

SUPREME COURT OF FLORIDA

In re Standard Jury Instructions in Criminal Cases—Report No. 2013-03

146 So. 3d 1110 (Fla. 2014) · No. SC13-1254 · Decided August 28, 2014

SUMMARY

The Supreme Court of Florida authorized for publication and use four new standard criminal jury instructions and amendments to ten existing instructions. The amendments address felony murder, capital penalty proceedings, arson, boating under the influence, hired or leased property, and the sale of alcoholic beverages to or by persons under 21.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Labarga, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Canady, J.; Polston, J.; Perry, J.
JURISDICTION	Florida
DECIDED	August 28, 2014
DOCKET	SC13-1254
DISPOSITION	approved
PROCEDURAL POSTURE	Original proceeding in which the Supreme Court Committee on Standard Jury Instructions in Criminal Cases submitted proposed new and amended standard criminal jury instructions for the Court's authorization.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential as to the Court's authorization and the stated limitation on the legal effect of that authorization, but not a determination that the authorized instructions are legally correct.
PARTIES	Supreme Court Committee on Standard Jury Instructions in Criminal Cases v. Florida Public Defender Association, Inc.

TOPICS

standard jury instructions

jury instructions

lesser included offense instructions

burden of proof instructions

sentencing

PRACTICE AREAS

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court should authorize the proposed four new standard criminal jury instructions for publication and use.
2. Whether the Supreme Court should authorize the proposed amendments to ten existing standard criminal jury instructions for publication and use.

HOLDINGS

1. The Court authorized for publication and use new instructions 11.18, 12.9, 14.10, and 29.3, and amended instructions 7.3, 7.5, 7.6, 7.11, 12.1, 12.2, 28.14, 28.15, 28.16, and 28.17, as proposed by the Committee.
2. Authorization for publication and use of the standard instructions does not foreclose requests for additional or alternative instructions or challenges to the instructions' legal correctness.

KEY QUOTATIONS

“In authorizing the publication and use of these instructions, we express no opinion on their correctness and remind all interested parties that this authorization forecloses neither requesting additional or alternative instructions nor contesting the legal correctness of the instructions.” (-3-)

FACTUAL BACKGROUND

The Committee proposed four new standard criminal jury instructions and amendments to ten existing instructions. The proposals addressed felony murder, capital penalty proceedings, arson, sexual misconduct by a psychotherapist, failure to return hired or leased property, boating under the influence, and sale or service of alcohol to a person under twenty-one. The Court considered the Committee's report and filed comments before authorizing the instructions.

PROCEDURAL HISTORY

The Committee published its proposals for public comment and received comments concerning several proposed instructions. After considering the Committee's report and the comments, the Supreme Court authorized the proposed new and amended instructions for publication and use, subject to the Court's express disclaimer that the authorization constituted no opinion on their legal correctness.

DISPOSITION

approved

CASES CITED

- Brown v. State, 959 So. 2d 218 (Fla. 2007)

- Thompson v. State, 695 So. 2d 691 (Fla. 1997)
- Avila v. State, 745 So. 2d 983 (Fla. 4th DCA 1999)
- State v. Montgomery, 39 So. 3d 252 (Fla. 2010)
- Hitchcock v. State, 673 So. 2d 859 (Fla. 1996)
- Green v. State, 907 So. 2d 489, 496 (Fla. 2005)
- Castro v. State, 5967 So. 2d 259 (Fla. 1992)
- Knighten v. State, 568 So. 2d 1001 (Fla. 2d DCA 1990)
- N.K.D. v. State, 799 So. 2d 428 (Fla. 1st DCA 2001)
- Patterson v. State, 512 So. 2d 1109 (Fla. 1st DCA 1987)
- Berry v. State, 566 So. 2d 22 (Fla. 1st DCA 1990)
- Mitchell v. State, 734 So. 2d 1067 (Fla. 1st DCA 1999)
- State v. Davis, 110 So. 3d 27 (Fla. 2d DCA 2013)
- State v. Harbaugh, 754 So. 2d 691 (Fla. 2000)
- United Servs. Auto. Ass'n v. Butler, 359 So. 2d 498 (Fla. 4th DCA 1978)