

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA  
RULES OF JUVENILE PROCEDURE**

**CASE NO.:**

**OUT-OF CYCLE REPORT  
OF THE JUVENILE COURT RULES COMMITTEE  
CONCERNING RULE 8.100**

Robert W. Mason, Chair, Juvenile Court Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this out-of-cycle report under *Fla. R. Jud. Admin.* 2.140(f). The proposed amendment is attached in both the full-page (*see* Appendix A) and two-column (*see* Appendix B) formats.

On August 3, 2005, Thomas D. Hall, Clerk, Florida Supreme Court, forwarded to the Committee a letter from R. Blaise Trettis proposing an amendment to *Fla. R. Juv. P.* 8.100. (*See* Appendix C.) Mr. Hall's letter did not contain a deadline for a response. The Committee has approved an amendment to *Rule* 8.100(e) and is requesting that it be considered and approved by the Court out of cycle.

The proposed amendment has been approved by the Committee and also approved for out-of-cycle submission. As required by *Fla. R. Jud. Admin.* 2.140(f), the proposed amendment has been reviewed by the Executive Committee of the Board of Governors of The Florida Bar and

approved by a vote of 10-0-1. Notice of the proposed amendment will be published in the November 1, 2007, issue of the Florida Bar *News* (see Appendix D) and posted on the Bar's website (see Appendix E). Any comments received by the Committee will be forwarded to the Court.

**Rule 8.100:** Subdivision (e) of this rule has been amended to allow a party or a party's attorney to obtain a court transcript without a court order. The current rule requires a court order to transcribe official records of testimony. As written, the rule prevents a child's attorney from effectively representing a child in appellate proceedings because an attorney cannot quickly obtain a transcript necessary to be included as an appendix to a petition for a writ, such as habeas corpus. Under *Fla. R. App. P. 9.200(a)*, the record must include transcripts of proceedings. Additionally, the petitioner has the burden to ensure that the record is prepared and transmitted. *Fla. R. App. P. 9.200(e)*. The final sentence of *Fla. R. Juv. P. 8.100(e)* effectively prevents an attorney from quickly preparing the record that is required in the appellate court for a petition for a writ of habeas corpus to challenge the lawfulness of a child's imprisonment.

The Delinquency Subcommittee of the Juvenile Court Rules Committee approved the proposed amendment unanimously on September 14, 2006. The full Juvenile Rules Committee approved the proposed

amendment 20-1-0 at first reading on January 18, 2007. At second reading before the full committee, the proposed amendment passed 34-0-0 on June 28, 2007.

The amendment was to be submitted with the 2009 three-year-cycle report of the committee. However, the Chair of this committee received correspondence asking the committee to hasten the amendment. In a letter dated August 29, 2007, Raylene Coe, Esq., implored the committee to expedite the rule change and provided an example of the negative effects of the rule when attempting to file a petition for writ of habeas corpus after a court finding of indirect contempt against a child. (*See Appendix F.*) Because the rule delayed Ms. Coe from timely obtaining a transcript, her petitions for writs of habeas corpus become moot before they can be filed. Additionally, in a letter dated September 21, 2007, C. Richard Parker, Esq., President of the Florida Public Defender Association requested the committee to change the rule as soon as possible, stating that the rule as currently worded acts as a denial of access to the courts. (*See Appendix G.*)

These letters were distributed to the committee and the matter was discussed before the full committee on September 27, 2007. After further discussion and careful consideration, the committee voted 31-0-1 to submit the amendment out-of-cycle because the current rule does not adequately

allow timely production of transcripts for specified appellate remedies.

The Juvenile Court Rules Committee respectfully requests that the Court amend the Florida Rules of Juvenile Procedure as outlined in this report.

Respectfully submitted \_\_\_\_\_.

---

ROBERT WILLIAM MASON  
Chair  
Juvenile Court Rules Committee  
25 N. Market St., Ste. 200  
Jacksonville, FL 32202-2802  
904/630-1440  
FLORIDA BAR NO.: 844349

---

JOHN F. HARKNESS, JR.  
Executive Director  
The Florida Bar  
651 E. Jefferson St.  
Tallahassee, FL 32399-2300  
850/561-5600  
FLORIDA BAR NO.: 123390

## **APPENDIX A**

## **RULE 8.100. GENERAL PROVISIONS FOR HEARINGS**

Unless otherwise provided, the following provisions apply to all hearings:

(a) **Presence of the Child.** The child shall be present unless the court finds that the child's mental or physical condition is such that a court appearance is not in the child's best interests.

(b) **Absence of the Child.** If the child is present at the beginning of a hearing and during the progress of the hearing voluntarily absents himself or herself from the presence of the court without leave of the court, or is removed from the presence of the court because of disruptive conduct during the hearing, the hearing shall not be postponed or delayed, but shall proceed in all respects as if the child were present in court at all times.

(c) **Invoking the Rule.** Prior to the examination of any witness the court may, and on the request of any party in an adjudicatory hearing shall, exclude all other witnesses. The court may cause witnesses to be kept separate and to be prevented from communicating with each other until all are examined.

(d) **Continuances.** The court may grant a continuance before or during a hearing for good cause shown by any party.

(e) **Record of Testimony.** A record of the testimony in all hearings shall be made by an official court reporter, a court approved stenographer, or a recording device. The records shall be preserved for 5 years from the date of the hearing. Official records of testimony shall be ~~transcribed~~ provided only upon request of a party or a party's attorney or on a court order of the court.

(f) **Notice.** When these rules do not require a specific notice, all parties will be given reasonable notice of any hearing.

## **APPENDIX B**



**Proposed rule**

**Reasons for change**

**RULE 8.100. GENERAL PROVISIONS FOR HEARINGS**

Unless otherwise provided, the following provisions apply to all hearings:

(a) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

(e) **Record of Testimony.** A record of the testimony in all hearings shall be made by an official court reporter, a court approved stenographer, or a recording device. The records shall be preserved for 5 years from the date of the hearing. Official records of testimony shall be ~~transcribed~~provided only ~~upon request of a party or a party's attorney or on a court order of the court.~~

Amended to allow attorney for child or state to obtain a court transcript without a court order.

(f) [No change]

## **APPENDIX C**



E O V

SEP - 7

IS

ON

# Supreme Court of Florida

Office of the Clerk  
500 South Duval Street  
Tallahassee, Florida 32399-1925

THOMAS D. HALL  
CLERK  
DEBBIE CAUSSEAUX  
CHIEF DEPUTY CLERK  
GREGORY J. PHILO  
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125  
[www.flcourts.org/clerk.html](http://www.flcourts.org/clerk.html)

August 31, 2005

Alan Abramowitz, Esquire  
Chair, Rules of Juvenile Procedure  
210 N. Palmetto Avenue, Suite 440  
Daytona Beach, Florida 32114-3269

Re: Proposal for the Abrogation of the Last Sentence of Florida Rule of  
Juvenile Procedure 8.100(e)

Dear Mr. Abramowitz:

Enclosed please find a proposal, from R. Blaise Trettis, which I am  
forwarding to you pursuant to Rule of Judicial Administration 2.130(b)(2).

Most cordially,

A handwritten signature in cursive script, appearing to read "Thomas D. Hall".

Thomas D. Hall

TDH/bhp  
Enclosure  
cc: R. Blaise Trettis, Esquire

2725 JUDGE FRAN JAMIESON WAY  
BUILDING E  
VIERA, FLORIDA 32940  
TELEPHONE: (321) 617-7373

POST OFFICE BOX 8004  
101 BUSH BOULEVARD  
SANFORD, FLORIDA 32772-8004  
TELEPHONE: (407) 665-4524

OFFICE OF THE  
**PUBLIC DEFENDER**  
EIGHTEENTH JUDICIAL CIRCUIT **FILED**  
BREVARD & SEMINOLE COUNTIES **THOMAS D. HA**

BLAISE TRETTIS  
EXECUTIVE ASSISTANT

MARY LU TOMBLESON  
EXECUTIVE DIRECTOR

**JAMES RUSSO** 2005 JUL 22 P 15  
**PUBLIC DEFENDER**

CLERK, SUPREME COURT

BY \_\_\_\_\_

July 18, 2005

The Honorable Thomas Hall  
Clerk of the Florida Supreme Court  
500 South Duval St.  
Tallahassee, FL 32399-1927

PROPOSAL FOR THE ABROGATION OF  
THE LAST SENTENCE OF FLORIDA RULE  
OF JUVENILE PROCEDURE 8.100(e)

Undersigned counsel, pursuant to Florida Rule of Judicial Administration 2.130(b)(2), submits the following proposal for the abrogation of the last sentence of Fla. R. Juv. P. 8.100(e) to the Clerk of the Florida Supreme Court for referral to the Juvenile Court Rules Committee. In support of his proposal for the abrogation of the last sentence of Fla. R. Juv. P. 8.100(e), undersigned counsel would argue the following:

1. Rule 8.100(e) governs the record of testimony that must be made in juvenile delinquency proceedings. The last sentence of rule 8.100(e) states: "Official records of testimony shall be transcribed only upon order of the court."
2. Counsel submits that this sentence has the real effect of preventing an attorney for a child from effectively representing a child in the appellate courts. In particular, this sentence prevents an attorney from quickly obtaining a transcript that is needed as an appendix to a petition for a writ, such as habeas corpus. Florida Rule of Appellate Procedure 9.100(g) dictates that a petition for a writ shall be accompanied by an appendix as prescribed by Fla. R. App. P. 9.220. Florida Rule of Appellate Procedure 9.220 states that, "The purpose of an appendix is to permit the parties to prepare and transmit copies of such portions of the record deemed necessary to an understanding of the issues presented." Pursuant to Fla. R. App. P. 9.200(a) and (e), the record shall include transcripts and the petitioner has the burden to ensure that the record is prepared and transmitted. It is understandable, then, that the committee notes to Fla. R. App. P. 9.100 state that, "...under subdivision (e) the petitioner must file an appendix to the petition containing conformed copies of the order to be reviewed and other relevant material,

including portions of the record, if a record exists. The appendix should also contain any documents that support the allegations of fact contained in the petition. A lack of supporting documents may, of course, be considered by the court in exercising its discretion not to issue an order to show cause.”

3. The appellate rules above make it clear that the ability to protect a child’s legal interests and the ability to challenge the lawfulness of a child’s imprisonment through habeas corpus depends on an attorney’s ability to quickly obtain a transcript of proceedings. The final sentence of Fla. R. Juv. P. 8.100(e) prevents an attorney from doing so. Undersigned counsel has personal experience with the problems that are caused by the final sentence of Fla. R. Juv. P. 8.100(e). Undersigned counsel has had to file a petition for writ of habeas corpus in the Fifth District Court of Appeal without a transcript of the circuit court proceedings included in the appendix because the court reporter, citing the final sentence of Fla. R. Juv. P. 8.100(e), would not prepare a transcript without court order authorizing the transcript preparation. When the circuit court was presented with a motion and order for the transcript preparation, the court refused to sign the order for the reason that there would have to be a hearing on the motion scheduled through the judicial assistant. An assistant public defender in undersigned counsel’s office has experienced this as well. Undersigned counsel submits that the final sentence of Fla. R. Juv. P. 8.100(e) allows a trial judge to prevent an attorney from quickly preparing a record that is needed in the appellate court. Furthermore, the attorney’s frustrated attempt to prepare the record needed for a petition for writ of habeas corpus has a deleterious effect on the child’s legal position in the appellate court because the petition could be denied for the reason that the factual allegations made have not been supported by transcripts.

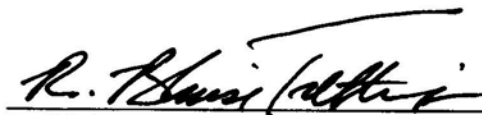
4. Undersigned counsel submits that there is no valid reason for the last sentence of Fla. R. Juv. P. 8.100(e) and would hypothesize that the sentence was included in the rules of juvenile procedure because of the incorrect belief that juvenile delinquency hearings and trials are confidential pursuant to law. While it is true that the court file maintained by the clerk of court is not available for review by the public (§ 985.05(2) Fla. Stat.), there is no statute that undersigned counsel is aware of which would make juvenile delinquency hearings and trials private, confidential, or not open to the public. In fact, television news cameras routinely broadcast juvenile court hearings and trials throughout the State of Florida and these televised trials and hearings are seen routinely by millions of Floridians. Given this public broadcast and reporting of juvenile delinquency hearings and trials held in courtrooms open to all, it is incredible that a lawyer for a child who seeks to challenge in the appellate court what may be unlawful imprisonment cannot quickly, and without court order, obtain a transcript of the same hearing that was seen on television and was reported in the newspaper. The abrogation of the last sentence of Fla. R. Juv. P. 8.100(e) would put an end to this absurd outcome which results in a denial of a child’s access to the courts and therefore justice.

5. If the Juvenile Court Rules Committee were to be of the opinion that there is a valid reason to not abrogate the last sentence of rule 8.100(e), then undersigned counsel submits that the sentence should at least be amended to provide that a child’s attorney

and the State of Florida can, in cases that are "open" and pending, order transcripts from the court reporter without a court order. The following is a suggested amendment: "Official records of testimony shall be transcribed only upon order of the court except that court order is not required for the state attorney in pending delinquency cases and court order is not required for an attorney representing the child in pending delinquency cases."

WHEREFORE, undersigned counsel requests that the Clerk of the Florida Supreme Court, pursuant to Fla. R. Jud. Admin. 2.130(b)(2), refer the above proposal to the Juvenile Court Rules Committee for its consideration.

Respectfully submitted this 18<sup>th</sup> day of July 2005.



R. Blaise Trettis  
Executive Assistant Public Defender  
Eighteenth Judicial Circuit  
Florida Bar Number 0748099  
2725 Judge Fran Jamieson Way  
Building E, Second Floor  
Viera, FL 32940  
(321) 617-7373

## **APPENDIX D**

**JUVENILE COURT RULES COMMITTEE  
OUT-OF-CYCLE AMENDMENT**

The Juvenile Court Rules Committee invites comment on a proposed out-of-cycle amendment to the Florida Rules of Juvenile Procedure shown below. The full text of the proposals can be found on The Florida Bar's website at [www.FloridaBar.org](http://www.FloridaBar.org). Interested persons have until December 1, 2007, to submit comments **electronically** to Robert W. Mason, Chair, Juvenile Court Rules Committee, [rwm@pd4duval.coj.net](mailto:rwm@pd4duval.coj.net).

<b>RULE/FORM</b>	<b>VOTE</b>	<b>EXPLANATION</b>
8.100	34-0-0	Amends subdivision (e) to allow an attorney to obtain a transcript of court proceedings without a court order.



## **APPENDIX E**

## JUVENILE COURT RULES COMMITTEE OUT-OF-CYCLE AMENDMENT

The Juvenile Court Rules Committee invites comment on a proposed out-of-cycle amendment to the Florida Rules of Juvenile Procedure shown below. Interested persons have until December 1, 2007, to submit comments **electronically** to Robert W. Mason, Chair, Juvenile Court Rules Committee, [rwm@pd4duval.coj.net](mailto:rwm@pd4duval.coj.net).

### **RULE 8.100. GENERAL PROVISIONS FOR HEARINGS**

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(b) **Absence of the Child.** If the child is present at the beginning of a hearing and during the progress of the hearing voluntarily absents himself or herself from the presence of the court without leave of the court, or is removed from the presence of the court because of disruptive conduct during the hearing, the hearing shall not be postponed or delayed, but shall proceed in all respects as if the child were present in court at all times.

(c) **Invoking the Rule.** Prior to the examination of any witness the court may, and on the request of any party in an adjudicatory hearing shall, exclude all other witnesses. The court may cause witnesses to be kept separate and to be prevented from communicating with each other until all are examined.

(d) **Continuances.** The court may grant a continuance before or during a hearing for good cause shown by any party.

(e) **Record of Testimony.** A record of the testimony in all hearings shall be made by an official court reporter, a court approved stenographer, or a recording device. The records shall be preserved for 5 years from the date of the hearing. Official records of testimony shall be ~~transcribed~~ provided only upon request of a party or a party's attorney or on a court order of the court.

(f) **Notice.** When these rules do not require a specific notice, all parties will be given reasonable notice of any hearing.

## **APPENDIX F**

2725 JUDGE FRAN JAMIESON WAY  
BUILDING E  
VIERA, FLORIDA 32940  
TELEPHONE: (321) 617-7373

400 SOUTH STREET  
TITUSVILLE, FLORIDA 32780  
TELEPHONE: (321) 617-7373

OFFICE OF THE  
**PUBLIC DEFENDER**  
EIGHTEENTH JUDICIAL CIRCUIT  
BREVARD & SEMINOLE COUNTIES

**JAMES RUSSO**  
PUBLIC DEFENDER

BLAISE TRETTS  
EXECUTIVE ASSISTANT

MARY LU TOMBLESON  
EXECUTIVE DIRECTOR

J. RANDALL MOORE  
CHIEF ASSISTANT

August 29, 2007

Robert W. Mason, Esquire  
Florida Rules of Juvenile Procedure Committee, Chair  
25 North Market Street  
Jacksonville, FL 32202

Dear Mr. Mason.

I am writing to ask that the proposal to change Fla. R. Juv. P., Rule 8.100(e) be accelerated. Currently, in order to adequately prepare a Petition for Writ of Habeas Corpus, I am required to attach, as an appendix, a transcript of the proceeding to which the petition is directed before it will be considered by the appellate court. Since I represent juveniles accused of delinquency, this poses a particularly vexing problem.

My clients often face indirect contempt of court charges. Despite having legitimate objections to the validity of the order the child is accused of violating, the Court will often find the child in indirect contempt and impose a sentence of five (5) days in secure detention. The Court will announce the release date and indicate on the record that it is not including week-end days in the calculation. Unfortunately, I have not yet been able to timely file a Petition for Writ of Habeas Corpus to address this situation because I cannot get the transcript in time. Attached is an example of what occurs. I file my Motion for Transcription the same day the Court orders the child taken into custody and held in secure detention, which is generally a Wednesday (the day the Court is currently calendared to hear Orders To Show Cause). If I'm lucky, I'll get the order authorizing release of the transcript back by late Friday afternoon. So on Monday, the court administrators receive the order from my office with my request for an electronic transcript of the proceeding. The earliest I have ever received the transcript is Tuesday, but often it is received the same day the child is set to be released from secure detention. So, despite my energies and use of court resources, any Petition for Writ of Habeas Corpus to redress this situation is moot before it ever gets filed. Although this can be addressed through an appeal, such a solution means little to a child who has had to serve time in secure detention.

I implore you to please expedite the rule change in this regard.

Sincerely,



Raylene Coe  
Assistant Public Defender

/attachment

IN THE CIRCUIT COURT IN AND  
FOR BREVARD COUNTY, FLORIDA  
EIGHTEENTH JUDICIAL CIRCUIT

IN THE INTEREST OF,

Justin Sinex  
A Child,

CASE NO. 05-200 7-CJ-662-A

MOTION FOR TRANSCRIPTION

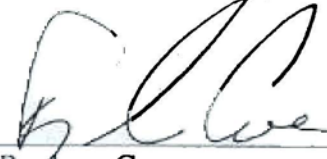
CHILD, through undersigned counsel, moves this Honorable Court to order the <sup>CD</sup>transcript preparation of Child's July 25, 2007, Order To Show Cause Hearing. As grounds for this motion, Child states:

- (a) As soon as possible, at the location of the 5th District Court of Appeal, Daytona Beach, Florida, there will be a hearing regarding a Petition for Emergency Writ of Habeas Corpus in the case: 07-662, or Appeal of 07-662
- (b) Child has reason to believe that a transcript of the July 25, 2007, Order To Show Cause hearing will be valuable for purposes of inquiry regarding whether the secure detention of the Child is lawful. Child therefore requires this transcription to adequately prepare a defense.
- (c) Said Disposition hearing was recorded by Brevard County Clerk of Courts.
- (d) Child needs the requested transcript(s) as soon as possible in order to remedy illegal incarceration.

WHEREFORE, Child respectfully requests that this Honorable Court enter an order directing the immediate preparation of one original to be delivered to the Court, one copy to the Office of the State Attorney and one copy to be delivered to the Office of the Public Defender of the transcript of said (proceeding).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/fax/courier/hand delivery to the Office of the State Attorney, Viera, Florida this 25th day of July, 2007.

  
Raylene Coe  
Assistant Public Defender  
Fla. Bar No. 0514799

IN THE CIRCUIT COURT IN AND  
FOR BREVARD COUNTY, FLORIDA  
EIGHTEENTH JUDICIAL CIRCUIT

CASE NO. 05-2007-CJ-662 -A

IN THE INTEREST OF:

Justin Sinex,

a Child.

**ORDER FOR DIGITAL RECORDING AND/OR TRANSCRIPT**

THIS CAUSE came before this Court on \_\_\_\_\_, 2007, on

\_\_\_\_\_, it is, upon consideration

thereof,

ORDERED and ADJUDGED that the Digital Court Reporting department shall arrange either.

[ ] The transcription services of \_\_\_\_\_

Or

Release of CD of the digitally recorded proceeding held before Judge Reinman on July 25th, 2007, in the above-styled cause. Costs of duplication shall be borne by the Public Defender (if applicable). A copy of this [ ] transcript or  CD shall be provided to: the Office of the Public Defender

DONE AND ORDERED in Chambers at Viera, Brevard County, Florida this

26 day of July, 2007.



MORGAN LAUR REINMAN  
CIRCUIT COURT JUDGE

cc: Public Defender - Court "In" Box  
State Attorney

Confirmed as signed by the Judge on 7/27/07 in chambers.



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*****
*** TX REPORT ***
*****

JOB NO.          0051
ST. TIME        07/30 08:23
PGS.           2
SEND DOCUMENT NAME

TX/RX INCOMPLETE  -----
TRANSACTION OK    destadt@pd18.net          Estadt, Donna
ERROR            -----

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IN THE CIRCUIT COURT IN AND  
FOR BREVARD COUNTY, FLORIDA  
EIGHTEENTH JUDICIAL CIRCUIT

IN THE INTEREST OF,

Justin Sinex  
A Child,

CASE NO. 05-200 7-CJ-662-A

MOTION FOR TRANSCRIPTION

CHILD, through undersigned counsel, moves this Honorable Court to order the <sup>CD</sup>transcript preparation of Child's July 25, 2007, Order To Show Cause Hearing. As grounds for this motion, Child states:

- (a) As soon as possible, at the location of the 5th District Court of Appeal, Daytona Beach, Florida, there will be a hearing regarding a Petition for Emergency Writ of Habeas Corpus in the case: 07-662; or Appeal of 07-662
- (b) Child has reason to believe that a transcript of the July 25, 2007, Order To Show Cause hearing will be valuable for purposes of inquiry regarding whether the secure detention of the Child is lawful. Child therefore requires this transcription to adequately prepare a defense.
- (c) Said Disposition hearing was recorded by Brevard County Clerk of Courts.
- (d) Child needs the requested transcript(s) as soon as possible in order to remedy illegal incarceration.

WHEREFORE, Child respectfully requests that this Honorable Court enter an order directing the immediate preparation of one original to be delivered to the Court, one copy to the Office of the State Attorney and one copy to be delivered to the Office of the Public Defender of the transcript of said (proceeding).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/fax/courier/hand delivery to the Office of the State Attorney, Viera, Florida this 27<sup>th</sup> day of July, 2007.

D.A.A.

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CERTIFICATE

STATE OF FLORIDA:

COUNTY OF BREVARD:

I, JODI MARASIA, being a Digital Court Reporter, as authorized by Rule 2.535, Florida Rules of Court and Administrative Order of the Eighteenth Judicial Circuit number 07-10, certify that the foregoing Computer copy (7-31-07) of the proceeding held on July 25th, 2007 in the case of SOF v Justin Sinex Case number 05-2007-CJ-000662-AXXX-XX before the Honorable Judge Morgan Laur Reinman, as a true and correct copy.

Dated this Tuesday, July 31, 2007, in the City of Viera, County of Brevard, State of Florida

*Jodi Marasia*  
\_\_\_\_\_  
JODI

Digital Court Reporter

APPIDAVIT

State of Florida County of Brevard  
Before me personally appeared Jodi Marasia who says that he/she executed the above instrument of his or her own free will and accord, with full knowledge of the purpose therefore.

Sworn and subscribed in my presence this 31<sup>st</sup> day of July, 2007  
Personally Known  -or- Produced Identification   
Type of identification produced: \_\_\_\_\_

Notary Public *Lori W. Pyron*  
My Commission expires on \_\_\_\_\_ 2008







**Court Administration**

*Eighteenth Judicial Circuit - Brevard County*  
Digital Court Reporter  
2825 Judge Fran Jamieson Way  
Viera, FL 32940

RECEIVED  
PUBLIC DEFENDER  
VIERA OFFICE

2007 AUG -7 A 11:11 PM  
INVOICE

7312007

420

**TO:**

**SHIP TO**

Brevard County Public Defender  
Government Center North  
Mail Stop 30  
Titusville FL

**COMMENTS OR SPECIAL INSTRUCTIONS:**

Representative	Requisitioner	Shipped Via	Terms
Jodi	Raylene Coe	Courier	No charge

*Research copy digital recording to CD for the following proceedings:*

Quantity			
	SOF v Justin Sinex	05-2007-CJ-000662-AXXX-XX	\$0.00
	7-25-07	Judge Morgan Laur Reinman V2G	
	Computer CD		

Make check or money order payable to: Court Administration (address above)

If you have any questions concerning this invoice, contact: Jodi Marasia

Phone: 321-633-2107

Fax: 321-637-5573

Email: [digital\\_recordings@flcourts18.org](mailto:digital_recordings@flcourts18.org)

**Total \$0.00**

**DATE PAID**

**CHECK/MO**

## **APPENDIX G**



## **Florida Public Defender Association, Inc.**

P.O. Box 11057 • 103 North Gadsden Street • Tallahassee, Florida 32302

September 21, 2007

Robert W. Mason, Chair  
Florida Juvenile Court Rules Committee  
25 North Market Street  
Jacksonville, Florida 32202

Dear Mr. Mason,

On September 20, 2007, at the Board of Director's meeting of The Florida Public Defender Association, Inc. a motion was made and passed requesting the Juvenile Court Rules committee petition the Florida Supreme Court to consider, out-of-cycle, the committee's proposed amendment to Fla. R. Juv. P. 8.100(e). This amendment would allow a party or an attorney for a party in a juvenile delinquency case to order a transcript of proceedings without first obtaining a court order authorizing transcript preparation. The current rule prevents defense counsel from effectively challenging illegal detention through petitions for writs of habeas corpus in the district courts of appeal because a transcript of the proceedings cannot be filed as an appendix to the petition before the case becomes moot due to the child's release from incarceration. Rule 8.100(e) as currently worded acts as a denial of access to the courts and its change is needed. There is good reason for the rule to be changed as soon as possible, but there is no reason why the rule change should be delayed until 2009.

Thank you for your consideration in this matter.

Sincerely,

C. Richard Parker  
President  
Florida Public Defender Association, Inc

I certify that this rule was read against West's *Florida Rules of Court*  
– *State* (2007).

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Ellen H. Sloyer, Associate Editor  
Legal Publications  
The Florida Bar