

Supreme Court of Florida

THURSDAY, JULY 1, 2004

CASE NO.: SC03-1818
Lower Tribunal No.: 91-2899CFA

WILLIAM SWEET

vs. STATE OF FLORIDA

Appellant(s)

Appellee(s)

This matter is before the Court under Florida Rule of Appellate Procedure 9.142(b), on a petition to review the trial court's nonfinal order replacing the former Capital Collateral Counsel-North (CCRC-North) attorney with different registry counsel. Sweet, who is under a sentence of death, has a first successive rule 3.850 motion pending before the trial court. Appointment of counsel at this stage of the proceedings was necessitated by the unique circumstance of the defunding of CCRC-North pursuant to a pilot program for the 2004 fiscal year.

Having considered the arguments of the parties, this Court remands the case to the trial court to comply with the requirements of section 27.710(5), Florida Statutes (2003), to wit:

The trial court must issue an order of appointment which contains specific findings that the appointed counsel meets the statutory requirements and has the high ethical standards necessary to represent a person sentenced to death.

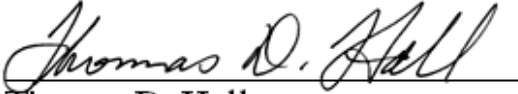
In all other respects, the petition is denied.

PARIENTE, C.J., and ANSTEAD, LEWIS, QUINCE, CANTERO, and BELL, JJ.,
concur.

PARIENTE, C.J., concurs with an opinion, in which ANSTEAD, J., concurs.
WELLS, J., dissents with an opinion.

NO MOTION FOR REHEARING WILL BE ALLOWED.

A True Copy
Test:


Thomas D. Hall
Clerk, Supreme Court



jn
Served:

D. TODD DOSS
MEREDITH CHARBULA
FRANK J. TASSONE, JR.
HON. JIM FULLER, CLERK
HON. FREDERICK TYGART, JUDGE
HON. HARRY L. SHORSTEIN

PARIENTE, C.J., concurring.

I concur in the remand in this case. Strict adherence to the statutory requirement of findings supporting the appointment of registry counsel is even more important in a case such as this, in which the trial court appointed counsel other than Sweet's former CCRC-North counsel, with whom Sweet had an established and ongoing relationship.

ANSTEAD, J., concurs.

WELLS, J., dissenting.

I dissent from the order remanding this case because I conclude that the trial court's order on rehearing substantially complies with section 27.710(5), Florida Statutes. I would dismiss the petition to review on its merits and allow this case to proceed with counsel appointed by the trial court.