

**IN THE SUPREME COURT OF FLORIDA**

CASE NO. SC05-960

IN RE: STANDARD JURY  
INSTRUCTION IN CRIMINAL CASES  
PENALTY PHASE OF CAPITAL CASES

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**COMMENTS TO AMENDMENTS TO FLORIDA  
RULE OF CRIMINAL PROCEDURE**

COMES NOW the Office of the Attorney General, by and through undersigned counsel and files its comments in the above-styled case, as follows:

1. The Office of the Florida Attorney General opposes any changes or revisions to the current Florida Standard Jury. The suggested changes by the Florida Supreme Court's Standard Criminal Jury Instruction Committee—Criminal Cases currently before the Court published in the December 1, 2005, Florida Bar News, are unnecessary and unwarranted, moreover they contribute nothing to the current standard instructions and would likely foster more unjustified litigation.

2. There has been no explanation as to why modification of the standard instructions is necessary or mandated by case authority or legislative enactment.

3. The Office of the Attorney General adopts the Comments of the Twenty State Attorneys Acting Together Through the Florida Prosecuting Attorneys Association, filed December 21, 2005, and supports the comments made therein

4. The proposed changes to the standard jury instructions are unnecessary and redundant, moreover, they result in "overemphasizing" the law as it now stands. These unsolicited suggestions should be rejected by this Court—because any diminishment or modification as to the role of any of the players, to-wit: the trial court and the jury, skews each player's role. Continually reinforcing the notion that the jury's "recommendation is given great weight" does not and will not make the statute any more constitutional.

CONCLUSION

For the foregoing reasons, the undersigned urges this Court reject the suggestions as to any changes to jury instructions in capital cases.

Respectfully submitted,

CHARLES J. CRIST, JR.  
ATTORNEY GENERAL

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Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Hon. Dedee S. Costello, Committee Chair, Bay County Courthouse, P.O. Box 1089, Panama City, Florida 32402-1089; Hon. O.A. Eaton Jr., Committee Chair, 101 Bush Boulevard, Sanford, Florida 32773; to Arthur I. Jacobs, General Counsel, Florida Prosecuting Attorneys Association, 961687 Gateway Boulevard, Ste. 2011, Fernandina Beach, FL 32034-9159, and to Christopher White, 101 Bush Boulevard, Sanford, Florida 32773, on this 9th day of January, 2006.

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CAROLYN M. SNURKOWSKI  
Asst. Deputy Attorney General

Notice of Compliance

This pleading was produced using Courier New 12 point, a font which is not proportionally spaced.

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CAROLYN M. SNURKOWSKI  
Assistant Deputy Attorney General