

Supreme Court of Florida

Nos. 67,910 & 67,960

IN RE: Rule 3.850 of the
Florida Rules of Criminal
Procedure

[December 19, 1985]

ADKINS, J.

We have for consideration emergency petition for suspension and reconsideration of the time-limitation provisions of Rule 3.850, Florida Rules of Criminal Procedure.

The rule contains the following provision.

Anyone adjudicated guilty prior to January 1, 1985, shall have until January 1, 1986, to file a motion in accordance with this rule.

This provision is hereby amended to read as follows:

Any person whose judgment and sentence became final prior to January 1, 1985, shall have until January 1, 1987, to file a motion in accordance with this rule.

In all other respects the rule is reaffirmed.

It is so ordered.

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

Original Proceeding - Florida Rules of Criminal Procedure

Larry Helm Spalding, Tallahassee, Florida, for Capital Collateral Representative; Bennett H. Brummer, Public Defender, Eleventh Judicial Circuit, Miami, Florida, and Michael J. Minerva, Assistant Public Defender, Second Judicial Circuit, Tallahassee, Florida, for The Florida Public Defender Association, Inc.; and Richard A. Belz, Executive Director, Gainesville, Florida, for Florida Institutional Legal Services, Inc.,

Petitioners

Jim Smith, Attorney General and Raymond L. Marky, Assistant Attorney General, Tallahassee, Florida,

for Respondent