

Supreme Court of Florida

No. 75,956

STANDARD JURY INSTRUCTIONS
CRIMINAL CASES - NO. 90-1.

[June 21, 1990]

PER CURIAM.

The Supreme Court Committee on Standard Jury Instructions (Criminal) has submitted a petition which proposes an amendment to the Florida Standard Jury Instructions in Criminal Cases. The petition is set forth below:

REPORT (No. 90-1) OF THE COMMITTEE ON
STANDARD JURY INSTRUCTIONS (CRIMINAL)

TO THE CHIEF JUSTICE AND JUSTICES OF
THE SUPREME COURT OF FLORIDA:

Your committee on Standard Jury Instructions (Criminal) recommends that The Florida Bar be authorized to publish an amendment to FLORIDA STANDARD JURY

INSTRUCTIONS IN CRIMINAL CASES. The amendment changes the wording of paragraph 8 on page 79 of the jury instruction manual as follows:

8. The crime for which the defendant is to be sentenced was especially ~~wicked, evil,~~ heinous, atrocious or cruel. "Heinous" means extremely wicked or shockingly evil. "Atrocious" means outraaeously wicked and vile. "Cruel" means designed to inflict a high dearee of pain with utter rndifference to, or even enioyment of, the sufferina of others. The kind of crime intended to be included as heinous, atrocious, or cruel is one accompanied by additional acts that show that the crime was conscienceless or pitiless and was unnecessarily torturous to the victim.

The committee has decided that the additional language, which is based on State v. Dixon, 283 So2d 1 (Fla.1973), improves the instruction and that it adequately addresses any problem the paragraph may present in light of Maynard v. Cartwright, 486 U.S. 356, 108 S.Ct. 1853, 100 L.Ed.2d 372 (1988).

Respectfully submitted,

/s/
HARRY LEE COE, III
Chair
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We approve for publication this recommended amendment.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, BARKETT, GRIMES
and KOGAN, JJ., Concur

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

Original Proceeding - Standard Jury Instructions (Criminal)

Harry Lee Coe, 111, Chair, Committee on Standard Jury Instructions
(Criminal), Tampa, Florida,

for Petitioner