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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY
CASE NUMBER CRC23-03157CFANO

STATE OF FLORIDA,

 Plaintiff,
vs.

THOMAS ISAIAH MOSLEY,

 Defendant.

_____/

PROCEEDINGS: HEARING

BEFORE: THE HONORABLE SUSAN ST. JOHN
 Circuit Court Judge

DATE: April 3, 2024

PLACE: Courtroom 4
 Pinellas County Justice Center
 14250 - 49th Street North
 Clearwater, Florida 33762

REPORTER: Linda Fritsch
 Registered Merit Reporter

 (Pages 1 to 11)

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P R O C E E D I N G S

THE BAILIFF: All rise. Circuit Court is in session, with the Honorable Susan St. John, Circuit Court Judge, presiding.

THE COURT: Good morning. You can have a seat. I will be right with you.

(OTHER CASES WERE DISCUSSED)

THE COURT: All right. Are you ready on Mosley?

MS. MANUELE: Yes, your Honor.

THE COURT: Okay. Miss Sullivan, you are ready on Mosley?

MS. SULLIVAN: Yes, your Honor.

THE COURT: All right. Mosley, please.

THE BAILIFF: Mosley?

THE COURT: Yes.

All right. Good morning, Mr. Mosley.

All right. Ms. Manuele, good morning.

MS. MANUELE: Good morning, your Honor.

Jessica Manuele and Margaret Russell on behalf of Mr. Mosley.

THE COURT: All right. And Miss Sullivan is here for the State.

I do have an order in my notes, that Dr. Precious Ogu, O-G-U, has been appointed for the

1 competency evaluation. Did you-all receive that
2 information?

3 MS. MANUELE: We did, your Honor.

4 MS. RUSSELL: Yes.

5 THE COURT: And, Miss Sullivan, did you file a
6 motion to obtain mental health records?

7 MS. SULLIVAN: I did. I filed two separate
8 motions. One for the mental health records from
9 the treatment facility he went to after he was
10 ordered incompetent, and then a separate one for
11 any medical mental healths records in the Pinellas
12 County Jail during the time period that he has been
13 there.

14 THE COURT: Okay. I didn't realize you would
15 need an order to get them from the state hospital.

16 MS. SULLIVAN: My understanding -- I have done
17 that for insanity cases. I know that usually under
18 the statute that I cited, that is the preferred
19 method --

20 THE COURT: Okay.

21 MS. SULLIVAN: -- that the Court order that,
22 and then I will send the subpoena out, and I think
23 the issue is is when you are sending subpoenas to
24 medical facilities, they like to see that there's a
25 court order attached to it, and if I send the

1 subpoena, then they just kick it back to me and --

2 THE COURT: Okay.

3 MS. SULLIVAN: So I just wanted to cover my
4 basis with that since it does pertain to his mental
5 health records.

6 THE COURT: Okay. What says Defense? If you
7 don't -- if you are not going to agree to it,
8 that's fine. I will probably set it for a hearing
9 when I am not starting a trial, so we have a little
10 more time to do it.

11 MS. MANUELE: We would -- we agree that based
12 on the report from the state hospital and her
13 indication that she relied on the treatment records
14 from South Florida Evaluation and Treatment Center,
15 that they would be entitled to those records.

16 THE COURT: Okay.

17 MS. MANUELE: We do object to any Pinellas
18 County Jail records.

19 THE COURT: Okay. So I'll grant State's
20 motion to obtain mental health records from the
21 South Florida Evaluation and Treatment Center.

22 And if you would like to prepare an order and
23 make sure Ms. Manuele approves it.

24 MS. SULLIVAN: I have an order. I can show is
25 it to Miss Manuele now.

1 THE COURT: Sure.

2 MS. SULLIVAN: And at this time if they are
3 agreeable to the state mental health records, I'll
4 withdraw for now the PCJ one.

5 THE COURT: Okay.

6 MS. SULLIVAN: And if at any point, I think
7 after reviewing these records, something would
8 become relevant to his time at the Pinellas County
9 Jail, I will refile that motion if that's okay with
10 your Honor.

11 THE COURT: That's fine.

12 MS. SULLIVAN: And we can handle that later.

13 THE COURT: Okay.

14 MS. SULLIVAN: Here is -- let me make sure
15 it's the right one. Here's the one.

16 I did try to call Dr. Ogu when I saw the other
17 day that she was appointed. I called the number
18 that's on her website, which I assume is her
19 office, and it just kept ringing, because I know
20 your Honor wanted to know about her availability
21 for June 14th, but I wasn't able to get ahold of
22 her. So, unfortunately, I don't know -- I don't
23 know if the Defense had any better luck.

24 MS. MANUELE: I don't know whether she is
25 available for the hearing yet. She is on vacation

1 through I believe it's April 20 something.

2 MS. SULLIVAN: I had heard she was gone a lot
3 of April.

4 MS. MANUELE: And so she is intermittently
5 available, and so kind of calls and checks emails
6 when she has the opportunity to.

7 I did email her on another case. She had
8 given me a potential date of May 10th for an
9 evaluation, and so I asked her if we could get that
10 date on Mr. Mosley. I haven't heard back yet, but
11 I didn't advise her yet of the 6/14 date.

12 THE COURT: Okay. So if that winds up being a
13 problem, the sooner you-all let me know, the
14 better. And did -- so you said May 11th, is that
15 what you said, for the eval?

16 MS. SULLIVAN: May 10th.

17 MS. MANUELE: May 10th.

18 THE COURT: May 10th for the eval?

19 MS. MANUELE: Potentially.

20 THE COURT: Potentially?

21 MS. RUSSELL: Yes.

22 MS. MANUELE: Yeah. On another case she had
23 given me two dates, and that's the one I didn't
24 take on the other case. So I was hoping maybe it
25 was still available.

1 THE COURT: Do you want to come back on May
2 22nd, and that way we can just confirm the eval has
3 been done.

4 MS. SULLIVAN: Can we do the following week
5 because I am out that week?

6 THE COURT: Sure. That is fine. The 29th.
7 May 29th, if that works for everybody.

8 MS. RUSSELL: Actually, May 29th is not a good
9 day.

10 THE COURT: How about May 15th?

11 MS. SULLIVAN: I can do the 15th or 28th,
12 whatever Ms. Russell said.

13 THE COURT: It doesn't need to be a Wednesday.
14 I mean, pick -- you-all agree on a day in late May,
15 and we'll do it.

16 MS. MANUELE: The 28th is fine for me.

17 THE COURT: Is the 28th good for everybody?

18 MS. SULLIVAN: Yes.

19 MS. MANUELE: Yes.

20 THE COURT: All right. May 28th for a
21 pretrial, and that will also be a status check on
22 Dr. Ogu's report.

23 Mr. Mosley is a bring.

24 MS. MANUELE: And I don't know that she -- I
25 guess, we'll just leave it -- it's just the

1 competency. She was telling me about her length of
2 time writing reports, but it was a different
3 situation.

4 THE COURT: Okay. If you-all learn something
5 differently about her unavailability for our
6 hearing date, please let me know. Okay?

7 Is the order okay?

8 MS. SULLIVAN: Yes, your Honor.

9 MS. MANUELE: Yes.

10 THE COURT: Okay. Great. I'll sign it. Do
11 you want me to file it?

12 MS. SULLIVAN: Yes, please, your Honor --
13 well, actually --

14 THE COURT: Or do you want it back?

15 MS. SULLIVAN: I'll take it back. I need to
16 send it. So I'll file it.

17 THE COURT: Today is the 3rd.

18 MS. MANUELE: So on Ogu's report and her
19 availability on 6/14, status check, right, your
20 Honor?

21 THE COURT: Yes. But if you learn something
22 sooner about that day is not going to work, please
23 let me know sooner, so I can -- we can find some
24 other time for her to testify.

25 MS. MANUELE: Okay.

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THE COURT: All right. Thank you, everybody.

MS. SULLIVAN: Thank you.

MS. MANUELE: Thank you, your Honor.

(HEARING CONCLUDED)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, ROBIN FRALEY, REGISTERED PROFESSIONAL REPORTER,
certify that I was authorized to and did prepare the
foregoing transcription of Linda K. Fritsch's stenographic
notes to the best of my ability.

DATED this 10TH day of April, 2024.

/s Robin Fraley
Robin Fraley
Registered Professional Reporter.