

IN THE

SUPREME COURT OF FLORIDA

IN RE: FLORIDA RULES OF CIVIL
PROCEDURE FOR INVOLUNTARY
COMMITMENT OF SEXUALLY
VIOLENT PREDATORS

Case No. SC08-998

**COMMENTS OF
THE FLORIDA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

The Florida Association of Criminal Defense Lawyers (“FACDL”) submits the following comments relating to the proposed rules of procedure for “Jimmy Ryce” proceedings. First, FACDL agrees with the comments filed by the Offices of the Public Defender for the Second and Fourth Circuits.¹ Second, FACDL is concerned regarding the time period for filing an answer set forth in proposed rule 4.070(a). Proposed rule 4.070(a) states that “[t]he summons shall direct the respondent to file an answer to the petition within *ten days* after the date of service.” (Emphasis added). FACDL respectfully suggests/requests that this time period be increased (i.e., a respondent should be given more than ten days to file an answer). FACDL submits that in many cases, it will be difficult – in a ten-day

¹ The Office of the Public Defender for the Fourth Circuit suggested that proposed rule 4.240(e)(2) be changed to reflect that a three-three vote by the jury results in the release of the respondent.

time period – for a respondent (who is in prison) to: (1) decide to retain counsel, accept the services of appointed counsel,² or proceed *pro se*, (2) contact counsel and discuss the case and the State’s petition (if a decision is made to be represented by counsel), and then (3) draft and file an answer.

² Proposed rule 4.200 provides for the appointment of counsel and subsection (a) states that “[t]he presiding judge shall appoint an attorney to represent the respondent at the time an order finding probable cause is entered.” FACDL submits that in some cases, there could be a delay in appointing counsel (due to potential conflicts of interest, etc.).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing instrument has

been furnished to:

The Honorable O. H. Eaton, Jr.
c/o Les Garringer, Office of the General Counsel
500 South Duval Street
Tallahassee, Florida 32399-1925

by U.S. mail delivery this 2nd day of September, 2008.

Respectfully submitted,

/s/ Michael Ufferman

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