

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE  
FLORIDA RULES OF CRIMINAL  
PROCEDURE

CASE NUMBER: 03-1630

COMMENT ON EMERGENCY PETITION  
BY THE FLORIDA CRIMINAL PROCEDURE RULES COMMITTEE  
FOR AN AMENDMENT TO THE FLORIDA  
RULES OF CRIMINAL PROCEDURE

Janet Reno as a member of the Florida Bar files this Comment and states as follows:

DNA Testing has become a very important tool for law enforcement, enabling investigators to quickly and accurately identify the perpetrator in some cases where DNA testing is relevant and to exclude innocent suspects in other cases, thus permitting detectives to focus their time and resources in a more cost- effective manner.

DNA testing has also been used to exonerate those who are actually innocent who have been wrongfully convicted. At least 136 persons have been exonerated by such testing in the last ten years in the United States. In some of these cases those who actually committed the crime have been identified and put behind bars through the use of DNA. This remarkable scientific development has given prosecutor and defense counsel alike an unusual opportunity to work together to see that justice is done. Some argue against post conviction testing calling it a road block to finality. But finality cannot be achieved as long as one innocent person sits in jail while the real perpetrator walks free to commit further crimes.

Post conviction testing gives the criminal justice system a rare opportunity to review cases in which an innocent person has been wrongfully convicted in order to determine how it happened and to take steps to avoid such problems in the future in cases in which DNA testing is not relevant. Reforms in eyewitness identification procedures, police interrogation methods and use of jail house snitches are being considered and implemented in light of lessons learned through post conviction DNA testing leading to the exoneration of the innocent.

Dedicated law students and mostly volunteer lawyers of the Florida Innocence Project have done an excellent job of carefully screening cases that have come to their attention in order to identify cases in which DNA testing would be determinative. Rather than flood the Courts with cases which have not been screened, the Innocence Project carefully collects all available relevant information, transcripts and evidence in the process of excluding cases in which DNA would not be determinative.

The opportunity to free the innocent, convict the guilty, and learn from the mistakes of the criminal justice system identified by post conviction DNA testing is an opportunity to do justice and insure ultimate due process that should not be sacrificed. For these reasons, I respectfully urge the adoption of the recommended rule amendment to insure an orderly, thorough review of each case and the preservation of all DNA evidence that may bear upon such cases.

Respectfully submitted on the \_\_\_\_\_ day of September, 2003.

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