

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA  
RULES OF CRIMINAL PROCEDURE –  
RULE 3.112**

**CASE NO.: SC08-1292**

\_\_\_\_\_ /

**RESPONSE TO THE COMMENTS OF THE CRIMINAL CONFLICT AND  
CIVIL REGIONAL COUNSEL FOR ALL DISTRICTS OF FLORIDA**

Comes now the Criminal Court Steering Committee, by and through the Honorable O. H. Eaton, Jr., Circuit Court Judge, Chair of the committee, and files this response to the comments received by the Criminal Conflict and Civil Regional Counsel for the Third District Court of Appeal Region, on behalf of all five regional counsels in Florida.

The committee filed a petition with the Court on July 7, 2008. In the petition, the committee proposed amendments to Florida Rule of Criminal Procedure 3.112 – Minimum Standards for Attorneys in Capital Cases. The Court published the proposed amended rule for comment in *The Florida Bar News*, and directed that comments be filed with the Court no later than December 12, 2008. The committee was directed to respond to any comments no later than December 29, 2008. Comments were received by the Criminal Conflict and Civil Regional Counsel for the Third District Court of Appeal Region on November 21, 2008.

Regional counsel has suggested two modifications to the proposed rule amendment.

Counsel has asked that the full name of the agency title be changed from “Criminal Conflict Regional Counsel” to “Criminal Conflict and Civil Regional Counsel.” The committee had chosen to omit the reference to civil regional counsel in the proposed rule amendment since the rule addresses only criminal cases. However, the committee agrees that the full title of the agency should appear in the proposed amended rule.

Counsel has also proposed that the second sentence in rule 3.112(i) be amended by inserting the words “individuals or” between the words “the” and “assistants.” The sentence would read:

If the office of the Public Defender or Criminal Conflict and Civil Regional Counsel is appointed to represent the defendant, the ~~Public Defender~~ or Criminal Conflict and Civil Regional Counsel shall certify that the individuals or assistants assigned as lead and cocounsel meet the requirements of this rule.

The committee agrees that this additional language is necessary in order to make it clear that individual contractors are validated, as appropriate.

Based upon the comments received, Appendix A and Appendix B have been amended, and are attached to this response. Appendix C has been added to incorporate Chapter 2007-62, Laws of Florida, into the court file. This law provides for the appointment of Criminal Conflict and Civil Regional Counsel.

Respectfully submitted this \_\_\_\_ day of  
December, 2008.

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THE HONORABLE O. H. EATON, JR.  
Circuit Court Judge, Eighteenth Judicial Circuit  
Chair, Criminal Court Steering Committee  
101 Bush Blvd.  
Sanford, Florida 32773  
Florida Bar Number 0111108

## **CERTIFICATE OF FONT SIZE**

I hereby certify that this Response has been prepared using Times New Roman 14 point font in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

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THE HONORABLE O. H. EATON, JR.  
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## **CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing Response has been furnished to:

Joseph P. George, Jr.  
Regional Counsel  
Criminal Conflict and Civil Regional Counsel  
Third District Court of Appeal Region  
1501 N. W. North River Drive  
Miami, Florida 33125

by U.S. mail this \_\_\_\_\_ day of December, 2008.

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THE HONORABLE O. H. EATON, JR.  
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