to return the driver license tainted the consent. *State v. Campbell*, 30 FLW D2226 (Fla. 4th DCA Sept. 21, 2005).

HOME INVASION ROBBERY MUST BE CHARGED BY DWELLING AND NOT VICTIMS.

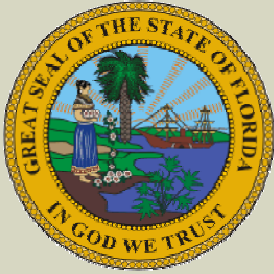
The defendant was charged with and convicted of home invasion robbery as to one victim and attempted home invasion robbery of another victim. Both crimes happened within moments of each other, and both victims were residents of the same home. On appeal, the Fifth District reversed the attempted home invasion robbery conviction, holding that it violated double jeopardy because only one count of home invasion robbery may be charged for entry into a single dwelling occupied by two victims. *Brock v. State*, 30 FLW D2327 (Fla. 5th DCA Sept. 30, 2005).

DETENTION OF DRIVER AFTER ARREST OF PASSENGER WAS IMPROPER.

In this Polk County case, the defendant was charged with, among other things, possession of cocaine and filed a motion to suppress. The facts on which the motion was based were that police stopped the car driven by the defendant because they had information that a certain person who had outstanding arrest warrants was riding in the car. After arresting the person, an officer asked the defendant for identification, which he provided. While that identification was being run for active warrants, the defendant refused to stay in the car. A struggle ensued, and the defendant was arrested for resisting. Cocaine was found in the area of the struggle. The trial court denied the motion, and the defendant was convicted as charged. On appeal, the Second District reversed, holding that the detention of the defendant after the arrest of the passenger was improper. *Lanier v. State*, 30 FLW D2373 (Fla. 2^d DCA Oct. 7, 2005).

ONE INOPERABLE BRAKE LIGHT IS AN INFRACTION.

The defendant was charged with possession of cocaine and filed a motion to suppress. The facts on which the motion was based were that an officer stopped the defendant's car after noticing that its left brake light was not operating. After stopping him, the officer determined that the defendant did not have a valid license and arrested him. A search ensued which resulted in the discovery of the cocaine. The trial court granted the motion, ruling that the officer did not have cause to stop the defendant because although the left brake light was out, the center and right ones were still operating. On appeal, the Third District reversed, holding that even one inoperable brake light is a traffic infraction. *State v. Perez-Garcia*, 30 FLW D2397 (Fla. 3^d DCA Oct. 12, 2005).



Hardee County
 124 South 9th Avenue
 Wauchula, Fl 33873
 Phone: (863) 773-6613
 Fax: (863) 773-0115

Highlands County
 411 South Eucalyptus
 Sebring, Fl 33870
 Phone: (863) 402-6549
 Fax: (863) 402-6563

Polk County
 P.O. Box 9000, Drawer SA
 Bartow, Fl 33831-9000
 Phone: (863) 534-4800
 Fax: (863) 534-4945

**Child Support
 Enforcement**
 215 N. Floral Avenue
 Bartow, Fl 33830
 Phone: (863) 519-4749
 Fax: (863) 519-4759

Lakeland Office
 930 E. Parker Street
 Suite 238
 Lakeland, Fl 33801
 Phone: (863) 499-2596
 Fax: (863) 499-2650

Winter Haven Office
 Gill Jones Plaza
 3425 Lake Alfred Rd. 9
 Winter Haven, Fl 33881
 Phone: (863) 401-2477
 Fax: (863) 401-2483

TOP COPS



Deputy Kris Gilbert

I would like to take a moment to recognize Deputy Kris Gilbert of the Polk County Sheriff's Office. I had a post-conviction case where the defense trial attorney had little memory of the proceedings, as they were several years old. The defense alleged that a bad search warrant had led to the contraband underlying his conviction, among other things. His argument was that the defense counsel had not tried to suppress the results of the search. I brought Deputy Gilbert in to do a mini-suppression hearing during the post-conviction proceedings, to demonstrate to the judge what would have happened, had the trial counsel done what the defendant requested and tried to suppress the evidence. From prior experience, I knew Deputy Gil-

bert would be prepared and once again he didn't let me down.

As a result of his testimony and preparation, we conclusively rebutted the defendant's allegations and protected a good trafficking conviction. I couldn't have done that without his help. The moral of that story is that even when we think the curtain's rung down, it probably hasn't. When law enforcement is ready to stick with us through the appeals and collateral relief we can make sure that righteous work on the street is properly upheld in court. Well done, Kris.

ASA Victoria Avalon
 Post-Conviction

IMPORTANT BARTOW PHONE NUMBERS:

SWITCHBOARD	534-4800	JUVENILE DIVISION	534-4905
MAIN FAX	534-4945	JUVENILE FAX	534-4936
ADMINISTRATION	534-4801	MISDEMEANOR INTAKE	534-4928
ADMIN FAX	534-4820	MISD INT FAX	534-4988
CHILD ABUSE / NEGLECT	534-4857	MISDEMEANOR	534-4926
CAC FAX	534-4834	RECORDS	534-4844
DOMESTIC VIOLENCE	534-4882	VICTIM ASSISTANCE	534-4861
DV FAX	534-4988	VIOLATION OF PROBATION	534-4803
FELONY INTAKE	534-4987	WITNESS MANAGEMENT	
FEL INTAKE FAX	534-4393	FELONY	534-4020
FELONY	534-4964	WITNESS MANAGEMENT	
HOMICIDE DIVISION	534-4959	MISD / TRAFFIC	534-4021
ON CALL PAGER	819-1526	WITNESS MGMT FAX	534-4034
INVESTIGATIONS	534-4804	WORTHLESS CHECKS	534-4874

LEGAL ADVISOR STAFF

Jerry Hill, Publisher
 * email: jhill@sao10.com
 Chip Thullbery, Managing Editor
 * email: cthullbery@sao10.com

Michael Cusick, Content Editor
 * email: mcusick@sao10.com
 Lorena Diaz, Graphics Design
 * email: ldiaz@sao10.com