

IN THE SUPREME COURT OF FLORIDA

IN RE: STANDARD JURY
INSTRUCTIONS CRIMINAL CASES
REPORT 2016-01

CASE NO.: SC16-724

**STANDARD JURY INSTRUCTION COMMITTEE’S RESPONSE TO
COMMENTS FROM THE FLORIDA PUBLIC DEFENDER’S
ASSOCIATION**

The Supreme Court Committee on Standard Jury Instructions in Criminal Cases (“Committee”), by and through its Chair, files the following response to comments from the Florida Public Defender’s Association (“FPDA”).

On July 27, 2016, the FPDA commented on proposals for four instructions: 3.6(a); 3.6(p); 8.25; and 28.4(a).

With regard to instructions 3.6(a) and 3.6(p), the FPDA essentially repeated the comments that it had previously provided the Committee when the Committee published its proposals. In response, the Committee relies on the view expressed in its report that the italicized notes of “*Give if applicable and if requested*” combined with the explanatory notes in the Comment sections make it clear that the proposed new paragraphs should be given only when appropriate, obviously not in all cases.

With regard to instruction 8.25, the FPDA repeated the comment it had previously provided the Committee when the Committee published its proposals. In response, the Committee relies on the view expressed in its report that the standard instruction should track the relevant statute (section 903.047, Florida Statutes). Moreover, there is a “*Give as applicable*” italicized note at the top of the new “no contact” section. Finally, it is easier for trial judges and lawyers to delete unnecessary verbiage in the standard instructions than it is for them to add to the standard instruction. By including statutory language, everyone should be able to easily tailor the standard instruction to the particular facts of each case.

With regard to instruction 28.4(a), the FPDA’s comments are mooted by the Court’s recent decision to strike the proposal for instruction 28.4(a) from SC16-724.

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Respectfully submitted this 10th day of August, 2016.

s/ Judge F. Rand Wallis
The Honorable F. Rand Wallis
Chair, Supreme Court Committee on
Standard Jury Instructions in Criminal Cases
Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, Florida 32114
Florida Bar Number: 980821
WallisR@flcourts.org

CERTIFICATE OF SERVICE AND FONT

I HEREBY CERTIFY that a copy of this Response to Comments has been typed using Times New Roman 14 and has been sent by email through the portal to Ms. Julianne Holt at jholt@pd13.state.fl.us; Mr. Luke Newman at luke@lukenewmanlaw.com; Mr. William Ponall at ponallb@criminaldefenselaw.com, Mr. R. Blaise Trettis at btrettis@pd18.net; Mr. Glen Gifford at glen.gifford@flpd2.com; Ms. Kathryn Strobach at KStrobach@duttonlawgroup.com; Mr. Scott Richardson at snr@scottnrichardsonlaw.com; and Ms. Ashley Greene at AWG@bedellfirm.com; this 10th day of August, 2016.

s/ Judge F. Rand Wallis
The Honorable F. Rand Wallis
Chair, Supreme Court Committee on
Standard Jury Instructions in Criminal Cases
Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, Florida 32114
Florida Bar Number: 980821
WallisR@flcourts.org