

*September 2020*  
*MPT-1 File*

*State of Franklin v. Daniels*

**OFFICE OF THE PUBLIC DEFENDER FOR THE STATE OF FRANKLIN  
COUNTY OF JUNEAU**

**MEMORANDUM**

**To:** Examinee  
**From:** Jerome Bass, Public Defender  
**Date:** September 9, 2020  
**Re:** *State v. Quinn Daniels*, Case No. 2020 CF 83

We represent Quinn Daniels, a student at Franklin State College who is charged with the aggravated assault of a fellow student, Anthony Otis. Yesterday, the trial judge conducted a hearing to determine whether Quinn will be detained or released pending trial. The judge ordered both sides to submit briefs in support of their positions. The judge must base his decision solely on the evidence that was presented at the hearing and pursuant to the Franklin Bail Reform Act.

Quinn very much wants to be released pending trial, and our position is that he should be released. The state's position is that Quinn should be detained pending trial.

I need you to draft the argument section of the Defendant's Brief in Support of Pretrial Release. Because the state's brief is due at the same time as ours, we will not have another opportunity to respond to its potential arguments. Thus, in addition to making our best arguments, you should address and respond to any arguments you expect the state to make.

The purpose of a brief regarding pretrial release is to advocate on behalf of the client's release or to make the case for the least restrictive alternative possible. You should provide the court with the factual and legal bases for your request; be persuasive and to the point; cite the considerations in the Franklin Bail Reform Act and rely on those in making your argument.

Do not draft a separate statement of facts but be sure to incorporate the relevant facts into your argument. Be sure to use persuasive subject headings that succinctly summarize the reasons the judge should find in our favor. Each heading should be a specific application of a rule of law to the facts of the case. Use the facts in a manner that makes the strongest case for Quinn but remember that courts are not persuaded by exaggerated arguments or claims. Be sure to limit your argument to the facts that were presented at the hearing.

Any determination at a pretrial release hearing also requires findings of probable cause that the crime occurred and that the defendant committed the crime. We do not plan to challenge the basis for either of those findings, so do not address those issues in your argument.

**OFFICE OF THE PUBLIC DEFENDER FOR THE STATE OF FRANKLIN  
COUNTY OF JUNEAU**

**MEMORANDUM TO FILE**

**From:** Jerome Bass  
**Date:** September 3, 2020  
**Re:** Interview with Quinn Daniels

I interviewed our client Quinn Daniels today. Quinn is charged with aggravated assault, a felony in Franklin that carries a maximum sentence of 10 years in prison. As defined by the statute, aggravated assault is a “battery which results in serious bodily injury.” Franklin Criminal Code § 52.

Quinn is being held in the Juneau County jail pending a pretrial release hearing. I talked to him about the case as well as about his background.

Quinn is 19 years old and a 2019 graduate of Juneau High School. He is a sophomore at Franklin State College here in Franklin City. Until the incident that resulted in the charge against him, he lived on campus and was studying accounting. His career goal is to complete his degree and become a CPA.

Quinn wants very much to go home. He is willing to have restraints on his liberty but says that he would like the fewest restraints possible.

I advised Quinn that at a pretrial release hearing we do not want to reveal our trial strategy and discuss our defenses. I also told him that while he could testify on his own behalf at the pretrial release hearing, my strong recommendation is that he *not* testify. Quinn understands that his decision not to testify may limit the evidence that will be presented to the court at the pretrial release hearing, but he agrees with my recommendation that he not take the stand.

**Email from Juneau County Prosecutor**

**TO:** Jerome Bass <jbass@publicdefender.cty>  
**FROM:** Georgette Simms <gsimms@franklincity.cty>  
**DATE:** September 4, 2020, 10:05 AM  
**SUBJECT:** State v. Quinn Daniels, Case No. 2020 CF 83

Jerome,

I am handling the Daniels case. We have a pretrial release hearing scheduled for September 8, 2020. I wanted to give you a heads-up that the state will be arguing for pretrial detention. As you know, Mr. Daniels is charged with a very serious crime that carries a maximum sentence of 10 years. In addition, he has a history of violence (his juvenile record for arson and aggravated assault).

It is my understanding that Mr. Daniels is no longer a student (having been suspended pending a disciplinary hearing) and that he has no gainful employment. And I expect that we will learn more at the hearing that will support our position as well.

See you in court at the hearing.

Georgette

Georgette Simms  
Assistant District Attorney  
County of Juneau

**Excerpts from Transcript of Pretrial Release Hearing, September 8, 2020**

**DIRECT EXAMINATION OF DANA BROOKS BY ASSISTANT DISTRICT  
ATTORNEY GEORGETTE SIMMS**

...

**Q:** Ms. Brooks, are you a student at Franklin State College?

**A:** Yes.

**Q:** Prior to the incident in question, did you know Mr. Anthony Otis or Mr. Quinn Daniels?

**A:** Yes, I have been dating Anthony Otis for a couple of months. I don't know Mr. Daniels.

**Q:** Ms. Brooks, were you at the party at Franklin State College on August 29, 2020?

**A:** Yes, I was. I was invited to the party by Anthony Otis. We went to the party together.

**Q:** Was there a lot of drinking at the party?

**A:** Yes.

**Q:** Did you have anything to drink?

**A:** I had one beer, but I was not drunk and I remember what happened pretty well.

**Q:** We are particularly interested in the actions of Mr. Daniels and Mr. Otis. Can you tell us about those?

**A:** Well, Anthony and I got to the party around 9 p.m. About 50 people were there. There was a lot of drinking going on. Anthony was drinking a lot and could hardly stand up straight. I kept telling him I wanted to leave, but he insisted on staying at the party.

**Q:** Was Mr. Daniels drinking?

**A:** I am not sure. But I think they were serving grain alcohol punch at the party and most people were drinking that.

**Q:** Continue.

**A:** Well, I was standing around and I saw Mr. Daniels playing with a hockey stick. He was swinging it around kind of wildly.

**Q:** Could you describe what you mean?

**A:** Well, he had the stick in his hand and he was swinging it above his head and then swinging it around his feet. He just kept swinging it everywhere.

**Q:** Did Mr. Daniels hit anyone?

**A:** Well, most people knew enough to get out of the way, but suddenly I saw him attack Anthony.

**Q:** What do you mean by “attack”?

**A:** Mr. Daniels had this kind of mean look in his eyes, and he went right at Anthony.

**Q:** Was either man saying anything?

**A:** Anthony said, “Man, are you crazy?” And Mr. Daniels said, “Maybe I am, but so are you.”

**Q:** Did Mr. Daniels’s hockey stick make contact with Anthony?

**A:** Yes. Mr. Daniels tripped Anthony with the hockey stick. Anthony went flying off his feet and landed on the top step of the basement stairs. Then he fell down the basement stairs.

**Q:** Do you know what happened next?

**A:** Mr. Daniels said, “He’ll be fine. Don’t worry about him.” But someone must have called 911 because an ambulance came pretty quickly.

**Q:** Do you know how Mr. Otis is doing now?

**A:** He’s still in the hospital. He was unconscious for three days and has a concussion. He has two broken ribs and a broken right leg. He’s in a lot of pain.

\* \* \*

**DIRECT EXAMINATION OF GERTRUDE DANIELS BY JEROME BASS, PUBLIC DEFENDER, COUNSEL FOR DEFENDANT QUINN DANIELS**

**Q:** Could you state your name for the record?

**A:** Gertrude Daniels.

**Q:** Ms. Daniels, how are you related to Quinn Daniels?

**A:** I am his mother.

**Q:** Is he a good boy?

**A:** Yes . . . most of the time.

**Q:** What is your occupation?

**A:** I am a nurse’s assistant.

**Q:** What hours do you work?

**A:** I usually work double shifts. I go home to sleep and then I go back to work.

**Q:** Are you married?

**A:** Yes. I’m married to Del Daniels.

**Q:** What does your husband do?

**A:** He’s a school janitor.

**Q:** And you are both the parents of Quinn, correct?

**A:** Yes. We're very proud of him. Quinn is the first one in our family to go to college. He graduated from Juneau High School, and he's now a sophomore at Franklin State College. Until this incident, he lived on campus. He was studying accounting and wants to be a CPA.

**Q:** How is he doing in school?

**A:** He was doing very well, but he also told me that he often felt out of place on a college campus where most of the students come from upper-middle-class families. He said that he was embarrassed that he didn't feel comfortable on campus, especially since we were so proud he was there. That made me very sad. He told me that he sometimes did things, like going to parties with other kids, that he really didn't want to do, just to fit in.

**Q:** Were you and your husband helping to pay for college?

**A:** Oh no, we don't have that kind of money. He's paying for college with loans and scholarships.

**Q:** Do you have any other children?

**A:** Yes, we have three younger daughters. They are all still living at home.

**Q:** How are they doing?

**A:** They are doing great. They are doing well in school and they mind well. They have never been in any trouble, and the teachers always tell us how good they are.

**Q:** Ms. Daniels, you know what the purpose of today's hearing is, don't you?

**A:** Yes, to decide whether Quinn gets to come home until his trial.

**Q:** If Quinn were released, could he come home and live with you and your husband?

**A:** Yes.

**Q:** If the judge were to release Quinn, would you do everything in your power to help him?

**A:** Of course.

**Q:** And would you follow any conditions that the judge laid down?

**A:** Yes.

**Q:** And if Quinn didn't follow the rules that the judge laid down, would you tell the judge about that?

**A:** If I have to, I will.

**Q:** Can your family afford to pay any bail amount for Quinn?

**A:** No, with all the kids and expenses, we don't have any extra money.

...

**CROSS-EXAMINATION BY ASSISTANT DISTRICT ATTORNEY SIMMS**

**Q:** Ms. Daniels, what has Quinn told you about the charges against him?

**A:** Not much. He said he was dared to drink and then doesn't remember much after that.

**Q:** Ms. Daniels, you are aware that Quinn has a juvenile record for arson and aggravated assault, aren't you?

**A:** Yes, but it was four years ago, and it really wasn't his fault. He was dared to do it and did not mean to hurt anyone. He finished his probation, did everything he was supposed to do, and lived at home the whole time. Quinn went to the psychologist's office like he was supposed to do and even did his public service work.

**Q:** Do you know what those juvenile charges were about?

**A:** Well, he was dared to start a fire in a trash can in the parking lot of the mall. He did that, and then someone was trying to put out the fire and got burned on his hands and arms. Quinn was just 15. And he got off probation about two years ago.

**Q:** And Quinn is now charged with aggravated assault again, isn't that correct?

**A:** I guess so.

**Q:** Now, getting to your home situation. Who lives in the house with you?

**A:** My husband, Del, and our three daughters.

**Q:** And your husband, Del—he likes a drink, doesn't he?

**A:** Well, I'm not sure I would go that far.

**Q:** He has been convicted of driving under the influence—DUI—three times, hasn't he?

**A:** Yes.

**Q:** Does he still drink?

**A:** Just when he is not working. Del never drinks at work.

**Q:** You work double shifts, so you are just home to sleep most of the time, isn't that correct?

**A:** Except on weekends. I have weekends off.

**Q:** And Quinn has been suspended from school because of these charges, isn't that correct?

**A:** Yes, he has.

**Q:** Because he's been suspended, he can't live on campus, go to classes, or take any courses, correct?

**A:** Yes, that's right.

**Q:** Does he have a job?


**A:** No, but I am sure he could find one.



**CERTIFICATE OF COMPLETION OF PROBATION**

Quinn Daniels was found to be delinquent on February 20, 2016. At the time, he was 15 years of age. He was adjudicated delinquent based on a finding that, by proof beyond a reasonable doubt, he committed acts of arson and aggravated assault. Mr. Daniels set fire to a trash can. A passer-by saw the fire and tried to put it out. That good Samaritan was seriously burned on his arms and his hands. As a result of the finding of delinquency, Quinn Daniels was placed on probation for an indeterminate time. He was required to complete psychological counseling and also to complete 100 hours of public service work.

Quinn Daniels has now completed all the requirements of probation and has not had any further charges brought against him. He is, therefore, released from probation.

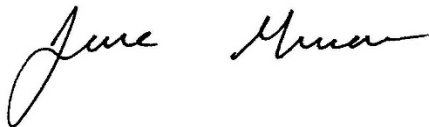


Emma Lord  
Probation Officer



Sheila Jones  
Juvenile Court Judge

Signed before me on this 10<sup>th</sup> day of August, 2018



Jane Mirren  
Notary Public, State of Franklin