

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO FLORIDA  
RULE OF CRIMINAL PROCEDURE  
RULE 3.111**

**CASE NO.: SC08-2163**

**CRIMINAL PROCEDURE RULES COMMITTEE'S  
RESPONSE TO COMMENTS OF  
THE FLORIDA PUBLIC DEFENDER ASSOCIATION**

The Honorable Thomas H. Bateman III, Senior Judge, Second Judicial Circuit, Chair, Florida Criminal Procedure Rules Committee (CPRC), and John F. Harkness, Jr., Executive Director, The Florida Bar, file this response to the comment of the Florida Public Defender Association (FPDA) on the proposed amendment to Rule 3.111(d)(3), in accordance with Court's request as noticed in the January 1, 2009, *Bar News*.

The FPDA's comment requests further amendments to the Court's proposed amendment. The CPRC disagrees with these amendments because they are beyond the scope of both the Court's proposal and *Indiana v. Edwards*, 128 S. Ct. 2379, 171 L.Ed 345, \_\_\_ U.S. \_\_\_ (2008).

In addition, both the CPRC subcommittee that considered the Court's proposal and the full committee debated the issue raised in paragraph 5 of the FPDA's comment, regarding the term "severe mental illness," and voted after due consideration in favor of the Court's proposal (*see* the CPRC's comment to the proposal).

Based on the foregoing, the Criminal Procedure Rules Committee respectfully requests that the Court reject the amendments proposed by the FPDA.

Respectfully submitted on February 23, 2009.

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THOMAS H. BATEMAN III  
Senior Judge  
Chair, CPRC  
Florida Bar Number 0349781  
Leon County Courthouse,  
c/o Trial Court Administrator  
301 South Monroe Street  
Tallahassee, Florida 32301  
Telephone: 850-577-4401  
Facsimile: 850-922-0327

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JOHN F. HARKNESS, JR.  
Executive Director  
The Florida Bar  
651 East Jefferson St.  
Tallahassee, FL 32399-2300  
850 561-5600  
Florida Bar No. 123390

## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was furnished by United States mail to Nancy A. Daniels, Public Defender, for Florida Public Defender Association, and Glen P. Gifford, Assistant Public Defender, 301 South Monroe Street 401, Tallahassee, Florida 32301, on February 23, 2009.

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Jodi Beth Jennings  
Staff Liaison, Criminal Procedure Rules Committee