

St. Thomas Law Review

Volume 26
Issue 3 *Spring 2014*

Article 1

2014

Front Matter

Follow this and additional works at: <https://scholarship.stu.edu/stlr>



Part of the [Legal Writing and Research Commons](#)

Recommended Citation

Front Matter, 26 ST. THOMAS L. REV. i (2014).

Available at: <https://scholarship.stu.edu/stlr/vol26/iss3/1>

This Front Matter is brought to you for free and open access by the STU Law Journals at STU Scholarly Works. It has been accepted for inclusion in St. Thomas Law Review by an authorized editor of STU Scholarly Works. For more information, please contact jacob@stu.edu.

ST. THOMAS LAW REVIEW

VOLUME 26

SPRING 2014

NUMBER 3

CRIMINAL LAW ISSUE:

ARTICLES

Walk & Turn, Finger to Nose, One Leg Stand: Oh My! How Florida Courts
have Defined Field Sobriety Exercises

.....*Amar V. Patel & Krysten A. Pogue* 285

The Admissibility of Weapons Not Used in the Crime Charged

.....*Melynda Melear* 309

Why Does Florida have Public Defender Elections?

.....*Zachary Phillips* 322

COMMENT

Diminished Returns: The Exorbitance of Collecting DNA from All Arrestees

.....*Carlos Jordi* 346

PREFACE

If one looks at the practice of law as a gemstone, every facet representing an area of the law, criminal law is but one of those facets. In the eyes of the public at large, however, there can be no doubt that criminal law is the facet that most often catches the light, reflecting the values of society as the daily drama of crime and punishment, guilt or innocence, is played out in the courtrooms of America. The Criminal Law Section of The Florida Bar is cognizant of the crucial role we in the criminal justice system play in our state. That sense of responsibility has led us, once again, to partner with the *St. Thomas Law Review* to present this annual issue devoted exclusively to criminal law topics.

As this issue of the law review goes to print, Russian troops are massing at the borders of Ukraine. This international crisis is a reminder that even in countries that purport to value the rule of law, the iron hand of a dictatorial leader can trump all. In the United States, we lawyers are tasked with standing guard over freedom within our borders so that democracy remains democratic. There is no better illustration to the world of the American commitment to justice than our judicial system, with its checks and balances and rights afforded to the accused and to victims. An American dictator could not exist, largely because American lawyers would not allow it.

This issue of the *St. Thomas Law Review* contains provocative articles that cut to the heart of civil liberties, investigative procedures, trial tactics, and even the politics of defending the indigent. The Criminal Law Section, with its judges, defenders, prosecutors, and academics, is proud to partner with the *St. Thomas Law Review* to foster free thought and dialogue. The conversation about the issues that surround our profession, the issues of fairness, justice, conduct, regulation, and ethics, is forever relevant as we continue to refine our shining facet of the law. That effort will never cease.

Susan Odzer Hugentugler

Chair of the Criminal Law Section of The Florida Bar

ST. THOMAS LAW REVIEW

VOLUME 26

SPRING 2014

ISSUE 3

BOARD OF EDITORS

EDWARD C. NAZZARO
Editor-in-Chief

ROBERT P. HATLEY
Managing Editor

JENNIFER L. EDGLEY
Executive Editor

ANA M. AROCHA
Notes & Comments Editor

KRISTA D. OGLETREE
Notes & Comments Editor

EDWARD J. ARMELLINO
Senior Articles Editor

CHRISTINA L. FERNANDEZ
Senior Articles Editor

INALVIS M. ZUBIAR
Senior Articles Editor

ILAN A. KAIRY
Articles Solicitation Editor

PROF. IRA STEVEN NATHENSON
Faculty Advisor

MAUREEN BUDLONG
Office Administrator

ARTICLES EDITORS

JENNIFER BAJGER
AILEEN GONZALEZ
MICHELLE GONZALEZ

KATIE LeCusay
GREGORY LIGHT
MAGALI SANDERS

DAVID SCHNOBRICK
JUSTIN VALENTINI
MONIKA WOODARD

EDITORIAL STAFF

CYNTHIA ALVARADO
DEVON ALVAREZ
YASMANY BARROSO
CHRISTINA COLON
CHRISTOPHER COOPER
JONATHAN COREY
GAMILA ELMAADAWY
ASHELEY FIGEUROA
ANIKA GUEVARA

PAUL HANKIN
ANE HAUGLAND
CARLOS JORDI
HOUSON LAFRANCE
STEPHANIE LOPEZ
ALISHA MARANO
MAXINE MELTZER
KRISTEN MILLER
TRICIA POSTEN

ALAIN ROMAN
ANGELIQUE ROMERO
RAPHAEL SANCHEZ
STEPHEN SILVERBERG
DANIELLE SNYDER
DIANA STAPP
PRISCILLA ZALDIVAR
ANNA ZHUROMSKAYA

GENERAL INFORMATION

The *St. Thomas Law Review* is generally published three times per year and is a nationally distributed legal publication. The *Review* is listed in the *Index to Legal Periodicals* (ILP) and *Current Law Index* (CLI) and is available on *LEXIS* and *WESTLAW*.

Submissions. The *St. Thomas Law Review* invites the submission of manuscripts on topics of interest to the legal community. All text and footnotes should be double spaced. Manuscripts should be formatted in Microsoft Word version 6.0 or greater. Our preference is to receive submissions in digital format. Our e-mail address is lawrev@stu.edu. Footnotes should conform to *The Bluebook: A Uniform System of Citation* (19th ed. 2010). The *Review* retains the right to determine the final form of every article. The *Review* acknowledges the receipt of submitted manuscripts, and assumes no responsibility for the return of submissions.

Subscriptions. The subscription price is \$27.50 per year, and \$38.00 per year for foreign subscribers. All subscriptions are for one year unless otherwise requested and are renewed automatically unless the subscriber sends timely notice of termination. Please inform the *Review* promptly of any change of address by sending the new address and a mailing label with the former address. Single issues are available for \$10 each. Volumes 9 thru 16 are available from the *Review*. Complete bound sets and past issues more than one year old may be purchased from:

William S. Hein & Co., Inc.
1285 Main Street
Buffalo, NY 14209
(800) 828-7571

Citation. All references to materials included in the *St. Thomas Law Review* conform to *The Bluebook: A Uniform System of Citation* (19th ed. 2010), published by the Harvard Law Review Association.

Correspondence. All correspondence should be addressed to:

Managing Editor
St. Thomas Law Review
16401 N.W. 37th Avenue
Miami Gardens, Florida 33054-6459

ST. THOMAS UNIVERSITY SCHOOL OF LAW

ADMINISTRATION

Douglas E. Ray, B.A., J.D., *Dean and Professor of Law*
Cecile L. Dykas, B.A., J.D., *Associate Dean for Academic Affairs and Director of Clinical Programs and Visiting Assistant Professor of Law*
Jessica Fonseca-Nader, B.S., J.D., *Assistant Dean for Enrollment and Scholarships and Professor of Legal Writing*
John F. Hernandez, B.S., J.D., LL.M., *Assistant Dean for Student Affairs and Visiting Associate Professor of Law*
Barbara Singer, B.A., J.D., LL.B., *Assistant Dean for Academic Support and Visiting Associate Professor of Law*
Iraida Acebo, B.A., *Law School Registrar*
Rev. Monsignor Andrew Anderson, B.A., M.Div., C.P.E., J.C.B., J.C.L., J.D.L., *Associate Director for Student Affairs/Chaplain and Director of Summer-in-Spain Program*
Roy Balleste, B.A., J.D., M.L.S., LL.M., J.S.D., *Law Library Director and Professor of Law*
Larry Fedro, B.S., J.D., *Director of the Tax Clinic*
Rev. Raúl Fernández-Calienes, B.A., M.Div., M.A.R., Ph.D., *Coordinator of Writing Skills and Visiting Associate Professor of Legal Writing Skills*
Peter T. Kelly, B.A., J.D., *Assistant Dean for Alumni Relations*
Jiovanna Bryant, B.S., *Director of Admissions*
Tamara F. Lawson, B.A., J.D., LL.M., *Associate Dean for Faculty Development and Professor of Law*
The Honorable David L. Levy, B.A., J.D., *Director of Professionalism*
Olga Leyva, B.A., *Budget and Building Manager*
Alfred R. Light, B.A., J.D., Ph.D., *Director, Graduate Program in Environmental Sustainability and Professor of Law*
Roza Pati, B.A., J.D., LL.M., Dr.iur., *Executive Director, Graduate Program in Intercultural Human Rights and Professor of Law*
Mercedes Pino, B.S., J.D., *Director of Career Services*
Jennifer Portwood-Gordon, B.A., J.D., *Director of Pro Bono Programs and Public Service Career Counselor*
Keith W. Rizzardi, B.A., J.D., M.S., *Assistant Director, Graduate Program in Environmental Sustainability and Assistant Professor of Law*
Todd Sullivan, B.A., J.D., *Director of Academic Support and Visiting Assistant Professor of Law*
Michael S. Vastine, B.A., M.A., J.D., *Director of Immigration Clinic and Professor of Law*
Siegfried Wiessner, J.D., LL.M., Dr.iur., *Director, Graduate Program in Intercultural Human Rights and Professor of Law*

LAW FACULTY

Roy Balleste, B.A., J.D., LL.M., J.S.D., *Law Library Director and Professor of Law*
Gordon T. Butler, B.E.E., J.D., LL.M., M.B.A., *Professor of Law*
Anna M. Chan, A.B., J.D., *Director of Legal Writing and Associate Professor, Legal Writing*
Cecile L. Dykas, B.A., J.D., *Associate Dean for Academic Affairs and Director of Clinical Programs and Visiting Assistant Professor of Law*
Rev. Raúl Fernández-Calienes, B.A., M. Div., M.A.R., Ph.D., *Coordinator of Writing Skills and Visiting Associate Professor of Legal Writing Skills*
Jessica Fonseca-Nader, B.S., J.D., *Assistant Dean for Enrollment and Scholarships and Assistant Professor of Legal Writing*
Alfredo Garcia, B.A., M.A., J.D., *Professor of Law*
Lauren Gilbert, B.A., J.D., *Professor of Law*

Marc-Tizoc González, B.A., M.A., J.D., *Associate Professor of Law*
John F. Hernandez, B.S., J.D., LL.M., *Assistant Dean of Student Affairs and Visiting Associate Professor of Law*
John Min Kang, B.A., J.D., M.A., Ph.D., *Professor of Law*
Gary Kravitz, B.S., J.D., *Associate Professor of Legal Writing*
Tamara F. Lawson, B.A., J.D., LL.M., *Professor of Law*
Lenora P. Ledwon, B.A., M.A., J.D., Ph.D., *Professor of Law*
Alfred R. Light, B.A., J.D., Ph.D., *Director, Graduate Program in Environmental Sustainability and Professor of Law*
Kathleen Mahoney, B.A., M.S., J.D., *Associate Professor of Legal Writing*
John Makdisi, B.A. M.A., J.D., S.J.D., *Professor of Law*
June Mary Makdisi, B.A., M.S., J.D., *Professor of Law*
Jennifer S. Martin, B.S., J.D., *Professor of Law*
Robert E. Mensel, B.A., J.D., M.A., Ph.D., *Professor of Law*
Patricia Moore, B.A., J.D., *Professor of Law*
Anthony C. Musto, B.G.S., J.D., *Associate Professor of Legal Writing*
Marcia Narine, B.S., J.D., *Assistant Professor of Law*
Ira Steven Nathenson, B.A., J.D., *Professor of Law*
Roza Pati, B.A., J.D., LL.M., Dr.iur., *Executive Director, Graduate Program in Intercultural Human Rights and Professor of Law*
Leonard D. Pertnoy, A.B., B.A., J.D., *Professor of Law*
Stephen A. Plass, B.A., J.D., LL.M., *Professor of Law*
Douglas E. Ray, B.A., J.D., *Dean and Professor of Law*
Keith W. Rizzardi, B.A., J.D., M.S., *Assistant Director, Graduate Program in Environmental Sustainability and Assistant Professor of Law*
Iris S. Rogatinsky, B.A., J.D., *Assistant Professor of Legal Writing*
Amy D. Ronner, B.A., J.D., M.A., Ph.D., *Professor of Law*
Jay S. Silver, B.A., J.D., LL.M., *Professor of Law*
Barbara Singer, A.B., J.D., LL.B., *Assistant Dean for Academic Support and Visiting Associate Professor of Law*
Nadia Soree, B.M., M.M., J.D., *Professor of Law*
Todd P. Sullivan, B.A., J.D., *Director of Academic Support and Visiting Assistant Professor of Law*
Michael S. Vastine, B.A., M.A., J.D., *Director of Immigration Clinic and Professor of Law*
Susan K. Warheit, B.S., J.D., *Assistant Professor of Legal Writing*
Siegfried Wiessner, J.D., LL.M., Dr.iur., *Director, Graduate Program in Intercultural Human Rights and Professor of Law*
Mark J. Wolff, B.A., J.D., LL.M., *Professor of Law*
Carol Zeiner, B.S., J.D., *Professor of Law*

ADJUNCT FACULTY

Magda Abdo-Gomez
Jeffrey Allen
Tamatha S. Alvarez
Rev. Msgr. Andrew Anderson
Justin Barry Bennett
Howard K. Blumberg
The Honorable Michael B. Chavies
Joni Armstrong Coffey
Gary M. Cohen
Jay Cohen
The Honorable Marcia Cooke
Attilio M. Costabel
Larry S. Davis
Matthew W. Dietz
James Fierberg
Lawrence Forman
Murray Greenberg
The Honorable Milton Hirsch
Joe Holland
Josef Klee
Marvin Klein
Dana Kulvin
Joseph Landolfi
The Honorable Peter R. Lopez
Richard C. Lorenzo

Caryn Lubetsky
The Honorable Stanley Marcus
Timothy M. Martin
Michael Mayer
James E. McDonald
Hector O. Nava
Kenneth F. Noto
Gilberto Pastoriza
Brian Pfiefer
Peter Raben
N. Brenda Rivera-Lopez
Robert J. Robes
Oren Rosenthal
Herman J. Russomanno
Stuart Saltzman
Jacqueline Schneider
The Honorable Frank A. Shepherd
The Honorable Michele Towbin Singer
The Honorable Ronald G. Sonom
Rory S. Stein
The Honorable Daryl Trawick
Steven Wise
Enrique Zamora

LAW LIBRARY ADMINISTRATION AND STAFF

Richard Andre, *Reference Assistant*
Roy Balleste, B.A., J.D., LL.M., J.S.D., *Law Library Director and
Professor of Law*
Rosario Cruz, *Serials and Continuations Specialist*
Douglas Edwards, B.S., M.S., *Web/Information Systems Administrator*
Max Ford, *Reference Assistant*
Iraida Garcia, B.A., M.L.S., *Technical Services Librarian*
Diego Gumucio, *Multimedia/Stack Maintenance Specialist*
Jacob Hurst, B.S., J.D., *Assistant Director and Head of Public Services*
Sonia Luna-Lamas, B.A., M.L.S., *Associate Director and Head
of Technical Services*
Crystal Lamb, *Circulation Assistant*
Danniza Liendo, *Cataloging and Database Specialist*
Amado Lugo, *Multimedia and Stacks Maintenance Specialist*
Juan Matos, *Multimedia and Stacks Maintenance Specialist*
Judith Peguero, *Accounting Operations*
Courtney Segota, B.A., J.D., M.L.S., *Reference/Faculty Services Librarian*

