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APPENDIX B

COMMITTEE ON STANDARD JURY INSTRUCTIONS IN CRIMINAL CASES
HONORABLE F. RAND WALLIS, CHAIR
REPORT 2019-02

Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

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

JOHN A. TOMASINO
CLERK OF COURT

SILVESTER DAWSON
MARSHAL

December 17, 2018

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

Re: *In re Standard Jury Instructions in Criminal Cases—Report 2018-08*, SC18-1666 (Fla. Dec. 13, 2018)

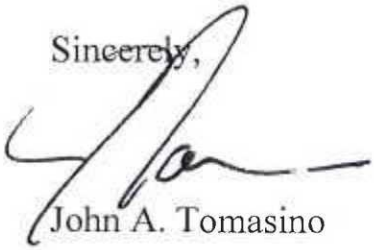
Dear Judge Wallis:

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) to ask the Committee to consider whether the first-degree premeditated murder instruction (#7.2) should be amended in light of the Court's recent opinion in *In re Standard Jury Instructions in Criminal Cases—Report 2018-08*, SC18-1666 (Fla. Dec. 13, 2018), slip op. at 3-4 ("[W]e modify the proposed italicized paragraph above [pertaining to instruction 7.3 (Felony Murder — First Degree)], as set forth in the appendix to the opinion, to state that whether the defendant intended to kill or attempted to kill would inhere in a First Degree Premeditated Murder case *which did not involve the principals instruction.* We also refer to the Committee the issue of whether a similar instruction should be given (and findings made) when the State relies on a principals theory to prove a case of First Degree

Premeditated Murder."). For your convenience, a copy of the Court's opinion is enclosed.

Please file your report with my office by March 13, 2019, with copies to Justice Lawson, the Court's liaison to your committee, and Deborah Meyer, the Court's Director of Central Staff. If you should determine that more time is required to file your report, please submit a request for extension of time to my office indicating when the report can be filed. Thank you in advance for your consideration of this matter, and please do not hesitate to contact me or the Court's liaison to your committee, if you have any questions.

Sincerely,



John A. Tomasino

JAT/ckd/sb

Enclosure

cc: The Honorable C. Alan Lawson, Liaison to Committee
Mr. Bart Schneider, OSCA Support Staff to the Committee
Ms. Deborah J. Meyer, Director of Central Staff