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IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO
FLORIDA RULE OF APPELLATE
PROCEDURE 9.140**

CASE NO.: SC15-2296

MOTION FOR REHEARING

The Supreme Court’s Criminal Court Steering Committee (“the Steering Committee”), by and through its chair, hereby files this Motion for Rehearing and respectfully requests the Court consider the following issue that it may have overlooked in its May 26, 2016 opinion:

The Steering Committee filed an amended petition on December 16, 2015. After that filing, the Florida Public Defenders Association (“FPDA”) pointed out there may be a drafting glitch that appeared to remove all time limits for the filing of *Anders* briefs. The Steering Committee agreed with the FPDA comment and filed a response, along with revised appendices, on January 28, 2016.

In its final January 28, 2016 proposal, the Steering Committee proposed changes to new rule 9.140(g)(1) that fixed the potential drafting glitch. The Steering Committee’s final proposal also substituted the word “transmission” for the word “service” in rule 9.140(g)(1).

To make the differences clearer, the two proposals for rule 9.140(g)(1) are set forth below:

RECEIVED, 05/31/2016 11:03:36 AM, Clerk, Supreme Court

December 16, 2015 filing:

(g) Briefs.

(1) Briefs on the merits. Initial briefs shall be served within 30 days of service of the record or designation of appointed counsel, whichever is later. Additional briefs shall be served as prescribed by rule 9.210.

January 28, 2016 filing:

(g) Briefs.

(1) Briefs on the merits. Initial briefs, including those filed pursuant to subdivision (g)(2)(A), shall be served within 30 days of service transmission of the record or designation of appointed counsel, whichever is later. Additional briefs shall be served as prescribed by rule 9.210.

The Steering Committee is unsure whether the Court intended to promulgate the Steering Committee's December 16, 2015 proposal for rule 9.140(g)(1) or whether the Court intended to promulgate the Steering Committee's January 28, 2016 proposal. In an abundance of caution, the Steering Committee brings this matter to the Court's attention.

Respectfully submitted this 31st day of
May, 2016.

s/ Judge Jay P. Cohen
Judge Jay P. Cohen
Florida Bar No. 271160
Chair, Criminal Court Steering Committee
Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, FL 32114-5002
(386) 947-1530
cohenj@flcourts.org

CERTIFICATE OF SERVICE AND COMPLIANCE

I hereby certify that this Motion for Rehearing has been prepared using Times New Roman 14 point font in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

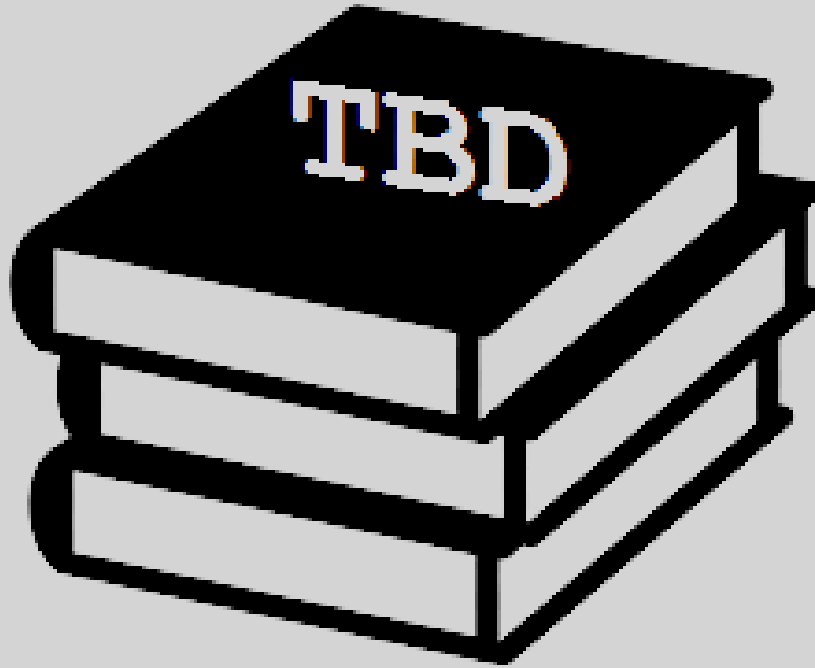
I hereby certify that a true and correct copy of this Motion for Rehearing has been sent by email to: Heather Telfer, Attorney Liaison to the Criminal Procedure and Appellate Court Rules Committees at the Florida Bar, at HTelfer@flabar.org; Krys Godwin, Attorney Liaison to the Rules of Judicial Administration Committee at the Florida Bar, at krgodwin@flabar.org; Judge T.K. Wetherell, II, Chair of the Appellate Court Rules Committee at wetherellk@1dca.org; Judge Stephanie Ray at rays@1dca.org; Amy Borman, Chair of the Rules of Judicial Administration Committee at ABorman@pbcgov.org; Meredith Charbula, Chair of the Criminal Procedure Rules Committee at MCharbula@coj.net; Ms. Julianne Holt, President of the FPDA at jholt@pd13.state.fl.us; Ms. Trisha Pate, Assistant Attorney General at Trisha.Pate@myfloridalegal.com; and Ms. Rebecca McGuigan, Assistant Attorney General at Rebecca.McGuigan@myfloridalegal.com, this 31st day of May, 2016.

s/ Judge Jay P. Cohen
Judge Jay P. Cohen
Florida Bar No. 271160
Chair, Criminal Court Steering Committee
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