Case Law Update
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Eleventh Circuit Court of Appeals

United States v. Watts, 17-12066 (July 24, 2018)

Watts appealed convictions for armed bank robbery and brandishing a firearm during a crime of violence.

The Eleventh Circuit disagreed with Watts' claim that the evidence was insufficient as to both of the offenses:

> [The] evidence included: his similar appearance to the eyewitness accounts, including his distinctive tattoos and his haste to have them modified; a blue latex glove found in his car, similar to the gloves used by the robber; shoes found in his car that matched the appearance of the robber's shoes; and the same caliber ammunition found in his possession as would be used in the weapon shown by the bank robber to the victims.

The Court further found that the trial court did not err in denying Watts the right to testify on his own behalf. Watts was representing himself and had advisory counsel present. "On the occasions when Watts asked the court if he could testify prior to the close of the evidence, he had an off-the-record discussion with his advisory counsel and ultimately changed his mind." Watts reiterated the request at a later point in time, but the request was properly denied at that time because Watts' case had been closed and the court was under no obligation to reopen the case.

Last, the sentence enhancement for obstruction of justice was properly applied in this case. The district court relied on the following facts from the presentence report to support the enhancement: "'the defendant attempted to obstruct or impede the administration of justice with respect to the investigation and the prosecution of the case by altering distinct physical features of his tattoos that the investigators were looking for in an attempt to identify the person who was the bank robber.'" By "permanently altering his identifying marks, he destroyed material evidence." The identify of the perpetrator was the key issue in the investigation.

First District Court of Appeal

Rivet v. State, 1D15-4430 (July 25, 2018)

The defendant was charged with beating a two-year old child to death. At trial, the child's mother (the defendant's girlfriend) testified against the defendant; the defendant attributed the death to the mother.

The First District found that the evidence of guilt was sufficient. The Court applied the circumstantial evidence standard of review. The evidence presented was such that only two individuals could have committed the murder – the defendant and the girlfriend – and the girlfriend testified and denied that she committed the murder. Rivet's theory of defense was that the girlfriend was guilty, but she expressly denied that.

Rivet also challenged the exclusion of evidence of the girlfriend's prior misconduct involving children – i.e., that she "would lose her temper and act physically and verbally abusive toward Eddie and other children." For such evidence to have been admissible, "there must be 'a close similarity of facts, a unique or "fingerprint" type of information, for the evidence to be relevant.'" "The proffered testimony was that Robb had slapped her son Logan in the head forcefully, had lost her temper and yelled and cursed at other children, and had spanked and yanked Eddie up by the armpit. In contrast, the evidence at trial suggested Eddie received at least three severe blows to the head with such force to bruise multiple areas of his skull, to cause nerve damage to his brain, and to detach one of his retinas – blows that ultimately killed him." This testimony "was too dissimilar."

A post-trial motion to interview one of the jurors regarding contacts that that juror had had, prior to the trial, with two witnesses, was properly denied, "because defense counsel filed the motion fourteen days after the trial, despite discovering the issue during the trial." The motion was untimely, without good cause. Under Rule 3.575, a motion to interview a juror must be filed within 10 days "after the rendition of the verdict, unless good cause is shown for the failure to make the motion within that time."

Gartman v. State, 1D16-5552 (July 25, 2018)

Gartman was convicted of armed robbery and possession of a firearm by a convicted felon. His original sentence was 12 years with a ten-year mandatory

minimum for the robbery, and six years, with a three-year mandatory minimum for the felon in possession charge. The mandatory minimum sentences were consecutive.

Subsequently, the Supreme Court's decision in Williams v. State, 186 So. 3d 989 (Fla. 2016), resulted in the consecutive mandatory minimum sentences in Gartman's case being reversed. On remand, the trial court attempted to achieve what it called a "fair outcome," and imposed a sentence of 18 years with a 10-year mandatory minimum for the robbery, and a concurrent sentence of six years, with a three-year mandatory minimum for the felon in possession.

On appeal, the First District affirmed the new sentence. Gartman relied on the principle that "when a defendant successfully challenges his sentence on one count, a resentencing trial court cannot change sentences relating to other counts, if the appellate court's mandate did not affect those other counts." That general rule did not benefit Gartman, because in the prior appeal, the First District vacated both sentences. Gartman tried to argue that it was his intent only to challenge the lesser sentence in the first appeal; that was irrelevant. "[W]hat matters is what our decision said."

Cooper v. State, 1D17-1586 (July 25, 2018)

Cooper accepted a plea offer with a sentence of 22 months for felony battery. The sentencing hearing was set for a later date and Cooper was advised that if he did not show up for the sentencing, his sentence would be at the court's discretion. When he failed to attend the sentencing, he was sentenced to 60 months; no explanation was provided, and no objection to the sentence was made at the time of its imposition.

On appeal, Cooper argued that the trial court could not impose the 60-month sentence without "expressly determining whether his failure to appear was willful." While a non-willful failure to appear does not vitiate a plea agreement or allow a trial court to impose a greater sentence, the cases which support those principles "did not involve a defendant who failed to offer any justification for his failure to appear or to object to his sentence. The trial court warned the defendant here that he would abide by the plea deal provided that Mr. Cooper showed up for sentencing and didn't violate his bond conditions. Upon his later arrest and appearance at the subsequently set sentencing hearing, Mr. Cooper offered no justification for his failure to appear." Although the trial court inquired whether Cooper was contesting the failure to appear, no explanation was provided. The 60-month sentence was subsequently

imposed after Cooper's arrest, and, at the time of its imposition, there was no objection or explanation.

Carter v. State, 1D17-3277 (July 25, 2018)

Carter appealed the denial of an amended Rule 3.850 motion, and the First District remanded for further proceedings. The amended motion referenced the original motion and began numbering its claims at ground five. As a result, the denial of the amended motion did not appear to have ruled on the four claims from the original motion; Carter pointed this out to the trial court in a motion for rehearing.

S.G. v. State, 1D17-4170 (July 25, 2018)

The trial court should have granted a motion for judgment of dismissal on the charge of resisting an officer without violence.

S.G. was under the care of the Children's Home Society and she did not want to go to a particular shelter. Since S.G. was not complying with the CHS plan, a CHS worker called the police department and an officer came and told S.G. that she had to comply and go to the specified shelter. "When S.G. continued insisting that she wouldn't go to that shelter, the officer told her that her other option was being taken into custody and to the juvenile assessment center (JAC). S.G. responded that she'd rather go to the JAC. And so, she was taken into custody without protest."

While the police officer was engaged in the lawful exercise of a legal duty when S.G. was approached and spoken to, there was no evidence that "S.G. resisted the officer's work of taking her into custody." S.G. was calm; she was not aggressive; and the officer gave her the option of where she could go. The State had to prove that S.G. resisted or obstructed "*the officer's* execution of a legal duty or process, not merely CHS's shelter plan for the night."

Second District Court of Appeal

State v. Zachery, 2D16-5036 (July 25, 2018)

The trial court erred in granting a motion to suppress. Zachery was charged with tampering with physical evidence (hand-rolled spice joints), and the trial court concluded that the evidence was obtained through an illegal stop and search.

> The circumstances observed and known by Officer Bradshaw justified an investigatory stop. Officer Bradshaw observed Mr. Zachery holding what appeared to be spice joints. . . . Officer Bradshaw had extensive experience and training with narcotics. In virtually all of the hundreds of arrests Officer Bradshaw made in that area, he had always discovered spice in hand-rolled joints. Based on his experience, he was able to identify the items in Mr. Zachery's hand. Additionally, the area was known for spice use and transactions. Further, Mr. Zachery exhibited evasive behavior upon seeing Officer Bradshaw.

Thus, the trial court's conclusion that the spice joints were indistinguishable from cigarettes was not dispositive as to whether the officer had "well-founded articulable suspicion" that criminal activity existed. The officer's observations plus Zachery's evasive behavior in a high-crime area provided such reasonable suspicion.

After the officer made the noted observations, he asked Zachery to "[j]ust drop them to the ground." Zachery took actions which suggested that he was trying to hide the joints and might have been contemplating running or punching the officer. The officer then arrested Zachery for possession of contraband. Zachery crumbled the joints in his hand and tried to throw them over a fence. The officer recovered them.

Based on the facts noted above, the Second District further concluded that the officer had probable cause to arrest the defendant at the time of the arrest.

Moody v. State, 2D16-5533 (July 25, 2018)

After the denial of a motion to suppress, Moody entered a no contest plea and appealed his revocation of probation and his judgment and sentence for the new offense of possession of cocaine. The Second District reversed the conviction for possession of cocaine "because the State failed to show by clear and convincing evidence that there was an unequivocal break between the initial illegal stop and Mr. Moody's conviction and sentence for possession of cocaine. . . ."

An officer was flagged down by an anonymous tipster, who described a man who was carrying aa gun and standing outside a convenience store. Two officers then went to that store and observed a man who matched the description, with hands stuck in his pocket. No gun was observed. An officer followed the man into the

store and patted him down for a weapon; none was found. The officer then explained the reason for the stop and asked if the defendant "had anything in his pockets that he 'shouldn't have.'" Moody said he did not and agreed to the request to search the pockets. Cocaine was then discovered. This was about one minute after the first stop and frisk.

The defendant's consent to the second search was not voluntary and did not dispel the taint from the initial unlawful stop. The trial court concluded that the first stop was unlawful, and the State was not contesting that; the only issue was whether the consent to the second search was voluntary or whether it was tainted by the prior illegal stop and search.

Three factors are considered when assessing whether the primary taint was purged: "'(1) the time elapsed between the illegality and the acquisition of the evidence; (2) the presence of intervening circumstances; and (3) the purpose and flagrancy of the official misconduct.'" Here, "the State did not show by clear and convincing evidence that there was an unequivocal break between the initial illegal stop and Mr. Moody's alleged consent to search." The only intervening factor here was the officer's explanation of the original stop and the request to search. The intervening time was brief. Although the official misconduct was not deemed "flagrant or driven by some unlawful purpose, the record is clear that the deputy did not attempt to dissipate the taint of the initial illegal stop in any way. The deputy simply exploited the initial unlawful stop and frisk by asking Mr. Moody if he had anything illegal on him and whether he could search his pockets." Moody was not informed that he was free to refuse consent or leave.

Spike v. State, 2D15-4825 (July 27, 2018)

Spike appealed convictions for drug offenses and argued that the trial court erred in denying a motion for mistrial "based on a police detective's testimony that after working for twelve or thirteen years in the area where Spike resided and was arrested, he was familiar with the area in general and knew Spike and 'a lot of residents' in that area." The defendant argued that this "implied that the defendant had been involved in past criminal activity." The trial court sustained the objection and denied the motion for mistrial. The court "allowed the State to work to cure the error by eliciting testimony from the detective that he had been working in the community for twelve years and was familiar with the residents."

The Second District affirmed the convictions and sentences and found that the error was harmless beyond a reasonable doubt. The Court based this on the strength

of the prosecution's evidence; the fact that the testimony at issue did not become a feature of the trial; and Spike's admission that he had been engaged in criminal activity. "Accordingly, the effect of any inference that the jury might have drawn from the detective's testimony that he knew Spike from the area was harmless beyond a reasonable doubt."

Shannon v. State, 2D16-4844 (July 27, 2018)

Shannon was charged with trafficking and other offenses. The trial court denied his motion to suppress and, after entering a negotiated plea and reserving the right to appeal the denial of the suppression motion, the Second District reversed.

The drugs in question were seized "during a search of his vehicle immediately prior to his arrest," and Shannon argued "that his vehicle was not within the curtilage of the motel rooms that were the subject of the search warrants." The Second District applied the decision of United States v. Dunn, 480 U.S. 294 (1987), to determine whether the area in which the vehicle was parked constituted curtilage or not. The focus is on four factors: "the proximity of the area claimed to be curtilage to the home, whether the area is included within an enclosure surrounding the home, the nature of the uses to which the area is put, and the steps taken by the resident to protect the area from observation by people passing by."

Dunn's car was parked in front of room 120, and it took him about 2 ½ seconds to reach the car when he exited room 124. Proximity, the factor that the trial court relied on, was only one relevant factor, however. There was no testimony indicating that the parking space was enclosed; the occupants of the rooms had not taken any steps to "protect the parking space from observation of people passing by"; there was no testimony that the space "was used for other purposes by the occupant of the rooms"; and the space was one which could have been used by other occupants of the motel.

Additionally, there was no evidence that the officers had probable cause to arrest the defendant before the search of the car, and the drugs were found in the car, not on his person. Thus, the trial court's alternative finding, based on Michigan v. Summers, 452 U.S. 692 (1981), that even if the vehicle had left the curtilage, law enforcement was permitted to search it, was invalid. In Summers, officers were executing a warrant to search for narcotics. The defendant was leaving the house and the officers entered it and found narcotics inside. At that time, they had probable cause to arrest the defendant and conduct a search of his person incident to the arrest. The facts of Summers did not support the trial court's application of it to this case.

Third District Court of Appeal

Gering v. State, 3D16-558 (July 25, 2018)

In a civil commitment case under the Jimmy Ryce Act, the Third District held that such cases are civil and subject to rules of civil procedure and that both parties had the right to move for a directed verdict. The directed verdict which was granted on the State's motion was therefore affirmed. The Third District noted some aspects in which Ryce Act cases were similar to criminal cases, but emphasized Sexually Violent Predators Civil Commitment Rule 4.440(a)(1), and its statutory counterpart, section 394.9155(1), Florida Statutes, both of which provide that the Florida Rules of Civil Procedure apply unless otherwise specified by either the Ryce Act rules or statute.

State v. Garcia, 3D16-1807 (July 25, 2018)

The State appealed an "order suppressing recordings taken by members of the animal rights organization, Animal Recovery Mission (ARM) documenting the slaughter of pigs on a farm." The Third District reversed and remanded for an evidentiary hearing.

The trial court had agreed with the defendant's argument that the recordings were obtained surreptitiously and violated section 934.06, Florida Statutes, as the events occurred on a private farm where he had a reasonable expectation of privacy. He argued that the ARM members "lied about their true identities and purpose in order to enter the private property, and they did not disclose that they were carrying recording devices." The State argued that the pigs were sold to the public and that they were slaughtered on property that was open to the public. At the suppression hearing, no evidence was presented, the parties agreed to some facts, and the court heard argument from counsel before granting suppression on the basis of some factual findings. As a result, the Third District concluded that the trial court's findings were not supported by competent substantial evidence "simply because no evidence was taken." Although there had been some apparent agreement between the parties as to factual matters, as the legal argument progressed in the trial court, the Third District observed that "it became apparent that there was no agreement on the critical facts."

Jay v. State, 3D17-1440 (July 25, 2018)

Jay was sentenced to life in prison with parole eligibility for a second-degree murder in 1973; he was 17 at the time of the offense. Jay's challenge to his life sentence under Miller v. Alabama and Atwell v. State, 197 So. 3d 1040 (Fla. 2016), was rejected by the Third District. Jay, in fact, had been paroled from prison on three occasions by committing new offenses as an adult.

Brown v. State, 3D18-1070 (July 25, 2018)

After the trial court found that a Rule 3.850 motion was facially insufficient, it erred by not granting the defendant leave to amend.

Lowry v. State, 3D18-1242 (July 25, 2018)

A petition for writ of habeas corpus alleging ineffective assistance of appellate counsel was dismissed as untimely. It was not filed within two years of the finality of the conviction, and it did not allege that the petitioner was affirmatively misled about the results of the prior appeal by counsel.

Westberry v. State, 3D18-1469 (July 27, 2018)

The Third District granted a habeas corpus petition, noting and concurring with the State's confession of error.

An alias capias, or bench warrant, was issued for the defendant's arrest. Counsel had "filed a written waiver of her right to be present at pretrial conferences as authorized" by Rule 3.180(a)(3). The defendant entered a plea of not guilty through counsel. At a subsequent hearing which was set to review plea negotiations, the trial court issued the alias capias based upon the defendant's failure to appear and the absence of good cause.

"While, 'if there is good reason to do so, a trial court may require the presence of the defendant in court even when the defendant has filed a written waiver,' the trial court must clearly advise the defendant that the defendant's personal presence is required."

Fourth District Court of Appeal

Delopa v. State, 4D17-1852 (July 25, 2018)

One of the grounds that the trial court found for a violation of probation – changing residence without the probation officer's permission – was reversed. The finding for that violation was erroneously based solely on hearsay. The "probation officer testified that she spoke to a person who said the Defendant no longer resided in the apartment. The State presented no additional evidence to support the violation. The probation officer did not testify, for example, that in addition to visiting the residence several times, she called the Defendant and left unanswered messages. . . . Nor was there any evidence that the defendant admitted to changing his address."

Bentz v. State, 4D17-2877 (July 25, 2018)

On appeal from convictions for drug offenses, the Fourth District disagreed with the defendant's argument that the "trial court abused its discretion by failing to question him about the circumstances surrounding his request for private counsel and failing to make requisite findings supporting the denial of his request."

Bentz was represented by the Office of the Public Defender at all pretrial proceedings. Immediately prior to jury selection, counsel advised the court that the defendant said that he wanted to hire private counsel, but current counsel was ready to proceed. The judge then spoke to the defendant and emphasized that the case was about seven months old and that they were ready to try the case. Without ruling on the request and passing it over, the judge let jury selection commence and the jury was sworn. The next day, the defendant failed to appear and the court proceeded to trial without him. The defendant was convicted and sentenced.

Initially, the Fourth District rejected the State's argument on appeal that the defendant's claim was not preserved. On the merits, the Fourth District concluded that "the last-minute nature of the request, the length of the time the case had been pending, and the court's reference to the Rules of Judicial Administration warrant an affirmance." A defendant's right to counsel of choice is balanced against the court's interest in judicial administration, and relevant factors to consider are whether: "(1) the request was made in bad faith or as a delay tactic; (2) the State will suffer prejudice; and (3) the court's schedule will allow a continuance."

In this case, not only was the request a last-minute request, but the defendant had not yet retained a new lawyer and "simply indicated that he wanted another set

of eyes to review his case. He suggested that the lawyers he had talked to would hurry to be ready for a trial quickly. He did not identify a specific lawyer, did not suggest the public defender's representation was inadequate, and did not indicate he could not work with the public defender."

State Attorney's Office v. Cable News Network, Inc., et al., 4D18-1335, 4D18-1336)

The Fourth District denied the certiorari petition of the State Attorney and School Board and affirmed the trial court's order "which directed the disclosure of video footage as public records." The videos in question were from surveillance cameras at Marjory Stoneman Douglas High School and pertained to the shooting which resulted in the deaths of 17 students at that school.

An initial order by the circuit court for disclosure of some video footage was not challenged. After it was learned that there were additional videos, representatives of the media sought those and asserted that the original footage was incomplete and had gaps or was edited. The School Board objected in part "because the additional footage sought captured officers' actions *after* Cruz had dropped his weapon and exited the building." The Media subsequently elaborated that they sought only videos at certain locations "which depicted law enforcement personnel responding to the shooting from 2:15-4:00 p.m." At a further hearing, the Sheriff's Office stated that its opposition was to the release of "video showing victims or children' s faces." The School Board emphasized that the release of the additional video would "reveal the vulnerabilities of Douglas's security system."

These videos were public records subject to public disclosure under Chapter 119, Florida Statutes and the Florida Constitution. The Fourth District rejected the State Attorney's argument "that the video footage is exempt from disclosure under section 119.071(2), Florida Statutes (2018), because the footage was created before the criminal investigation began and was compiled by the School Board, not a law enforcement agency." That statutory provision applies to "active criminal investigative information," and for that exemption, the "'claimant must show that the record is both "active" and that it constitutes "criminal investigative information."'"

That exemption "'does not exempt other public records from disclosure simply because they are transferred to a law enforcement agency.'" "In sum, the videos were not 'criminal investigative information' within the meaning of section 119.011(3)(b) because they were not compiled by a criminal justice agency in the course of conducting a criminal investigation."

The School Board had relied on an exemption related to the "security plan." While that exemption was deemed applicable, the Fourth District further found that there was good cause under the statute for an exception to the exemption and disclosure was mandated. The Fourth District applied a common law approach to "good cause," "where meaning emerges over time, on a case-by-case basis, and the courts arrive at a desirable equilibrium between the competing needs of disclosure and secrecy of government records." The Court emphasized the need for a full and open public discussion about the security issues at the high school and the adequacy of law enforcement's response to the active-shooter situation. "Parents have such a high stake in the ultimate decisions that they must have access to camera video footage here at issue and not blindly rely on school board experts to make decisions for them." The Media successfully demonstrated that the videos were needed to "actually witness" the events in light of the confusing narrative provided by authorities.

Fleury v. State, 4D18-1852 (July 25, 2018)

Fleury was charged with drug trafficking and challenged "a pretrial release requiring him to show that the source of funds used to post bond is not derived from illegal activity ('the bond source condition')." The Fourth District denied his petition and certified conflict with decisions of the Second and Fifth Districts "to the extent that they hold a bond condition like the one imposed in this case is not authorized by Florida law."

The Fourth District quoted and emphasized section 903.046(2)(f), Florida Statutes, which was added in 2008, and which the Court found "expressly authorizes the bond source condition at issue." The Court observed that the Second and Fifth District decisions at issue relied on language in a concurring opinion from a Fourth District decision in 2007, which predated the adoption of the new statutory language. The relevant 2008 statutory language enables the trial court to consider: "The source of funds used to post bail or procure an appearance bond, particularly whether the proffered funds, real property, property, or any proposed collateral or bond premium may be linked to or derived from the crime alleged to have been committed or from any other criminal or illicit activities. The burden of establishing the noninvolvement in or nonderivation from criminal or other illicit activity of such proffered funds, real property, property, or any proposed collateral or bond premium falls upon the defendant or other person proffering them to obtain the defendant's release."

Nor does the provision violate the Florida Constitution because the bond source condition "does not deny the Defendant 'pretrial release on reasonable conditions.' Defendant does not show that the requirement is unreasonable under the circumstances of this case. As argued by the State at the bond hearing, there is probable cause to believe that Defendant engaged in drug trafficking, and police allegedly found $14,308 in cash in Defendant's bedroom."

Fifth District Court of Appeal

Robinson v. State, 5D17-1801 (July 27, 2018)

Robinson appealed sentences for manslaughter with a firearm and robbery with a weapon, which were pursuant to a plea of no contest. He was 16 when he committed the offenses. The Fifth District affirmed the concurrent sentences of 22 years but reversed and remanded in part for the purpose of providing a judicial review hearing after 20 years to allow for the possibility of early release.

Edwards v. State, 5D17-1846 (July 27, 2018)

Edwards was 16 at the time of the commission of the offenses for which he was convicted, including attempted felony murder with a firearm and armed robbery. He originally received sentences of life for each of those, with consecutive mandatory minimums. After Graham v. Florida, 560 U.S. 48 (2010), the trial court modified the sentences to 45 years concurrently, with consecutive mandatory minimums again.

Edwards now challenged the consecutive mandatory minimum sentences. Although the sentencing judge appeared to be under the mistaken belief that consecutive mandatory minimum sentences were required and not discretionary, defense counsel provided the judge with a copy of the opinion in Williams v. State, 186 So. 3d 989 (Fla. 2016), which held that the imposition of mandatory minimum sentences for multiple firearm offenses was permitted, but was not required. As a result, the sentencing judge, when denying a motion for rehearing, noted the court's receipt of the copy of Williams and asserted that the designation of "consecutive" was not a scrivener's error. The Fifth District was therefore satisfied that the sentencing judge was aware of the discretionary nature of the decision as to whether to impose consecutive mandatory minimums. The denial of the motion to correct sentence was therefore affirmed.

Wallace v. State, 5D18-279 (July 27, 2018)

The trial court lacked jurisdiction to entertain a motion under Rule 3.800(c) while a direct appeal was pending.

State v. Grate, 5D18-683 (July 27, 2018)
State v. Skinner, 5D18-685 (July 27, 2018)
State v. Office of the Public Defender, 5D18-686 (July 27, 2018)

In State v. Grate, the State filed a petition for writ of quo warranto, "challenging the Office of Public Defender's authority to intervene in civil traffic infraction cases." The circuit court granted the petition; the Fifth District treated the review of it as a direct appeal and reversed with directions to the circuit court to grant the petition. Skinner and Office of the Public Defender are companion opinions which grant similar relief based upon Grate.

The Office of the Public Defender was appointed to represent individuals charged in county court with driving with a revoked license as a habitual offender. Counsel in those cases filed motions to modify adjudications of guilt in earlier civil traffic infraction cases "in order to remove a predicate conviction necessary for habitual traffic sanctions."

The State moved to strike those motions, arguing that the Office of the Public Defender lacked authority to represent the individuals in the prior civil traffic infraction/predicate matters.

The Fifth District, on the basis of Article V, section 18 of the Florida Constitution, and section 27.51, Florida Statutes, concluded that "the duties of public defenders, as enumerated in section 27.51, include representation of indigent defendants only in circumstances that threaten liberty interests, which do not include civil traffic infraction proceedings." The Court rejected the Public Defender's argument that even absent such statutory authority, it could "collaterally attack its client's prior civil traffic adjudication, if, in the exercise of its profession judgment, it concludes such representation is necessary to provide effective and complete representation."