

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA )      CASE NO. SC10-1880**  
**RULES OF CRIMINAL PROCEDURE -      )**  
**RULE 3.191                                      )**

**RESPONSE TO COMMENTS OF INTERESTED PERSONS**

The Criminal Procedure Rules Committee (CPRC), by and through its Chair, Robert T. Strain, and John F. Harkness, Jr., Executive Director of The Florida Bar, file this response to comments received from interested persons to the 2010 Out-of-Cycle Report of the Florida Criminal Procedure Rules Committee to Amend Rule 3.191.

The comment of R. Blaise Trettis, Esquire, indicates that he has no objection to the proposed amendment to rule 3.191 as presented in this case. The balance of his comment presents suggestions to the Court regarding descriptions of the time periods in any of the Court’s future emergency orders extending time periods. While the suggestions regarding the drafting of administrative orders may be meritorious, the CPRC believes that it is beyond the scope of the committee’s authority to prescribe the contents of administrative orders.

The comment of S. A. Siddiqui, Esquire, reflects a blanket objection to the proposed rule amendment in this case. The objection appears to be based, in part, on a misunderstanding as to the referenced judicial official named in the relevant subsection. The commenter further describes additional bases for objection that

challenge the authority of the chief justice of this Court to enter administrative orders regarding court emergencies. The CPRC declines to respond to the commenter's individual bases that challenge the authority of the chief justice because each, at a minimum, lacks any merit. The additional opinions regarding implementation of emergency orders as expressed in the comment are themselves frivolous. The CPRC simply responds by noting that the committee completely accepts the full authority of the chief justice to enter administrative orders regarding emergencies as provided by article V, section 2, of the Florida Constitution and Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv).

Respectfully submitted this \_\_\_\_\_ day of December, 2010 by

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Robert T. Strain, Chair  
Criminal Procedure Rules Committee  
Capital Collateral Regional Counsel  
3801 Corporex Park Drive, Ste. 210  
Tampa, FL 33619-1136  
Florida Bar No. 325961  
813/740-3544

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John F. Harkness, Jr.  
Executive Director  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, FL 32399-2300  
Florida Bar No. 123390  
850/561-5600

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by United States Mail to R. Blaise Trettis, Esquire, Executive Assistant Public Defender, 18<sup>th</sup> Judicial Circuit, 2725 Judge Fran Jamieson Way, Building E, Viera, Florida 32940 and S. A. Siddiqui, Esquire, Siddiqui Legal Enterprise, P.O. Box 442067, Jacksonville, Florida 32222 on this \_\_\_\_\_ day of December, 2010.

## **CERTIFICATE OF COMPLIANCE**

I certify that this response was prepared in accordance with the font requirements of Fla. R. App. P. 9.210(a)(2).

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Krys Godwin  
Bar Staff Liaison  
Criminal Procedure Rules Committee  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, FL 32399-2300  
(850) 561-5702  
Florida Bar No. 2305