

**APPENDIX C**

RECEIVED, 09/14/2017 12:08:29 PM, Clerk, Supreme Court

**Committee on Standard Jury Instructions in Criminal Cases  
The Honorable F. Rand Wallis, Chair  
Report 2017-03**



# Supreme Court of Florida

500 South Duval Street  
Tallahassee, Florida 32399-1925

JORGE LABARGA  
CHIEF JUSTICE  
BARBARA J. PARIENTE  
R. FRED LEWIS  
PEGGY A. QUINCE  
CHARLES T. CANADY  
RICKY POLSTON  
C. ALAN LAWSON  
JUSTICES

JOHN A. TOMASINO  
CLERK OF COURT

SILVESTER DAWSON  
MARSHAL

February 7, 2017

The Honorable F. Rand Wallis  
Chair, Committee on Standard Jury Instructions  
in Criminal Cases  
Fifth District Court of Appeal  
300 South Beach Street  
Daytona Beach, Florida 32114

Re: "Possession" Instruction in Standard Criminal Jury Instructions

Dear Judge Wallis:

At the direction of the Court, I am writing you in your capacity as Chair of the Committee on Standard Jury Instructions in Criminal Cases (Committee). In Case No. SC16-1692, In re Standard Jury Instructions in Criminal Cases—Report 2016-09, the Committee noted with respect to the comment submitted by Assistant Public Defender Richard Sanders (filed with the Court as Appendix B in that case and herein enclosed), pertaining to the Committee's standard possession instruction, that it "unanimously disagreed with the proposal from Mr. Sanders because his changes are too drastic a departure from what everyone is accustomed to. There are benefits to his proposal, however, and the Committee asks the Court to consider whether the benefits outweigh the costs." Report, at 6.

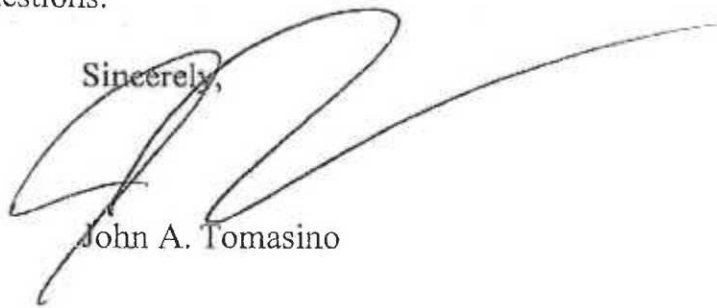
In light of your Committee's conclusion that there are benefits to simplifying the possession instructions, please consider appointing a subcommittee of prosecutors, defense lawyers, and judges to more thoroughly consider this issue

The Honorable F. Rand Wallis  
February 7, 2017  
Page: 2

and determine whether the criminal jury instructions should be simplified. Upon such consideration, please file a report with my office, by August 7, 2017, addressing the issue and proposing amendments to relevant criminal jury instructions to the extent that the Committee concludes that the possession instruction should be amended.

Thank you in advance for your consideration in this matter, and please do not hesitate to contact me or the Court's liaison to your committee, Chief Justice Labarga, if you have any questions.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'John A. Tomasino', is written over the word 'Sincerely,'.

John A. Tomasino

JAT/ckd/sb

Enclosure

cc: The Honorable Jorge Labarga, Liaison to Committee  
✓ Mr. Bart Schneider, OSCA Support Staff to the Committee  
Ms. Deborah J. Meyer, Director of Central Staff



# Supreme Court of Florida

Office of the Clerk  
500 South Duval Street  
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO  
CLERK  
MARK CLAYTON  
CHIEF DEPUTY CLERK  
KRISTINA SAMUELS  
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125  
[www.floridasupremecourt.org](http://www.floridasupremecourt.org)

June 21, 2017

Honorable F. Rand Wallis, Chair  
Committee on Standard Jury Instructions in Criminal Cases  
Fifth District Court of Appeal  
300 South Beach Street  
Daytona Beach, Florida 32114

Re: "Possession" Instruction in Standard Criminal Jury Instructions

Dear Judge Wallis:

We have received your request for an extension of time. Your request for an extension has been granted. The report should be filed on or before September 29, 2017.

If you have any questions, please do not hesitate to contact me.

Most cordially,

A handwritten signature in dark ink, appearing to be "JAT", followed by a horizontal line.

John A. Tomasino

JAT/sh

cc: Honorable Jorge Labarga, Liaison to Committee  
Bart Schneider, OSCA Support Staff to the Committee  
Deborah J. Meyer, Director of Central Staff