

IN THE

SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO FLORIDA
RULE OF CRIMINAL PROCEDURE
3.853(d)

Case No. SC05-1702

**COMMENTS OF
THE FLORIDA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

The Florida Association of Criminal Defense Lawyers (AFACDL®) submits the following comments in support of the proposed amendment to Florida Rule of Criminal Procedure 3.853. The amendment deletes the time restrictions for filing a rule 3.853 motion, thereby permitting a defendant to file a rule 3.853 motion at any time. FACDL agrees with the amendment and believes that the amendment will end the unnecessary litigation regarding the time limitations that had been previously imposed and will ensure that all defendants will retain the right to establish their innocence through DNA testing. The amendments will also allow defendants to take advantage of advances in scientific technology as more accurate and thorough testing techniques became available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing instrument has been furnished to:

George E. Tragos, Committee Chair
600 Cleveland Street, Suite 700
Clearwater, Florida 33755

by mail delivery this 15th day of November, 2005.

Respectfully submitted,

/s/ Paula S. Sanders

PAULA S. SAUNDERS

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