

SUPREME COURT OF FLORIDA

In re Standard Jury Instructions in Criminal Cases (No. -4 2005)

930 So. 2d 612 (Fla. 2006) · No. SC05-1621 · Decided May 25, 2006

SUMMARY

The Florida Supreme Court authorized revised Standard Jury Instructions 3.6(f) and 3.6(g), concerning the justifiable use of deadly and non-deadly force in criminal cases. The revisions reflect Florida's 2005 self-defense legislation, including provisions concerning stand-your-ground principles, presumptions of fear, definitions, and the absence of a duty to retreat. The Court authorized publication and use of the instructions without expressing an opinion on their legal correctness.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Pariente, C.J.; Wells, J.; Anstead, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	May 25, 2006
DOCKET	SC05-1621
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court Committee on Standard Jury Instructions in Criminal Cases petitioned the Supreme Court of Florida to amend Florida Standard Jury Instructions in Criminal Cases 3.6(f), concerning justifiable use of deadly force, and 3.6(g), concerning justifiable use of non-deadly force.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion authorizing revised standard jury instructions; the Court expressly stated that the authorization does not decide the instructions' legal correctness or applicability.

TOPICS

- standard jury instructions
- jury instructions
- self defense
- criminal procedure

PRACTICE AREAS

- Criminal law
- Criminal procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should authorize publication and use of the Committee's proposed revisions to Standard Jury Instructions 3.6(f) and 3.6(g).

HOLDINGS

1. The Supreme Court of Florida authorized publication and use, without change, of the revised Florida Standard Jury Instructions in Criminal Cases 3.6(f), Justifiable Use of Deadly Force, and 3.6(g), Justifiable Use of Non-deadly Force, as set forth in the appendix.

KEY QUOTATIONS

“Upon consideration of the Committee's report and the comments filed, we hereby authorize the publication and use of the revised instructions without change from those recommended by the Committee and as set forth in the appendix attached to this opinion.” (930 So. 2d at 613-14)

“In doing so, 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.” (930 So. 2d at 614)

FACTUAL BACKGROUND

The Florida Legislature amended Florida's self-defense law in 2005 by amending portions of chapter 776 and creating section 776.013. In response, the Supreme Court Committee on Standard Jury Instructions in Criminal Cases proposed revisions to instructions 3.6(f) and 3.6(g), including terminology changes, definitions, no-duty-to-retreat provisions, and presumptions concerning dwellings, residences, and occupied vehicles. The Court considered the Committee's report and two submitted comments.

PROCEDURAL HISTORY

The Committee filed Supplemental Report No. 2005-4 proposing amendments after the 2005 Florida Legislature changed Florida self-defense law. The proposed amendments were published for comment, and the Florida Association of Criminal Defense Lawyers and Florida Public Defender Association submitted comments. The Supreme Court authorized publication and use of the revised instructions without change.

DISPOSITION

approved

CASES CITED

- In re Standard Jury Instructions in Criminal Cases (No. 2004-1), 911 So. 2d 766 (Fla. 2005)
- Giles v. State, 831 So. 2d 1263 (Fla. 4th DCA 2002)
- Ivester v. State, 398 So. 2d 926 (Fla. 1st DCA 1981)
- Jackson v. State, 463 So. 2d 372 (Fla. 5th DCA 1985)
- Weiland v. State, 732 So. 2d 1004 (Fla. 1999)

