

D.A 2-7-95

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SID J. WHITE

✓ JUL 18 1995

IN THE SUPREME COURT
OF THE STATE OF FLORIDA

CLERK, SUPREME COURT

By

Chief Deputy Clerk

CASE NO. 84273

IN RE: AMENDMENTS TO FLORIDA RULE
OF CRIMINAL PROCEDURE 3.220

COMMENTS ON THE PROPOSED RULE

SUBMITTED BY:

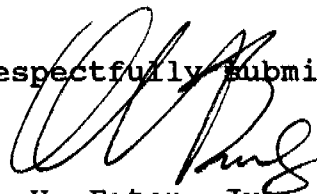
HON. O. H. EATON, JR.
Circuit Judge, 18th Judicial Circuit
Seminole County Courthouse
301 North Park Avenue
Sanford, Florida 32771

SUGGESTION FOR MINOR SUBSTANTIVE CHANGE
OF DATE FOR FILING NOTICE OF INTENT
TO PRESENT EXPERT TESTIMONY

Proposed Rule 3.202(b) requires the defendant to file a notice of intent to present expert testimony of mental mitigation no later than 45 days before the guilt phase of the capital trial.

This date is too uncertain and will cause confusion and delay. Most judges set all cases for a court event called "pretrial conference," "docket sounding," "case management conference," or some similar name within six to eight weeks after arraignment. The trial date is often continued for another date or for another court event. Since the trial date is not a certain date and since different courts around the state manage their dockets differently, it is suggested that the notice should be filed 45 days after the date of arraignment rather than 45 days before the date of the trial.

Respectfully submitted,



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