

SUPREME COURT OF FLORIDA

Miami-Dade County v. Jones

793 So. 2d 902 (Fla. 2001) · No. SC00-1427 · Decided August 23, 2001

SUMMARY

The Supreme Court of Florida held that Miami-Dade County was responsible for compensating neutral mental-health experts appointed by the trial court to evaluate a death-row defendant's competency during postconviction proceedings. The court relied on sections 916.115 and 43.28, Florida Statutes, and rejected the County's argument that the civil classification of postconviction proceedings barred application of those provisions. The trial court's payment order was affirmed.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Shaw, J.; Harding, J.; Anstead, J.; Pariente, J.; Lewis, J.; Quince, J.; Wells, C.J.
JURISDICTION	Florida
DECIDED	August 23, 2001
DOCKET	SC00-1427
DISPOSITION	affirmed
PROCEDURAL POSTURE	Miami-Dade County appealed a trial court order requiring the County to pay expert witness fees incurred during a postconviction competency evaluation of a death-row defendant.
STANDARD OF REVIEW	De novo review of the legal issue concerning which governmental entity was responsible for court-appointed expert fees.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Florida; precedential.
PARTIES	Miami-Dade County v. Victor Tony Jones

TOPICS

- post-conviction relief
- criminal procedure
- statutory interpretation
- municipal law

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- competency proceedings
- municipal law

QUESTIONS PRESENTED

1. Whether Miami-Dade County is financially responsible for the fees of neutral mental-health experts appointed by a trial court to conduct a competency evaluation during postconviction proceedings.
2. Whether sections 916.115 and 43.28, Florida Statutes (2000), apply to expert witness costs incurred during a postconviction competency determination despite the technical civil classification of postconviction proceedings.

HOLDINGS

1. The County is responsible for compensating neutral mental-health experts appointed by the trial court to conduct a competency examination pursuant to *Carter v. State*.
2. The technical civil classification of postconviction proceedings does not prevent application of the statutory provisions governing competency-related expert fees.

KEY QUOTATIONS

“As such, we hold that the County is responsible for the compensation of the neutral mental health experts appointed by the trial court to conduct a competency examination pursuant to Carter.” (906)

“Consequently, postconviction relief proceedings, while technically classified as civil actions, are actually quasi-criminal in nature because they are heard and disposed of by courts with criminal jurisdiction.” (905)

FACTUAL BACKGROUND

Capital Collateral Regional Counsel represented Victor Tony Jones in postconviction proceedings and sought a competency determination under *Carter v. State*. The trial court determined that an evaluation was necessary and appointed Dr. Ruth Latterner and Dr. Jane Ansley from the court-approved list of experts. After Dr. Latterner submitted an invoice to CCRC, the trial court ordered Miami-Dade County to pay her fees as a neutral, court-appointed expert.

PROCEDURAL HISTORY

Capital Collateral Regional Counsel moved for a postconviction competency determination under *Carter v. State*. The trial court appointed neutral experts from the court-approved list, granted CCRC's motion for payment of one expert's fees, and denied the County's motion to vacate that order. The County sought review in the Supreme Court of Florida, which affirmed.

DISPOSITION

affirmed

CASES CITED

- *Carter v. State*, 706 So. 2d 873 (Fla. 1997)
- *State ex rel. Butterworth v. Kenny*, 714 So. 2d 404, 409-10 (Fla. 1998)
- *Parkin v. State*, 238 So. 2d 817, 821 (Fla. 1970)

- Orange County v. Williams, 702 So. 2d 1245, 1247 (Fla. 1997)
- Hoffman v. Haddock, 695 So. 2d 682, 684 (Fla. 1997)

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