

SUPREME COURT OF FLORIDA

Haliburton v. State

514 So. 2d 1088 (Fla. 1987) · No. No. 64510 · Decided October 1, 1987

SUMMARY

The Supreme Court of Florida held that police interference with an attorney's efforts to contact and meet with the defendant violated the due process provision of article I, section 9, of the Florida Constitution. The court concluded that the failure to suppress the resulting statements was reversible error, reversed the convictions, and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Ehrlich; Shaw; Grimes; Kogan; Overton; McDonald
JURISDICTION	Florida
DECIDED	October 1, 1987
DOCKET	No. 64510
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On remand from the United States Supreme Court after that Court vacated the Florida Supreme Court's prior decision and remanded for reconsideration in light of Moran v. Burbine. The Florida Supreme Court reconsidered whether Haliburton's statement should have been suppressed and whether he was entitled to discharge based on speedy-trial grounds.
STANDARD OF REVIEW	De novo review of constitutional suppression and speedy-trial issues; the court reconsidered the legal effect of the undisputed police conduct under state constitutional law.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; binding precedent on the stated Florida constitutional and speedy-trial rules.
PARTIES	Jerry Haliburton v. State of Florida

TOPICS

- due process
- right to counsel
- speedy trial
- miranda rights
- suppression of evidence

PRACTICE AREAS

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether police concealment of an attorney's communication, presence, and request for access to a suspect violated the due process provision of article I, section 9 of the Florida Constitution and required suppression of the suspect's statements.
2. Whether Haliburton's waiver of speedy trial after the grand jury refused to indict him for murder applied only to the burglary charge or to all charges arising from the same criminal episode.
3. Whether Haliburton was entitled to discharge rather than a new trial.

HOLDINGS

1. Police conduct that concealed from Haliburton the material fact that an attorney retained on his behalf was communicating with police, present at the station, and requesting access violated article I, section 9 of the Florida Constitution.
2. A defense continuance constitutes a specific waiver of, or estoppel precluding reliance on, the speedy-trial rule as to all charges arising from a single criminal episode.
3. The failure to suppress Haliburton's statements obtained in violation of Florida due process was reversible error, requiring reversal and remand for a new trial rather than discharge.

KEY QUOTATIONS

"We find that this conduct violates the due process provision of article I, section 9 of the Florida Constitution." (1090)

"In accordance with the views expressed herein, we hold as a matter of state law that the failure to suppress appellant's statements obtained in violation of due process of law was reversible error." (1090)

FACTUAL BACKGROUND

While Haliburton was being questioned in connection with murder and burglary, an attorney retained on his behalf telephoned the police station and later arrived there requesting access to him. The police did not tell Haliburton that the attorney was present and seeking to consult with him, and they initially refused access despite a circuit judge's telephonic order that the attorney be allowed to see Haliburton. After a second call from the judge, the attorney was allowed to see him. Haliburton had given statements after receiving Miranda warnings.

PROCEDURAL HISTORY

Haliburton's first-degree murder and burglary convictions were initially reversed because the trial court refused to suppress a statement obtained while an attorney retained for him was at the police station requesting access. The United States Supreme Court vacated that decision and remanded in light of *Moran v. Burbine*. On reconsideration, the Florida Supreme Court held under the Florida Constitution that the police conduct violated

due process, that failure to suppress the statements was reversible error, and that a new trial was required; it rejected Haliburton's claim that he was entitled to discharge for a speedy-trial violation.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for a new trial. The court stated that the remaining issues were moot.

CASES CITED

- Haliburton v. State, 476 So. 2d 192 (Fla. 1985)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Escobedo v. Illinois, 378 U.S. 478 (1964)
- Moran v. Burbine, 475 U.S. 412 (1986)
- Florida v. Haliburton, 475 U.S. 1078 (1986)
- State v. Haynes, 288 Or. 59, 602 P.2d 272 (1979), cert. denied, 446 U.S. 945 (1980)
- Gallego v. Purdy, 415 So. 2d 166 (Fla. 4th DCA 1982)
- State v. DeSimone, 386 So. 2d 283 (Fla. 4th DCA 1980)
- State v. Corlew, 382 So. 2d 787 (Fla. 2d DCA 1980)
- Jamason v. State, 455 So. 2d 380 (Fla. 1984)