

IN THE SUPREME COURT OF FLORIDA

IN RE: RULES GOVERNING
CAPITAL POSTCONVICTION
ACTIONS

No. SC00-242

RESPONSE TO STATE'S MOTION FOR CLARIFICATION
OF ORDER DATED FEBRUARY 7, 2000

Movants/Petitioners Leo Edward Perry, Rolando Garcia, and Jeffrey Allen Farina, by and through the undersigned counsel, reply to the State's Motion for Clarification of Order Dated February 7, 2000, as follows:

1. The State of Florida filed a motion in this Court asking the Court to clarify its order in which the Court readopted Rules of Criminal Procedure 3.850, 3.851 and 3.852. The gravamen of the State's motion is that death penalty litigation in this State is now in a state of confusion.

2. To the extent that the State believes the law with respect to the rights of death-sentenced inmates is confusing and unsettled in the wake of the Death Penalty Reform Act of 2000 and the litigation flowing therefrom, we agree.

3. The only adequate and logical way to address this problem, on an interim basis, is for this Court to stay the Death

Penalty Reform Act of 2000 in its entirety until this Court has fully resolved the motions and petitions pending before it challenging the constitutionality of the Act.

Wherefore, movants/petitioners ask this Court to immediately stay the Death Penalty Reform Act of 2000 in its entirety.

CERTIFICATE OF SERVICE

We certify that a copy of this reply has been furnished by delivery to Robert A. Butterworth, Attorney General, and Carolyn M. Snurkowski, Assistant Deputy Attorney General, the Capitol, Plaza Level, Tallahassee, FL, 32301; and by mail to Arthur I. Jacobs, General Counsel, Florida Prosecuting Attorneys' Association, P.O. Box 1110, Fernandina Beach, FL 32035-1110, on this _____ day of _____, 2000.

Respectfully submitted,

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