

IN THE SUPREME COURT OF FLORIDA

D.P.

Appellant/Petitioner

Case No. SC17-729

L.T. No. 2D16-1627; 16-MH-284

STATE OF FLORIDA,

Appellee/Respondent.

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RESPONSE TO ORDER TO SHOW CAUSE

Respondent, STATE OF FLORIDA, responds to this Court's May 31, 2017 order directing the State to show cause why this Court should not accept jurisdiction in this case, summarily quash the decision of the Second District Court of Appeal, and remand for reconsideration in light of this Court's decision in *Doe v. State*, 2017 WL 1954981 (Fla. 2017). After a thorough review of the instant case, Respondent is of the view that this Court should accept jurisdiction and remand for reconsideration in light of its opinion in *Doe v. State*.

This case is analogous to *Doe v. State*, 2017 WL 1954981 (Fla. 2017), in which the Petitioner requested the issuance of a Writ of Mandamus to prevent

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judicial officers from attending Baker Act proceedings via videoconference. The Second District Court of Appeal denied the Writ of Mandamus and found that “[t]here is no ministerial, indisputable legal duty clearly established in the law which requires judicial officers presiding over involuntary inpatient placement hearings pursuant to section 394.467 to be physically present with the patients, witnesses, and attorneys. *Id.* at *2.

This Court in *Doe v. State* quashed the Second District Court of Appeal’s decision and found that “all individuals subject to Baker Act hearings, have a right to have a judicial officer physically present at their Baker Act commitment hearing, subject only to their consent to the contrary. Likewise, a judicial officer’s physical presence over such hearings is a constituent component of his or her ministerial duty to preside over a trial or evidentiary hearing. *Id.* at *10.

Under these circumstances, Respondent recommends that this Court accept jurisdiction and remand for reconsideration in light of its opinion in *Doe v. State*.

CERTIFICATE OF SERVICE

I certify that a copy of the Motion for Extension of Time has forwarded by electronic filing to: Joanna Conner, Office of the Public Defender, P. O. Box 9000 -- Drawer PD, Bartow, Florida 33831 on this 15th day of June, 2017.

Respectfully submitted,

s/ Caroline Johnson Levine
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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion was computer generated and printed in Times New Roman 14-point font and complies with the font requirements of Rule 9.210 (a) of the Florida Rules of Appellate Procedure.

s/ Caroline Johnson Levine
Caroline Johnson Levine
Assistant Attorney General