

Supreme Court of Florida

THURSDAY, APRIL 25, 2013

CASE NO(S): SC11-2517

IN RE: STANDARD JURY INSTRUCTIONS IN CRIMINAL CASES –
REPORT NO. 2011-05

The November 21, 2012, opinion is revised to include in instruction 3.6(n) the sentence: "Under the common law, defendants had both the burden of production and the burden of persuasion on an affirmative defense by a preponderance of the evidence." The opinion dated November 21, 2012, is withdrawn and the revised opinion dated April 25, 2013, is substituted in its place. In light of the revised opinion, the Committee on Standard Jury Instructions in Criminal Cases' Motion for Rehearing is denied.

POLSTON, C.J., and PARIENTE, QUINCE, LABARGA, and PERRY, JJ.,
concur.

LEWIS and CANADY, JJ., would grant rehearing and revise opinion.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



Served:

CHARMAINE MILLSAPS
CAROL STAFFORD HAUGHWOUT
HON. JACQUELINE HOGAN SCOLA, JUDGE
MICHAEL J. MINERVA
BART SCHNEIDER
SETH ELLIOT MILLER
HON. JOSEPH ANTHONY BULONE, JUDGE
RICHARD W. MANTEI
RICHARD HAYES COMBS