

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO
RULE 3.853, FLORIDA RULES OF
CRIMINAL PROCEDURE

CASE NO: SC 05-1702

ENDORSEMENT OF THE EMERGENCY RECOMMENDATION AND REPORT
OF THE FLORIDA BAR CRIMINAL PROCEDURE RULES COMMITTEE
TO AMEND RULE 3.853(d), FLORIDA RULES OF CRIMINAL PROCEDURE

Benjamin H. Hill, III, State Chair of the Florida State Committee of the American College of Trial Lawyers (hereinafter, the "Florida State Committee"), files this Endorsement of the Emergency Recommendation and Report filed on September 23, 2005, by the Criminal Procedure Rules Committee and the Executive Committee of The Florida Bar. Those members of the Florida State Committee who support this Endorsement are John Fitzgibbons (Tampa, Florida), George "Buddy" E. Schulz, Jr. (Jacksonville, Florida), John Bussey (Orlando, Florida), Chandler W. Muller (Winter Park, Florida), Thomas D. Masterson (St. Petersburg, Florida), John K. Aurell (Tallahassee, Florida), John M. Brumbaugh (Miami, Florida), Herman J. Russomano (Miami, Florida), David E. King (Orlando, Florida), David E. Ackerman (West Palm Beach, Florida), Stephen S. Rossman (Miami, Florida), and Benjamin H. Hill, III (Tampa, Florida).

The emergency nature of the proposed Amendment Recommendation and Report arises from the fact that, under Rule 3.853 of the Florida Rules of Criminal Procedure, DNA Testing motions will no longer be available in most cases after October 1, 2005.

WHEREFORE, the Florida State Committee respectfully urges this Court to take immediate action to adopt the proposed Amendment to Rule 3.853 on an emergency basis and/or to take whatever other action this Court deems necessary to extend the October 1, 2005 deadline.

Respectfully submitted on September 26, 2005.

Benjamin H. Hill, III
Chair
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I hereby certify that this Endorsement in Support of Amending Rule 3.853 of the Florida Rules of Criminal Procedure has been served by U.S. Mail this 26th day of September, 2005 on George E. Tragos, 2005-2006 Chair of The Florida Bar Criminal Procedure Rules Committee, at 600 Cleveland Street, Suite 700, Clearwater, Florida 33755, and John F. Harkness, Jr., Executive Director, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399.

Benjamin H. Hill, III