

From: [Ramon De La Cabada](mailto:Ramon.De.La.Cabada)
To: joe@brennanbail.com
Subject: FW: FS 903.046
Date: Monday, August 26, 2013 8:17:28 PM

Hello Joe,

Below is Judge Slom's response. Hopefully this will aid the membership. The key is to continue to keep an eye on this issue. This formally concludes my representation of the association. Best of luck to you and the rest of the membership.

Take care,



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From: Ramon De La Cabada
Sent: Monday, August 26, 2013 8:15 PM
To: 'Slom, Samuel'
Subject: RE: FS 903.046

Dear Judge Slom,

Thank you for your prompt reply especially in light of the busy schedule I know you keep. I will pass this message along to my client.

All the best to you and your helpful staff,



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From: Slom, Samuel [mailto:SSlom@jud11.flcourts.org]
Sent: Monday, August 26, 2013 8:08 PM
To: Ramon De La Cabada
Subject: RE: FS 903.046

Dear Mr. de la Cabada:

It was a pleasure to speak with you regarding the issue mentioned below pertaining to section 903.046(2)(d) of the Florida Statutes. I certainly recognize the concern expressed by the Miami Dade Bail Bond Association that it is their belief that this provision is not being complied with. I will immediately share your e-mail with the judges in the Criminal Division of County Court so that they are aware of the statutory provision concerning this matter. Naturally, in that each judge is of equal constitutional authority, they retain the independent judicial authority to interpret the statute as they deem appropriate. That being said, rest assured that this concern raised by your client will be brought to their attention.

Thank you for bringing this matter to my attention.

Judge Slom

From: Ramon De La Cabada [mailto:ray@ramondelacabada.com]
Sent: Monday, August 26, 2013 4:11 PM
To: Slom, Samuel
Subject: FW: FS 903.046

Dear Judge Slom,

Thank you for taking the time last week to speak to me over the telephone. Pursuant to our conversation, I will delineate in this email the concerns my client, Miami Dade Bail Bond Association, has regarding the lack of implementation of Section 903.046(2)(d), Florida Statutes, by 11th Circuit County Court judges. Below and attached are some examples that my client has provided me.

Section 903.046(2)(d) essentially mandates that under certain scenarios described in the section, a judge shall not release a defendant via ROR or a non-monetary release condition like a pre-trial release program, and instead order as a condition of release a minimum bond in the amount of \$2,000. The bottom of the paragraph does provide discretion for the court when the defendant "proves circumstances beyond his or her control" caused the failure to appear. However, my understanding is that no such findings are being made and even in cases where the inquiry was made and a sufficient explanation was not provided, the judges are still routinely releasing defendants guilty of the violations described in this section via ROR or to a program.

While I recognize that there are many reasons (i.e., jail overcrowding) why the judiciary opts for non-monetary release conditions, the statute does not allow for such rationale to formulate the basis for release under the circumstances described. I would respectfully request on behalf of the membership I represent that you review this section and let us know your thoughts. It would be the hope of the membership that, when applicable, the judges utilize the cited law appropriately.

1. Clifford Moses 3520HAE, 0357GZV, 7379GZU, 5417GMV
2. Katress Johnson B12-049590, 0711WLZ
3. Desir Ruben 9854GYM
4. Charles Russell A06YMGP
5. Robert Peterson 2016GZO

Thank you again for your time and consideration on this matter. I look forward to your reply.



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