

Supreme Court of Florida

No. 66,829

ROBERT LEE DENNIS, et al., Petitioners,

v.

OKEECHOBEE COUNTY, Respondent.

[JULY 17, 1986]

ADKINS, J.

We have for review Okeechobee County v. Jennings, 473 So.2d 1314 (Fla. 4th DCA 1985), in which the Fourth District quashed the trial court's finding of the unconstitutionality of the statutory fee limits imposed by section 925.036, Florida Statutes (1981) upon compensation for the representation of indigent criminal defendants. Citing as authority its opinion of Martin County v. Makemson, 464 So.2d 1281 (Fla. 4th DCA 1985), it re-certified to this Court the four questions presented in that case. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

We recently answered the certified questions in Makemson v. Martin County, No. 66,780 (Fla. July 17, 1986), and quashed the district court's decision, upholding the trial court's finding of the statute's unconstitutionality as applied to representation in extraordinary or unusual circumstances. We find that the trial court's findings as expressed in its order, quoted in Jennings, 473 So.2d at 1315, amply established the need to grant fees in excess of the statutory guidelines in order to ensure adequate representation in the cause.

It is so ordered.

MCDONALD, C.J., and BOYD, OVERTON, EHRLICH, SHAW and BARKETT, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court
of Appeal - Certified Great Public Importance

Fourth District - Case No. 83-1179

Robert Lee Dennis, in proper person, Okeechobee, Florida; John
R. Cook, in proper person, Okeechobee, Florida; and J. Blayne
Jennings, in proper person, Gifford, Florida,

for Petitioners

Kyle S. VanLandingham, Okeechobee, Florida,

for Respondent

Michael Zelman, Miami, Florida,

for Florida Criminal Defense Attorneys Association and
National Legal Aid and Defender Association, Amicus Curiae

Robert A. Ginsburg, Dade County Attorney, and Eric K. Gressman,
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for Metropolitan Dade County, Amicus Curiae