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March 6, 1989

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The Honorable Justices of  
The Supreme Court of Florida  
Supreme Court Building  
Tallahassee, Florida 32399-1925

MAR 8 1989  
CLERK OF SUPREME COURT  
By *[Signature]*  
Deputy Clerk

In re: Criminal Depositions

Dear Sirs:

I would like to add my comments to those already before the court since I have been studying the whole subject of depositions for years.

Rather than abolishing depositions, I believe the proper procedure as we approach the last decade of the twentieth century, is to take advantage of the technology available and take the testimony of all witnesses on videotape in depositions attended by and videotaped by both the prosecution and the defense, including the defendant. The enormous savings in time and money of such a procedure become apparent instantly if the members of this court will consider the delays and wasted time of jurors, attorneys, witnesses, the trial judge, and, of course, bailiffs, clerks, court reporters, secretaries and others during the current trial of Colonel Oliver North in Federal Court.

Illinois has for years used videotaped depositions in that states' trials and there is absolutely no reason why Florida should not do the same.

I enclose extracts from a letter I wrote to Justice Ben Overton in 1983 giving a draft of a proposed constitutional amendment. Possibly the same result can be achieved by a change in the rules.

Yours sincerely,

*David B. Higginbottom*  
David B. Higginbottom

DBH/ns  
xc: Bob Crawford  
Rick Dantzler  
The Florida Bar News