

IN THE
SUPREME COURT OF FLORIDA

WILLIAM WILLIAMS,

Petitioner,

Case No. SC15-1417

vs.

Lower Trib. Nos.: 5D14-3543
13-314873-MMDB

STATE OF FLORIDA,

Respondent.

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**NOTICE OF INTENT TO FILE AMICUS BRIEF
IN SUPPORT OF THE PETITION BY THE FLORIDA
ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

The Florida Association of Criminal Defense Lawyers (FACDL), pursuant to Florida Rule of Appellate Procedure 9.370(d), files this notice indicating its intent to seek leave to file an amicus brief in support of the Petitioner should the Court accept jurisdiction in this case. FACDL is a statewide organization representing over 2,000 members, all of whom are criminal defense practitioners.

FACDL has an interest in this case because the Fifth District Court of Appeals, in its decision below, expanded a very narrow exception to the Fourth Amendment warrant requirement in the context of the administration of a breathalyzer test—namely, it held for the first time that an individual may be convicted of a crime for

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refusing to submit to a warrantless breathalyzer test even in the absence exigent circumstances. By applying a “general reasonableness” exception to the Fourth Amendment, the District Court’s decision not only conflicts with existing United States Supreme Court precedent, but will undoubtedly lead to a slippery slope of Fourth Amendment evisceration in other contexts in Florida.

Because the right to be free from illegal searches and seizures is a fundamental right of all of our members’ clients, and because FACDL members represent untold numbers of defendants subjected to breathalyzers on Florida’s roads every day, the organization believes this case is of the utmost importance and intends to seek leave to file an amicus brief on behalf of Petitioner should the Court grant jurisdiction.

CERTIFICATE OF SERVICE

Undersigned counsel certify that a true and correct copy of the foregoing instrument has been furnished by email to Assistant Attorney General Kristen L. Davenport, counsel for the State of Florida, at crimappdab@myfloridalegal.com, and to Aaron Delgado and Eric Latinsky, counsel for the Petitioner, at adelgado@communitylawfirm.com and elatinsky@communitylawfirm.com, this the 2nd day of November, 2015.

Respectfully submitted,

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