

Rule 4.17 | SPECIAL FILING AND PROCEDURAL REQUIREMENTS APPLICABLE TO HABEAS CORPUS CAPITAL CASES

(a) **Applicability:** The provisions of this Rule shall only apply to those habeas corpus capital cases brought pursuant to 28 U.S.C. Section 2254 in which a Florida state court has imposed a sentence of death, a death warrant has been signed and the petitioner's execution has been scheduled. In view of the limited time normally available to the Court to fully consider the merits of a habeas corpus petition under such conditions, special filing and procedural requirements addressed in this Rule shall apply, except to the extent that in the opinion of the assigned judge their application in a particular proceeding would not be feasible or would work an injustice.

(b) **Responsibility for Lodging a Complete Copy of the State Court Record:** In any habeas corpus capital case falling within the scope of this Rule, the Attorney General's Office for the State of Florida shall promptly lodge with the appropriate divisional clerk's office an "Advance Appendix" containing a complete copy of the state court record. The appendix shall include, but not be limited to the record of: pretrial proceedings; guilt/innocence phase of trial proceedings; sentencing proceedings; and direct state court appeal and collateral proceedings including the appeal of post-trial motions. Any portion of the state court record that is not immediately available due to ongoing state court proceedings, shall be lodged immediately thereafter in the form of a "Supplemental Appendix."

(c) **Responsibility for Indexing and Tabbing the Appendices:** Coincident with the lodging of any appendices, the Attorney General's Office shall also be responsible for:

- (1) Preparing and lodging a Master Index to each appendix;
- (2) Tabbing the first page of every appendix document and cross referencing the index tab number to the appropriate item on the Index; and
- (3) Serving a copy of each Index on counsel for the petitioner and lodging a Certificate of Service to indicate compliance with this requirement.

(d) **Manner of Service:** In order to facilitate the timely and efficient processing of habeas corpus capital cases, all pleadings and other papers tendered for filing shall be served on opposing counsel by the most expeditious means available, including use of overnight mail delivery service.

(e) **Order to Answer:** Counsel for the respondent is hereby directed to file an answer to the petition immediately following receipt of the served petition and shall not await further Court order.

(f) **Disposition of Appendices:** The petition and/or answer may refer to any portion of the appendices lodged with the Clerk by citing to the appropriate tab number and page. All appendices lodged with the Clerk pursuant to Rule 4.17(b) shall be filed in the district court record upon the receipt and filing of a petition for writ of habeas corpus. In the event the petitioner receives a stay of execution at the state court level, the Clerk shall return the lodged appendices to the Attorney General's Office.