

OCT 28 1997

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RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
LEGAL COUNSEL IN INDIGENT DEATH PENALTY CASES

RESOLUTION NO. 97- M-46

WHEREAS, in July 1997, the Supreme Court announced its intent to adopt certain minimum standards for the representation of indigent defendants in death penalty cases; and

WHEREAS, the proposed minimum standards will apply in all situations where a defendant is represented by private court-appointed counsel; and

WHEREAS, these proposed standards were developed without the input of or participation by county government officials; and

WHEREAS, the Supreme Court has proposed the adoption of a standard (Minimum Standard G) that would require the appointment of a lead counsel and co-counsel in each death penalty case wherein the defendant is not represented by the Public Defender; and

WHEREAS, if adopted, Minimum Standard G will substantially increase the amount of public funds to be expended for the judicial system; and

WHEREAS, although the Supreme Court's proposed standard does not address which entity will be responsible for funding the additional counsel mandated under Standard G, history suggests that the state will shift the costs of paying for such additional counsel to Florida's counties; and

WHEREAS, if adopted, the proposed standard will significantly add to the ever-increasing financial burden placed on counties by the failure of the Legislature to fully fund Florida's judicial system; and

WHEREAS, the standard proposed by the Florida Supreme Court creates substantive rights which counties believe the Court is not authorized to adopt under the exercise of its power to

prescribe procedural rules; **NOW, THEREFORE,**

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. The Board of County Commissioners of Orange County ("Board") opposes the adoption by the Florida Supreme Court of any standard which mandates that, in each capital case, a trial court must appoint two (2) attorneys to represent a defendant accused of committing a capital crime.

Section 2. The Board requests that the Florida Supreme Court not adopt proposed Minimum Standard G because it will require the expenditure of public funds not otherwise appropriated by the state in its current budget. More importantly, the Board further requests the Florida Supreme Court refuse to adopt any standard which may cause Florida's counties to incur additional expenditures on behalf of the state's judicial system.

Section 3. The County Chairman is authorized and directed to send a certified copy of this resolution to the Supreme Court of Florida and to such other agencies and governmental officials as she may elect.

Section 4. This Resolution shall be effective upon adoption.

ADOPTED THIS 28TH DAY OF OCTOBER, 1997.

ORANGE COUNTY, FLORIDA

By: The Board of County Commissioners

By: Tom Staley
for the ~~Linda W. Chapin~~, County Chairman

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: [Signature]
Deputy Clerk

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(10/28/97)

