

**IN THE COUNTY COURT
OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

**CASE NUMBER: 01-2020-MM-001882-A
County Criminal Division II**

**STATE OF FLORIDA,
Plaintiff,**

-vs-

**QUINDALE DESHAWN HOLMES,
Defendant.**

**ORDER DENYING DEFENSE'S MOTION TO SUPPRESS
DEFENDANTS' STATEMENTS**

THIS CAUSE having come before this Court upon Defendant's Motion to Suppress filed February 8, 2022. An evidentiary hearing was held on the motion on March 9, 2022. Upon consideration of the hearing testimony, the evidence, the legal argument of the parties, and the record, and being otherwise fully advised in the premises, the Court finds and concludes as follows:

Section 901.245 of the Florida Statute; Interpreter Services for Deaf persons states:

In the event that a person who is deaf is arrested and taken into custody for an alleged violation of a criminal law of this state, the services of a qualified interpreter shall be sought prior to interrogating such deaf person. If the services of a qualified interpreter cannot be obtained, the arresting officer may interrogate or take a statement from such person provided such interrogation and the answers thereto shall be in writing. The interrogation and the answers thereto shall be preserved and turned over to the court in the event such person is tried for the alleged offense.

The Defense and State rely on *Rawls v. State*, 596 So.2d 1255 (2nd DCA 1992). *Rawls* is distinguishable because in *Rawls* the interrogation of the Defendant was not in writing and not preserved. In the instant case, the Miranda card was shown to the Defendant word by word, line by line, for 18 seconds by Officer Milman. Immediately thereafter, the officer writes "Do you understand" on a pad to which the Defendant nods his head to indicate yes. This interaction is captured on the officer's body worn camera. *Rawls* goes on to say that a failure to comply with the Florida Statute does not render the appellant's statements inadmissible as Section 901.245 of the Florida Statute is not part of the evidence code.

In this case, the Officer's questions were written on a notepad and at times the Defendant attempted to respond without writing. Officer Milman would stop him and hand him the notepad to allow him to respond in writing. The writing was often then seen on the Officer's body camera. The undisputed testimony is that the Defendant is deaf. The Defendant testified for today's hearing and his testimony suggests that he does not lip read or speak English; however, he is able to sign using American Sign Language, read and write the English language. The body camera revealed toward the end of the interaction, the officer requested that the Defendant remove his backpack; however, the officer did not write down said instruction. It was noteworthy to this Court, the Defendant promptly complied with the request and removed his backpack. The officer also ordered him to put his hands behind his back, which was also not written down and the Defendant complied immediately.

Although some questions were related to an aunt of the Defendant speaking, the testimony of Officer Milman was that the voice in the background was the voice of another officer.

Based on the body camera footage, the Defendant never requested an interpreter and never indicated he did not understand and appeared to be able to express himself. Even though he attempted to communicate as best he could orally, the officer insisted on the Defendant writing his responses instead. It appeared to this Court that the Defendant understood what was being asked of him and he communicated in writing. The Court cannot find that the Defendant did not understand what was being presented to him. His responses did not appear confused. The written responses appeared simple in nature and responsive to the questions asks. The Court finds that the Defendant knowingly and voluntarily waived his Miranda rights.

Based on the foregoing, it is **ORDERED AND ADJUDGED** that the Defendant's motion is **DENIED**. The statements made by the Defendant are admissible at trial.

DONE AND ORDERED on Thursday, March 17, 2022.

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Susan Miller-Jones, County Court Judge
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Thursday, March 17, 2022 to the following:

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