

IN THE

SUPREME COURT OF FLORIDA

IN RE: STANDARD JURY
INSTRUCTIONS (CIVIL) AND
(CRIMINAL), JUROR'S USE OF
ELECTRONIC DEVICES

Case No. SC10-51

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

The Florida Association of Criminal Defense Lawyers (“FACDL”) submits the following comments in support of the proposed standard jury instructions in criminal cases directing jurors to refrain from using electronic technologies to research or communicate with others about cases on which they serve. FACDL believes that the proposed instructions will further help to ensure that criminal defendants in this state receive fair trials, free of any improper outside influence on jurors. FACDL is also in favor of the Committee on Standard Jury Instructions in Criminal Cases continuing to study whether trial judges should collect cell phones and electronic devices from jurors prior to service (or at least prior to jury deliberations). FACDL is in favor of a rule/instruction that would require trial judges to collect jurors’ cell phones and electronic devices.

Finally, FACDL notes that the federal court Judicial Conference Committee on Court Administration and Case Management (“CACM”) recently endorsed a set of suggested jury instructions for use by federal district court judges to help deter jurors from engaging in the inappropriate use of electronic technologies. Copies of the proposed instructions and a letter from the Honorable Julie A. Robinson, Chair of the CACM, are attached to these comments.

Respectfully submitted this 17th day of March, 2010.

/s/ Michael Ufferman

MICHAEL UFFERMAN

Chair, FACDL Amicus Curiae Committee

Michael Ufferman Law Firm, P.A.

2022-1 Raymond Diehl Road

Tallahassee, Florida 32308

(850) 386-2345/fax (850) 224-2340

FL Bar No. 114227

ufferman@uffermanlaw.com

Amicus Counsel for **FACDL**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing comments have been furnished to:

The Honorable Lisa T. Munyon, Ninth Judicial Circuit
Criminal Instructions Committee Chair
425 North Orange Avenue
Orlando, Florida 32801

Les Garringer
Office of the General Counsel
500 South Duval Street
Tallahassee, Florida 32399-1925

Tracy Raffles Gunn
Civil Instructions Committee Chair
777 South Harbour Island Boulevard, Suite 770
Tampa, Florida 33602

by U.S. mail delivery this 17th day of March, 2010.

Respectfully submitted,

/s/ Michael Ufferman

MICHAEL UFFERMAN

Chair, FACDL Amicus Curiae Committee

Michael Ufferman Law Firm, P.A.

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Amicus Counsel for **FACDL**