

SUPREME COURT OF FLORIDA

In re Standard Jury Instructions in Criminal Cases (No. -6 2005)

958 So. 2d 361 (Fla. 2007) · No. No. 2005-6 · Decided May 3, 2007

SUMMARY

The Florida Supreme Court authorized publication and use of amended and new standard jury instructions concerning driving without a valid license, driving while a license is suspended, revoked, or canceled, and driving while a license is revoked as a habitual traffic offender. The opinion includes the approved instructions in an appendix and states that authorization does not foreclose requests for alternative instructions or challenges to their legal correctness.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Lewis, C.J.; Wells, J.; Anstead, J.; Pariente, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	May 3, 2007
DOCKET	No. 2005-6
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court Committee on Standard Jury Instructions in Criminal Cases petitioned the Supreme Court of Florida to authorize publication and use of amended standard criminal jury instructions and two new instructions.
PRECEDENTIAL VALUE	published precedential opinion authorizing standard jury instructions, while expressly disclaiming any ruling on their legal correctness
PARTIES	Supreme Court Committee on Standard Jury Instructions in Criminal Cases

TOPICS

- standard jury instructions
- jury instructions
- criminal procedure
- burden of proof instructions
- lesser included offense instructions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should authorize publication and use of the Committee's amended standard jury instructions and proposed new instructions.
2. What qualifications and limitations attach to the Court's authorization of the instructions.

HOLDINGS

1. The Supreme Court of Florida authorized publication and use of amended instructions 28.9 and 28.11 and new instructions 28.9(a) and 28.11(a), as set forth in the appendix.
2. Authorization to publish and use the instructions does not foreclose requests for additional or alternative instructions or challenges to the legal correctness of the instructions.

KEY QUOTATIONS

“Having considered the Committee’s amended report, we hereby authorize the publication and use of the instructions as set forth in the appendix to this opinion.” (at 361-362)

“In so doing, we express no opinion on the correctness of the instructions and remind all interested parties that this authorization forecloses neither requesting additional or alternative instructions, nor contesting the legal correctness of the instructions.” (at 362)

FACTUAL BACKGROUND

The Committee proposed amendments to standard instructions 28.9 and 28.11 and new instructions 28.9(a) and 28.11(a), concerning driving without a valid license, driving with a suspended, revoked, or canceled license, driving without a valid commercial driver's license, and driving while license-revoked as a habitual traffic offender. The proposals responded to comments and changes in Florida statutes. The revised instructions included a moped within the definition of motor vehicle to conform to cited district court decisions.

PROCEDURAL HISTORY

The Committee filed proposed amendments and new instructions in response to comments from members of The Florida Bar and statutory changes. The proposals were published for public comment, two comments were filed, and the Committee submitted an amended report and a further amended instruction 28.11. The Supreme Court considered the amended report and authorized publication and use of the instructions in the appendix.

DISPOSITION

approved

CASES CITED

- State v. Meister, 849 So. 2d 1127 (Fla. 4th DCA 2003)
- Verrechio v. State, 896 So. 2d 958 (Fla. 5th DCA 2005)

- Williams v. State, 858 So. 2d 375 (Fla. 3d DCA 2003)
- Wood v. State, 717 So. 2d 617 (Fla. 1st DCA 1998)
- Jones v. State, 721 So. 2d 320 (Fla. 2d DCA 1998)
- Soto v. State, 711 So. 2d 1275 (Fla. 4th DCA 1998)

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