Supreme Court of Florida

FRIDAY, DECEMBER 8, 2017

CASE NO.: SC17-583

IN RE: STANDARD CRIMINAL JURY INSTRUCTIONS IN CAPITAL CASES

Although the Court previously dispensed with oral argument in this case on August 23, 2017, we have now determined that oral argument is necessary to address certain issues raised by the comments received to the Court's interim jury instructions authorized on April 13, 2017. The above case is hereby scheduled for oral argument at 9:00 a.m., Wednesday, March 7, 2018. Thirty minutes is allocated for oral argument. Parties are expected to use only as much time as is actually needed.

The Supreme Court Committee on Standard Jury Instructions in Criminal Cases (Committee) and any party having filed a comment with the Court with a request to participate in oral argument are invited to participate in oral argument, provided a proper request for oral argument is filed with this Court on or before December 28, 2017. The Court requests that the parties appearing at oral argument be prepared to address all aspects of the Court's interim instructions, and in particular, the following potential amendments pertaining to the interim instructions: 1) whether or not the verdict form (instruction 3.12(e)) should include a listing of the mitigating circumstances found by the jury; 2) whether the portion of instruction 7.11 in the section before "Aggravating Factors" should include both "(1) whether each aggravating factor is proven beyond a reasonable doubt" and "(2) whether one or more aggravating factors exist beyond a reasonable doubt"; 3) whether the third paragraph in instruction 7.11(a) after the paragraph on "victim-impact evidence" should be modified from "each presented aggravating factor exists" to "[the] [each] presented aggravating factor exists"; and lastly, 4) whether the paragraph in instruction 7.11(a) that begins by directing the jury

"You must weigh all of the following," following the text on "Merging aggravating factors," should be deleted.

The allocation of time must be agreed upon by the Committee and shared by any interested parties who have requested oral argument. The parties must notify the Clerk of Court no later than January 17, 2018, how the time is to be divided.

NO CONTINUANCES WILL BE GRANTED EXCEPT UPON A SHOWING OF EXTREME HARDSHIP.

A True Copy
Test:

John A. Tomasino
Clerk, Supreme Court

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Served:

RICHARD J. SCHOLZ
DOUGLAS ARTHUR WYLER
HON. JAMES C. HANKINSON, JUDGE
ARTHUR I. JACOBS
HON. F. RAND WALLIS, JUDGE
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