

IN THE SUPREME COURT OF FLORIDA

**IN RE: 2017 REGULAR CYCLE)
AMENDMENTS TO THE RULES)
OF JUDICIAL ADMINISTRATION) CASE NO.: SC17-155**

COMMENTS OF THE CRIMINAL LAW SECTION

The Criminal Law Section of The Florida Bar, submits this comment to express its opposition to the adoption of 2.140(a)(6) to the Rules of Judicial Administration. The Criminal Law Section is composed of prosecutors, public defenders, attorneys in private practice, judges and law professors, over 2400 in number, who diligently look to improve the criminal justice system and practice. Some of our executive council have served on the Criminal Rules Committee, Juvenile Rules Committee, Appellate Rules Committee, and the Rules of Judicial Administration Committee, and even served as either a chair or vice chair to a standing rules committee.

The Criminal Law Section, with the overwhelming support of its broad range of criminal practitioners, opposes the proposed amendment to Rule 2.140(a)(6) for the reasons set out in the August 31, 2016, letter from the Appellate Rules Committee. The current approval process is already cumbersome, and if the proposed amendment is adopted, simple non-emergency rules changes will be

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unduly delayed, including being placed outside of a three year cycle. Oversight of rules is currently being performed by the Board of Governors, and, ultimately, the Florida Supreme Court. If a member of the Rules of Judicial Administration, or the committee itself, has an objection to a proposed rule of procedure, it can issue a comment to the Florida Supreme Court, just as any citizen of this State.

For the reasons cited in the Appellate Rules Committee comment, and emphasized in this response, the Criminal Law Section respectfully opposes the amendment to Rule 2.140(a)(6) of the Rules of Judicial Administration.

Respectfully Submitted,

/s Joel M. Silvershein
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was provided by e-mail to Hon. Steven Scott Stephens (division1@fljud13.org), Chair of the Rules of Judicial Administration and to Krys Godwin (kgodwin@flabar.org), Bar Staff Liaison to the Rules of Judicial Administration, this 31st day of March, 2017.

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