

Rule 3.993. Forms Related to Capital Postconviction Records Production

(a) Notice to State Attorney of Affirmance of Death Penalty.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

NOTICE TO STATE ATTORNEY OF
AFFIRMANCE OF DEATH PENALTY

TO:

[name of state attorney and circuit]

The Attorney General of the State of Florida, under Florida Rule of Criminal Procedure 3.852(d)(1), gives notice that on ...(date)...., the Florida Supreme Court issued its mandate affirming the death sentence in this case.

Within 15 days after receipt of this notice, you should provide written notice to each law enforcement agency involved in this case.

Within 90 days after receipt of this notice, you and each law enforcement agency involved in this case, should copy, index, and deliver to the records repository of the Secretary of State all public records that were produced in the investigation or prosecution of this case, except those

previously filed in the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of state attorney)....., and(name of trial counsel for defendant)..... on(date).....

[name, address, and e-mail address of attorney general]

(b) Notice to Secretary of Department of Corrections of Affirmance of Death Penalty.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

NOTICE TO SECRETARY OF DEPARTMENT OF CORRECTIONS
OF AFFIRMANCE OF DEATH PENALTY

TO:

[name of Secretary of Department of Corrections]

The Attorney General of the State of Florida, under Florida Rule of Criminal Procedure 3.852(d)(1), gives notice that on(date)....., the Florida Supreme Court issued its mandate affirming the death sentence in this case.

Within 90 days after receipt of this notice, you should copy, index, and deliver to the records repository of the Secretary of State all public records determined by your department to be

relevant to the subject matter of a proceeding under Florida Rule of Criminal Procedure 3.850 or 3.851 unless the production of these records would be unduly burdensome.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of Secretary of Department of Corrections)....., and(name of trial counsel for defendant)..... on(date).....

[name, address, and e-mail address of attorney general]

(c) Notice by State Attorney to Law Enforcement Agency.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

NOTICE OF AFFIRMANCE OF DEATH PENALTY
AND TO PRODUCE PUBLIC RECORDS

TO:

[name of chief law enforcement officer]

The State Attorney of the Judicial Circuit of the State of Florida, under Florida Rule of Criminal Procedure 3.852(e)(1), hereby gives notice to(name of chief law enforcement officer and agency)....., that was involved in this case by investigation, arrest, prosecution or incarceration, that on(date)....., the Florida Supreme Court issued its mandate affirming the death sentence in this case.

Within 90 days after receipt of this notice, you and each law enforcement agency involved in this case should copy, index, and deliver to the records repository of the Secretary of State all public records that were produced in the investigation, arrest, prosecution, or incarceration of this case, except those filed in the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of chief law enforcement officer).....,(name of attorney general)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail address of state attorney]

(d) Notice of Compliance by State Attorney.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

NOTICE OF COMPLIANCE BY STATE ATTORNEY

TO:

[name, address, and e-mail address of attorney general]

The State Attorney for the _____ Judicial Circuit gives notice to the Attorney General of compliance by delivery of public records involving this case to the records repository of the Secretary of State. To the best of my knowledge and belief, all public records in my possession that were produced in the investigation or prosecution of the case, except those previously filed in the trial court, have been copied, indexed, and delivered to the records repository of the

Secretary of State as required by Florida Rule of Criminal Procedure 3.852(e)(2).

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general)....., and(name of collateral counsel)..... on(date).....

[name, address, and e-mail address of attorney general]

(e) Notice of Compliance by the Secretary of the Department of Corrections.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

NOTICE OF COMPLIANCE BY THE SECRETARY
OF THE DEPARTMENT OF CORRECTIONS

TO:

[name, address, and e-mail address of attorney general]

The Secretary of the Department of Corrections, having received notice of the affirmance of the death penalty in this case from the Attorney General on(date)....., hereby gives notice and certifies that, to the best of my knowledge and belief, all public records determined by the Department to be relevant to the subject matter of a proceeding under Florida Rule of Criminal Procedure 3.850 or 3.851, except those previously filed in the trial court, have been copied, indexed, and delivered to the records repository of the Secretary of State.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general).....,(name of state attorney)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail address of
Secretary of Department of Corrections]

(f) Notice of Compliance by Law Enforcement Agency.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

NOTICE OF COMPLIANCE BY LAW ENFORCEMENT AGENCY

TO:

[name, address, and e-mail address of attorney general]

.....(name of chief law enforcement officer and agency)..... that was involved in this case by an investigation, arrest, prosecution, or incarceration, hereby gives notice to the Attorney General of compliance by delivery of public records involving this case to the records repository of the Secretary of State. I further certify that, to the best of my knowledge and belief, all public records in possession of this agency or in the possession of any employee of this agency that were produced in the investigation or prosecution of the case, except those previously filed in the trial court, have been copied, indexed, and delivered to the records repository of the Secretary of State.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general).....,(name of state attorney)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail address of
chief law enforcement officer]

(g) Notice to Attorney General of Pertinent Information.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

STATE ATTORNEY'S NOTICE TO ATTORNEY GENERAL
OF PERTINENT INFORMATION

TO:

[name, address, and e-mail address of attorney general]

The undersigned(name of state attorney)..... hereby gives notice to the Attorney General of the following name(s) and address(es) of any person or agency having information pertinent to this case in addition to those persons and agencies who previously furnished public records to the records repository of the Secretary of State:

Please provide prompt written notification to each identified person or agency of the duty to deliver to the records repository of the Secretary of State all public records pertaining to this

case, except those previously filed in the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general)....., and(name of public defender or defense counsel)....., on(date).....

[name, address, and e-mail address of attorney general]

(h) Notice to Attorney General of Pertinent Information.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

,

Defendant.

TRIAL COUNSEL'S NOTICE TO ATTORNEY
GENERAL OF PERTINENT INFORMATION

TO:

[name, address, and e-mail address of attorney general]

The undersigned(name of public defender or other counsel)....., for(name of defendant)..... hereby gives notice to the Attorney General of the following name(s) and address(es) of persons or agencies that may have information pertinent to this case, in addition to those previously furnished to collateral counsel.

Please provide prompt written notification to each identified person or agency of the duty to

deliver to the records repository of the Secretary of State all public records pertaining to this case, except those previously filed in the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general)....., and(name of state attorney)....., on(date).....

[name, address, and e-mail address of trial counsel]

(i) Notice by Attorney General to Person or Agency Having Pertinent Information.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

,

Defendant.

NOTICE BY ATTORNEY GENERAL TO PERSON
OR AGENCY HAVING PERTINENT INFORMATION

TO:

[name, address, and e-mail address of person or agency]

Pursuant to Florida Rule of Criminal Procedure 3.852(d)(2), the undersigned has been notified by(name of trial counsel or state attorney)....., that you have public records pertinent to this case.

Under the provisions of rule 3.852(e)(5), you must:

1. Within 90 days of receipt of this notice, copy, index, and deliver to the records repository of the Secretary of State all public records in your possession pertinent to this case, except those previously filed in the trial court; and

2. Provide written notice to me that you have complied with these provisions.

I HEREBY CERTIFY that a true and correct copy of the pleading has been served on(name of person or agency)..... and(name of trial court)....., on(date).....

[name, address, and e-mail address of attorney general]

(j) Notice of Compliance by Person or Agency.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

NOTICE OF COMPLIANCE BY PERSON OR AGENCY

TO:

[name, address, and e-mail address of attorney general]

The undersigned having received notice under Florida Rule of Criminal Procedure 3.852(e)(5) from the Attorney General on(date)....., to copy, index, and deliver all public records in my possession or in the possession of the undersigned agency to the records repository of the Secretary of State, hereby gives notice to the Attorney General and further certifies that, to the

best of my knowledge and belief, all of these public records in my possession or in the possession of the undersigned agency pertaining to this case, except those previously filed in the trial court, have been copied, indexed, and delivered to the records repository of the Secretary of State.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general).....,(name of state attorney)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail address of person or agency]

(k) Defendant's Demand for Production of Additional Public Records Pertaining to Defendant's Case.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

DEFENDANT'S DEMAND FOR ADDITIONAL PUBLIC RECORDS PERTAINING TO DEFENDANT'S CASE

TO:

[name, address, and e-mail address of person or agency]

The defendant, by and through undersigned counsel, hereby makes demand of(name of person or agency submitting public records)....., under Florida Rule of Criminal Procedure

3.852(i), for additional public records pertinent to this case.

1. Undersigned counsel represents that, after a timely and diligent search, the records specifically described below:

- (a) are relevant to a pending proceeding under rule 3.850; or
- (b) appear reasonably calculated to lead to the discovery of admissible evidence; and
- (c) have not been obtained previously in discovery or from a prior public records request from either the above-named person or agency or any other; and
- (d) presently are not available from the public records repository.

2. The public records requested are as follows:

3. Under rule 3.852, any objection to production, including any claim of exemption, must be filed with the trial court and served on all counsel of record within 60 days of receipt of this demand, or that objection will be considered waived.

4. Under rule 3.852, you shall, within 90 days after receipt of this demand:

- (a) copy, index, and deliver to the records repository of the Secretary of State any additional public records in the possession of your agency that pertain to this case; and
- (b) certify that, to the best of your knowledge and belief, all additional public records have been delivered to the records repository of the Secretary of State; and
- (c) recertify that the public records previously delivered are complete if no additional public records are found.

[name of attorney for defendant]

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of person or agency).....,(name of attorney general)....., and(name of state attorney)....., on(date).....

[name, address, and e-mail address of attorney for defendant]

(l) Objection to Defendant's Request for Production of Additional Public Records Pertaining to Defendant's Case and Motion for Hearing.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

OBJECTION TO DEFENDANT'S REQUEST FOR PRODUCTION
OF ADDITIONAL PUBLIC RECORDS PERTAINING TO
DEFENDANT'S CASE AND MOTION FOR HEARING

The undersigned person or agency, having received on(date)..... defendant's demand for production of additional public records pertaining to defendant's case, hereby files this objection and respectfully moves the court to hold a hearing to determine if the requirements of Florida Rule of Criminal Procedure 3.852[(g)(3)] have been met. The grounds for this objection are:

[specify grounds and identify records]

Respectfully submitted,

[name of attorney]

Attorney for

[name of person or agency]

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney for defendant)....., and(name of attorney general).....,

on(date).....

[name, address, and e-mail address of
attorney]

(m) Notice of Delivery of Exempt Public Records to Records Repository.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

NOTICE OF DELIVERY OF EXEMPT PUBLIC
RECORDS TO RECORDS REPOSITORY

TO: Records Repository

[address of records repository]

The undersigned,(name of person or agency)....., hereby gives notice to the records repository of the Secretary of State that certain delivered records are confidential or exempt from the requirements of section 119.07(1), Florida Statutes. These public records have been separately contained without being redacted, sealed, and the nature of the public records and the legal basis under which the public records are exempt has been identified.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of records repository).....,(name of attorney general).....,

.....(name of state attorney)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail address of
person or agency]

(n) Order to Deliver Exempt Public Records to the Clerk of Circuit Court.

In the Circuit Court of the

Judicial Circuit, in and for

County, Florida

Case No.

Division

State of Florida,

Plaintiff,

v.

Defendant.

ORDER TO DELIVER EXEMPT
PUBLIC RECORDS

TO: Records Repository

[address of records repository]

This court having received notice on(date)....., that certain records for which a claim of confidentiality or exemption from disclosure has been made have been copied, indexed, separately contained without being redacted, sealed, identified as to their nature and the legal basis for their confidentiality or exemption, and delivered to the records repository of the Secretary of State, it is ordered that said records be delivered to(name of clerk of circuit court)..... for further proceedings consistent with Florida Rule of Criminal Procedure 3.852(f).(name of moving party)..... shall bear all costs associated with the transportation and inspection of these records by the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of clerk of circuit court).....,(name of attorney general)....., and(name of collateral counsel)....., on(date).....

[name of secretary of state]

By:

[name of representative of secretary of state]

Address and e-mail address