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August 31, 2023

The Honorable John Durrett
State Attorney
Third Judicial Circuit
310 SW Pine Ave.
Live Oak, FL 32064

The Honorable Brian Kramer
State Attorney
Eighth Judicial Circuit
120 West University Avenue
Gainesville, Florida 32601

RE: Hurricane Idalia

Dear John and Brian:

I hope that you, your families, and your staff are all safe. In the aftermath of the destruction caused by Hurricane Idalia, I wanted to reach out to both of you and offer both of you any assistance that I can provide. We have in the past had prosecutors from the Office of Statewide Prosecution be cross-sworn and help state attorneys and I am willing to do so here to allow your prosecutors in affected areas recover from the devastation that your areas suffered.

The Governor mentioned yesterday and I have heard myself from a Sheriff that there have been individuals engaged in burglary and theft in evacuation zones. It is important that citizens heed governmental evacuation orders and not worry about their property when their lives are in jeopardy. Given the widespread devastation of this hurricane, some have expressed concerns that there will be looting or additional burglaries and/or thefts in the storm's aftermath. Criminal acts amid such devastation are reprehensible and could lead to a breakdown of law and order. We all must act with a continued sense of urgency and aggressively seek to keep those persons who engage in such illegal behavior incarcerated during the emergency and until the time of trial.

As you all are likely aware, under Florida Statutes §812.014(2)(c), no defendant charged with a theft crime committed in a county that is under a declared state of emergency may be released prior to his or her appearance before the court at a first appearance hearing. I would ask each of you to remind your sheriffs or incarcerating authorities of this requirement and ask them, barring issues at the detention facility, to detain such criminals.

Further, I would ask both of you to consider seeking pretrial detention to the fullest extent possible of those that commit such crimes during this state of emergency. Florida Statute §907.041(4)(b) directs that no non-monetary releases shall be granted for dangerous crimes at the first appearance hearing under certain circumstances. One such circumstance is for “dangerous crimes.” The detention statute includes “burglary of a dwelling” as one of those “dangerous crimes” where non-monetary release should not be granted. Pretrial detention is appropriate because defendants who have engaged in such conduct have displayed a threat of harm to your community by engaging in such conduct during a state of emergency. Fla. Stat. §907.041(4)(b)(5). We should urge our courts to recognize the dangers of such actions during a declared state of emergency and the need of authorities to have people evacuate and follow emergency orders. No one should have to feel threatened that their homes may be burglarized by such a criminal when they are asked to evacuate to safety or observe other emergency orders.

These brazen and unscrupulous criminals are taking advantage of our citizens at one of the most feared and dangerous times of their lives. They should not be allowed the opportunity to be released during the emergency, or after during any recovery, so they may continue to use this opportunity to victimize others. When our citizens are ordered to evacuate and stay away from their homes, they need to do so for their safety without additional fears of becoming victimized by criminals. We need to deter such illegal actions.

Again, if you need anything please do not hesitate to reach out to me, the Chief Deputy Attorney General, John Guard [REDACTED], or the Statewide Prosecutor, Nick Cox [REDACTED].

Sincerely,

A handwritten signature in blue ink that reads "Ashley Moody". The signature is written in a cursive, flowing style.

Ashley Moody