

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: STATUS CHECK/PRETRIAL HEARING

BEFORE: THE HONORABLE SUSAN ST. JOHN
Circuit Court Judge

DATE: May 28, 2024

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

REPORTER: Linda K. Fritsch
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(Pages 1 to 14)

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PROCEEDINGS

1
2 THE BAILIFF: All rise. Circuit Court, in
3 and for Pinellas County, is now in session, with
4 the Honorable Susan St. John presiding.

5 THE COURT: Thank you. You can have a seat.
6 Ms. Russell, are you ready?

7 MS. RUSSELL: Good morning, your Honor.

8 THE COURT: Good morning.

9 MS. RUSSELL: We're here for Thomas Mosley.

10 THE COURT: He is ready to be brought out?

11 MS. RUSSELL: Yes.

12 THE COURT: Okay. Great.

13 Page 13?

14 MS. RUSSELL: Yes. I have six of nine, of the
15 motions calendar, as well.

16 THE COURT: Okay.

17 MS. RUSSELL: Your Honor, may I approach?

18 THE COURT: Yes.

19 MS. RUSSELL: This is just a hard copy of
20 Dr. Ogu's report.

21 THE COURT: Thank you. I think I got that,
22 Friday.

23 All right. Mr. Mosley is present in court.

24 Ms. Russell, good morning.

25 MS. RUSSELL: Yes, your Honor.

1 We recently received Dr. Ogu's report. She's
2 the court-appointed expert --

3 THE COURT: Right.

4 MS. RUSSELL: -- who found Mr. Mosley
5 incompetent to proceed, mostly due to potential
6 neurocognitive problems, as well as depression.
7 That report, I believe, has been filed in the
8 record in this case.

9 THE COURT: Okay.

10 MS. RUSSELL: We provided the report also to
11 the State.

12 At this point, I don't want to speak out of
13 turn, but I believe the State still would like to
14 go forward with their hearing on June 14th.

15 THE COURT: Okay.

16 MS. RUSSELL: The unfortunate problem is, is
17 that Dr. Ogu is not available on the 14th, but
18 she did say that she could be available on Friday,
19 June 21st, if the Court would be wanting to take
20 her testimony at that time.

21 THE COURT: Okay.

22 What says the State?

23 MS. SULLIVAN: The State still would like
24 to go forward with the hearing on June 14th.

25 A couple issues. We set -- my understanding

1 was that we set it for 1:30 in the afternoon, on
2 June 14th. I saw it was also calendared for 8:30
3 in the morning.

4 THE COURT: Yeah. I don't know why.

5 MS. SULLIVAN: Okay. Because I was hoping
6 we could still do the state hospital doctor's
7 testimony in the afternoon of the 14th, because
8 I believe she's gonna fly in that morning.

9 THE COURT: Sure.

10 MS. SULLIVAN: So, that was one issue.

11 The second, in regards to this report: We are
12 not stipulating that your Honor can rely on this.
13 We would like to have the hearing, regarding
14 competency.

15 The State, just for the record, was not
16 notified of this evaluation that was taking place
17 on this date. I do see, in the report, that
18 Defense was notified of the eval date, and was
19 present for it.

20 So we find that a little concerning that, per
21 the admin order, when a court-appointed doctor is
22 asked to look at a defendant, we're supposed to be
23 notified as well, but we were not, because we would
24 have been at that eval. I just want to make a
25 record of that.

1 It also says that it's an amended competency
2 evaluation report. Ms. Ellis, while I was out last
3 week, made contact with Dr. Ogu. She says that is
4 just a typo, from a template she uses, and that
5 there is no other report; but it does say that it's
6 amended. So we just want to make sure that there
7 aren't any other reports out there, that Dr. Ogu
8 did on this case.

9 THE COURT: Well, I received two. I received
10 a competency evaluation report, and then the
11 amended competency evaluation report. One has
12 "amended" on it, and one does not; and I got them
13 within hours of each other, on Friday. And I
14 didn't go word for word, but I don't see any
15 recognizable difference between the two.

16 MS. SULLIVAN: Yes. We only -- and we
17 received, actually, the amended competency report
18 from Ms. Manuele. She sent it to us.

19 Tracking the email chain that Ms. Manuele had
20 received, Criminal Admin only sent this report to
21 Defense Counsel, and did not forward it on to us.

22 So, that was another issue that we saw, that
23 not only were we not noticed of the evaluation by
24 the doctor, we were not provided the report. It
25 was Ms. Manuele, who gave us the courtesy copy

1 of this amended report. But Ms. Ellis did ask
2 Dr. Ogu, if another report was done, since it
3 said "amended," and we were told no.

4 THE COURT: Okay.

5 Madam Clerk, do you show two reports: The
6 competency evaluation, and then an amended
7 competency evaluation, in the court file --

8 THE CLERK: I'm checking right now.

9 THE COURT: -- from Dr. Ogu?

10 THE COURT REPORTER: Can you spell that name
11 for me?

12 THE COURT: O-G-U.

13 THE COURT REPORTER: Thank you.

14 THE COURT: So, while the Clerk is looking
15 that up, let's talk about -- remind me who-all you
16 want to have in here, for the competency hearing.

17 MS. SULLIVAN: So it would just be the state
18 hospital doctor.

19 THE COURT: Okay. And who-all do you plan on
20 having in here, for the hearing?

21 MS. RUSSELL: We'll have the defense experts,
22 Dr. Hall and Dr. McClain.

23 THE COURT: Are you gonna have Ogu in here?

24 MS. RUSSELL: Yes.

25 THE COURT: Okay.

1 MS. RUSSELL: But, unfortunately, she's not
2 available on the 14th.

3 THE COURT: I'm just talking about, in the
4 totality of the hearing, maybe not that specific
5 day.

6 MS. RUSSELL: Yes, your Honor.

7 THE COURT: So you're gonna have three?

8 MS. RUSSELL: Correct.

9 THE COURT: Okay.

10 MS. SULLIVAN: My other question, in regards
11 to that -- and I asked this to Ms. Manuele, in an
12 email I sent last week, after I got the report --
13 is whether or not they were having any other
14 witnesses, and whether or not those doctors had
15 done reports. I didn't hear back. I don't know
16 if there are reports. They have not been added as
17 defense doctors for the hearing, so I don't have
18 any of that information.

19 THE COURT: Is there anyone other than what
20 you've just listed, that will be asked to testify?

21 MS. RUSSELL: At this time, we do not think
22 so, your Honor.

23 And I will also say, that the reports of
24 Dr. Hall and Dr. McClain were filed in the court
25 record --

1 THE COURT: Okay.

2 MS. RUSSELL: -- in this matter. We have not
3 done additional reports, although we may, because
4 our work is always continuing and being updated
5 regularly.

6 THE COURT: Well, what would be a cut-off date
7 for you to tell me whether or not you're going to
8 have anyone additional? And that way, everyone can
9 be ready to go.

10 MS. MANUELE: Any additional witnesses?

11 THE COURT: Doctors, yeah.

12 MS. RUSSELL: I don't think we're going to
13 have any additional doctors.

14 THE COURT: Okay. All right.

15 I assume that's all you're concerned about.

16 MS. SULLIVAN: Well, I don't -- I checked --
17 again, I was off last week, but I was still
18 checking, regarding this case, because I knew it
19 was coming back in -- I have not seen that those
20 Defense doctor reports have been filed.

21 I requested courtesy copies of those reports,
22 last week, while I was out. I have not been
23 provided them. And I had told both Defense
24 Counsels, at previous hearing dates, months ago,
25 that as soon as they had those reports from the

1 defense doctor -- as I would, as a courtesy to
2 them -- that they get me those reports, so I can
3 prepare for the hearing. And now I'm hearing that
4 they have been done. I have not been given them.
5 I have not seen them in the Clerk's website. I'll
6 check again, this morning. It's been a few days
7 since I checked, but --

8 THE COURT: Okay.

9 MS. SULLIVAN: -- I don't have those.

10 MS. RUSSELL: Just to be clear, there are
11 no new reports. The only reports that we have were
12 the ones that were filed months ago, in the record.

13 MS. SULLIVAN: Okay.

14 MS. RUSSELL: In this court.

15 You had copies of them provided at the
16 previous hearings, and we handed them to you.

17 MS. SULLIVAN: Okay. So you're saying that
18 a new eval was done, though?

19 MS. RUSSELL: I'm saying that our work is
20 continuing, and that our experts are continually
21 in contact with, you know, Mr. Mosley, and that
22 in order to make sure that we don't have stale
23 testimony, we will be having evaluations over the
24 next ten days or so --

25 MS. SULLIVAN: Okay.

1 MS. RUSSELL: -- in preparation for the
2 hearing.

3 MS. SULLIVAN: So you're saying that any evals
4 that have been done since the original reports,
5 when he was sent to the state hospital and found
6 incompetent, the doctors are not going to file any
7 additional reports regarding those evals or their
8 findings? Is that what you're saying?

9 MS. RUSSELL: What I'm saying is that they
10 have not completed their evaluations. As soon as
11 they are, and if we decide another report needs
12 to be filed, we will provide you courtesy copies
13 immediately.

14 THE CLERK: And, your Honor, I just see the
15 one evaluation from January.

16 THE COURT: How is it titled?

17 THE CLERK: Sealed Incompetency Evaluation.

18 THE COURT: So you don't have Dr. Ogu's
19 reports?

20 THE CLERK: No, I don't see anything.

21 THE COURT: All right. I'm going to file
22 those with you now.

23 Okay. Are you available on the 21st, if we
24 need to do the doctors?

25 MS. SULLIVAN: Yes.

1 MS. ELLIS: (Nodding head.)

2 THE COURT: Are you going to want to depose
3 those doctors?

4 MS. SULLIVAN: We'll decide that before then.
5 If we do, we'll get it done.

6 THE COURT: Okay. All right. So it sounds
7 like there's a lot for you-all to discuss. I don't
8 think I need to get involved in any of that.

9 MS. MANUELE: And we're not asking to move the
10 whole hearing to the 21st.

11 THE COURT: Yeah, just --

12 MS. MANUELE: Okay. We still want to have all
13 the other doctors testify on the 14th.

14 THE COURT: Yeah, and that's fine.

15 MS. MANUELE: Okay.

16 THE COURT: And I have the whole afternoon
17 blocked off. And so, we'll do Dr. Ogu -- was it
18 Dr. Ogu, on the 21st?

19 MS. MANUELE: Yes, ma'am.

20 THE COURT: Okay.

21 So, Madam Clerk, if you can add 6/21, at 1:30,
22 for a continued competency.

23 And they're all going to appear in person,
24 correct?

25 MS. RUSSELL: Correct.

1 THE COURT: That's the plan?

2 MS. MANUELE: Yes.

3 THE COURT: Okay. All right. I will see you
4 then, on the 14th, to get started on that hearing.
5 Thank you.

6 MS. SULLIVAN: Thank you.

7 MS. RUSSELL: Thank you, your Honor.

8 (THE HEARING CONCLUDED)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, Linda K. Fritsch, Registered Merit Reporter,
certify that I was authorized to and did stenographically
report the foregoing proceedings and that the transcript
is a true record.

DATED this 10th day of July, 2024.

/S Linda K. Fritsch
Linda K. Fritsch
Registered Merit Reporter