

SUPREME COURT OF FLORIDA

In re Standard Jury Instructions in Criminal Cases—Instruction in Manslaughter Cases

911 So. 2d 1220 (Fla. 2005) · Decided September 8, 2005

SUMMARY

The Florida Supreme Court authorized publication of a modified comment to Florida Standard Jury Instruction (Criminal) 7.7, “Manslaughter.” The comment directs trial judges to study *Eversley v. State* when causation is at issue, and the appendix sets out the amended manslaughter instruction.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Pariente, C.J.; Wells, J.; Anstead, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	September 8, 2005
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida considered a proposed amendment to Florida Standard Jury Instruction (Criminal) 7.7, Manslaughter, submitted by the Supreme Court Committee on Standard Jury Instructions in Criminal Cases in response to the Court's request.
PRECEDENTIAL VALUE	Published Supreme Court of Florida opinion authorizing and modifying a standard criminal jury instruction.

TOPICS

[standard jury instructions](#)[jury instructions](#)[lesser included offense instructions](#)[criminal procedure](#)

PRACTICE AREAS

[criminal procedure](#)[jury instructions](#)

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should authorize publication of the proposed amendment to Florida Standard Jury Instruction (Criminal) 7.7, Manslaughter.

2. When should trial judges consider a special causation instruction in a manslaughter case?

HOLDINGS

1. The Supreme Court of Florida authorized publication of Florida Standard Jury Instruction (Criminal) 7.7, Manslaughter, as modified by the Court.
2. The amended manslaughter instruction became effective on the date the opinion became final.
3. In a manslaughter case in which causation is an issue, trial judges should carefully study *Eversley v. State* to determine whether a special jury instruction on causation is needed.

KEY QUOTATIONS

“We hereby authorize the publication of the new comment to the jury instructions as modified by the Court and set forth in the appendix to this opinion.” (911 So. 2d 1220)

*“Trial judges should carefully study *Eversley v. State*, 7k8 So.2d 968 (Fla.1999), in any manslaughter case in which causation is an issue to determine if a special jury instruction on causation is needed.”* (1221)

FACTUAL BACKGROUND

The Supreme Court Committee on Standard Jury Instructions in Criminal Cases proposed an amendment to the manslaughter instruction. The amendment added a comment concerning the need to study *Eversley v. State* when causation is disputed and also included revised instruction language. No comments were received after publication of the proposal.

PROCEDURAL HISTORY

The committee proposed adding a comment directing trial judges to study *Eversley v. State* in manslaughter cases involving causation. The proposal was published in *The Florida Bar News*, no comments were received, and the Court authorized publication of the amended instruction as modified.

DISPOSITION

approved

CASES CITED

- *Eversley v. State*, 748 So. 2d 963 (Fla. 1999)
- *Hedges v. State*, 172 So.2d 82k (Fla.1965)