

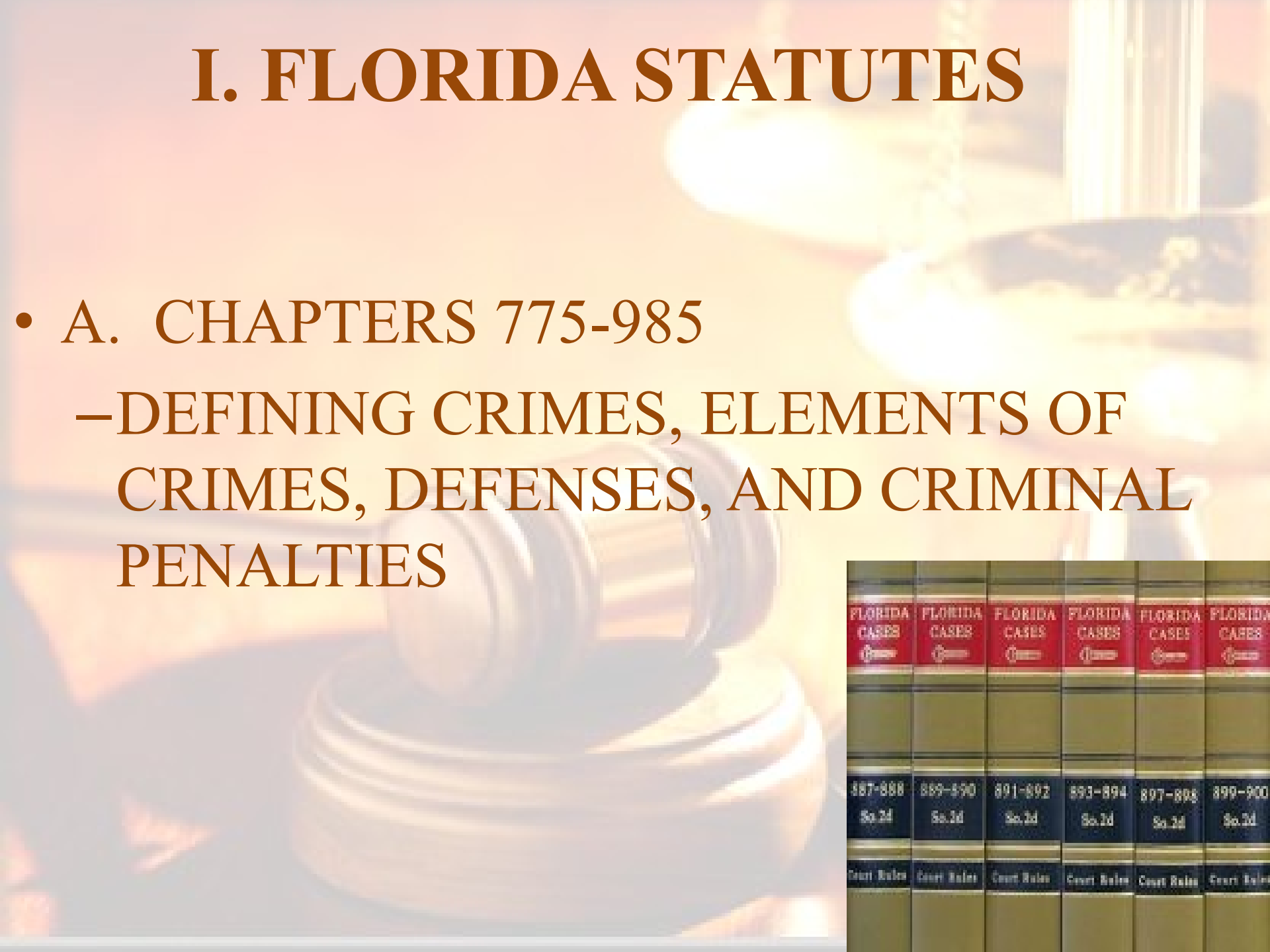


**V. SOURCES OF LAW
APPLICABLE TO FLORIDA
CRIMINAL PROCEEDINGS**

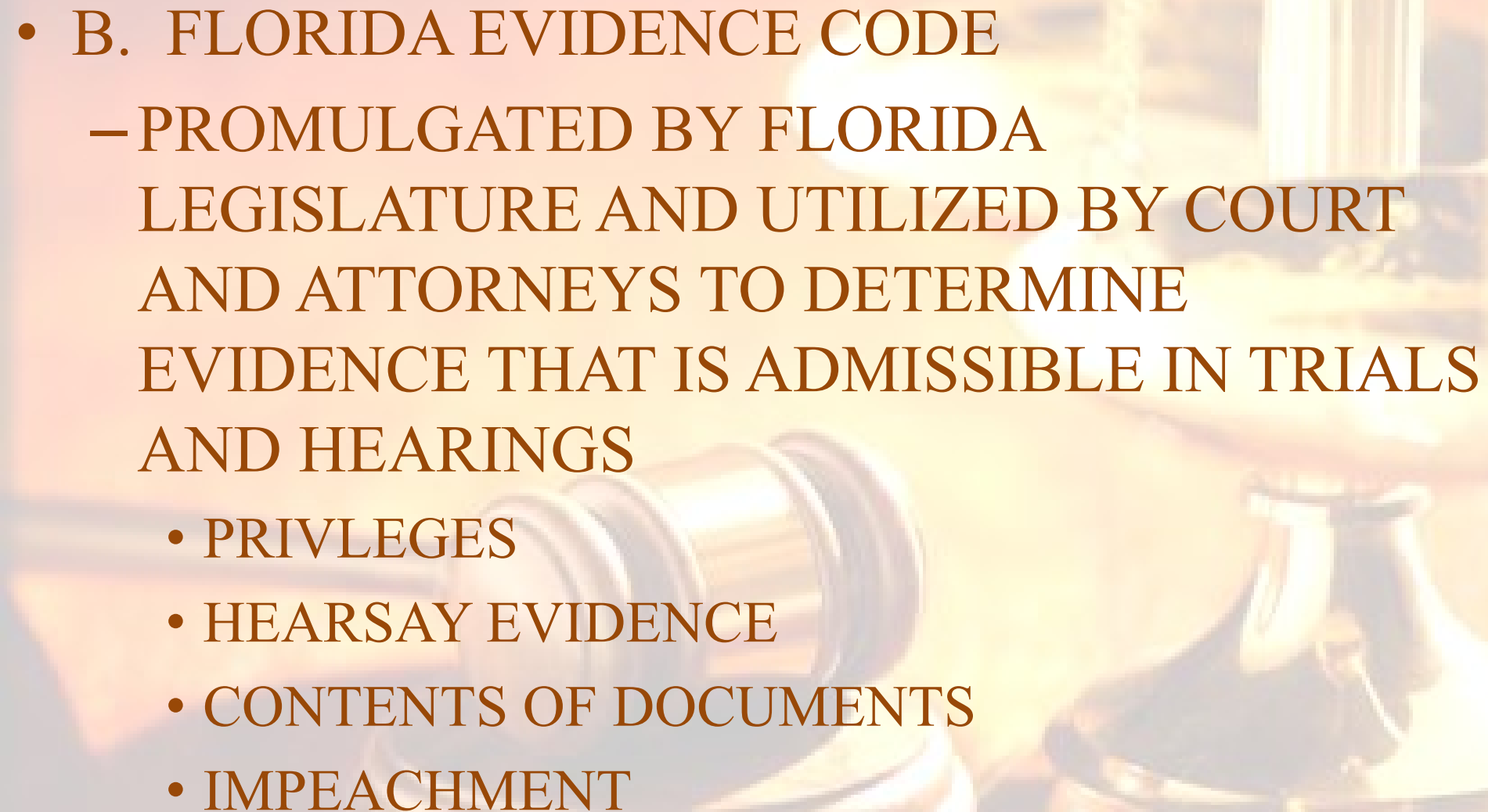
**PRESENTED BY:
JUDGE MARK A. SPEISER**

I. FLORIDA STATUTES

- A. CHAPTERS 775-985
 - DEFINING CRIMES, ELEMENTS OF CRIMES, DEFENSES, AND CRIMINAL PENALTIES



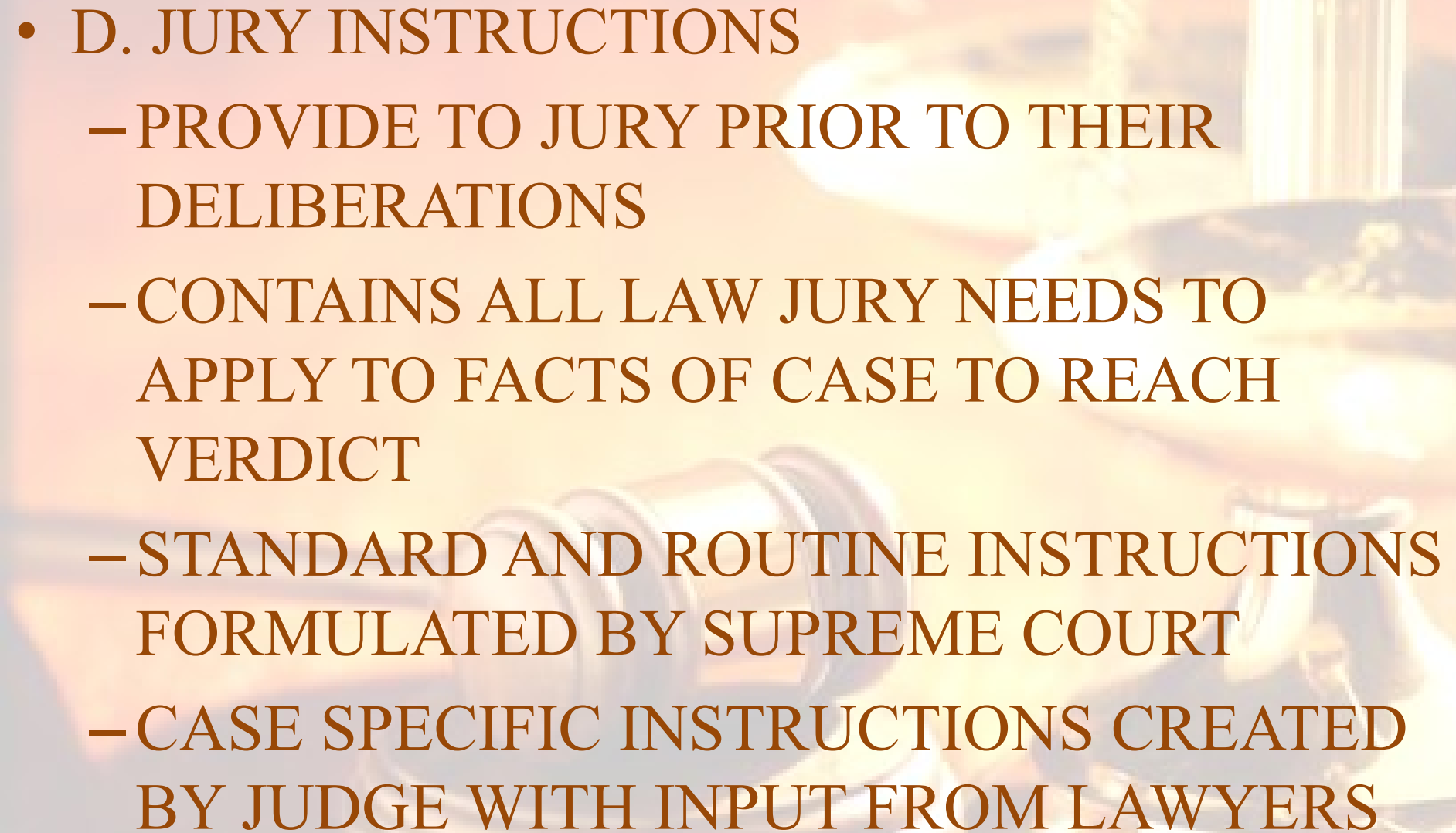
FLORIDA CASES	FLORIDA CASES	FLORIDA CASES	FLORIDA CASES	FLORIDA CASES	FLORIDA CASES
887-888	889-890	891-892	893-894	897-898	899-900
So.2d	So.2d	So.2d	So.2d	So.2d	So.2d
Court Rules	Court Rules	Court Rules	Court Rules	Court Rules	Court Rules

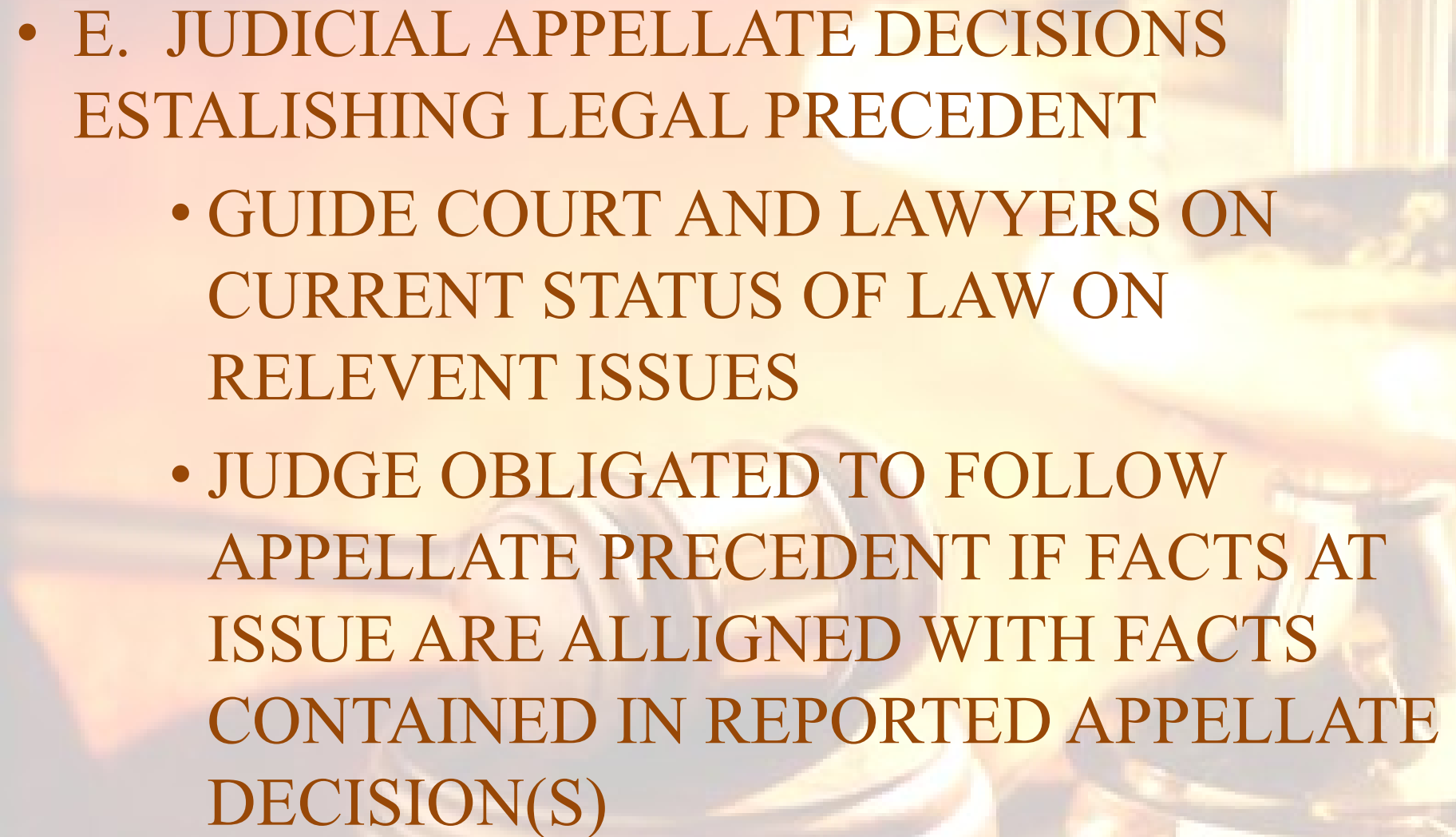
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- B. FLORIDA EVIDENCE CODE
 - PROMULGATED BY FLORIDA LEGISLATURE AND UTILIZED BY COURT AND ATTORNEYS TO DETERMINE EVIDENCE THAT IS ADMISSIBLE IN TRIALS AND HEARINGS
 - PRIVILEGES
 - HEARSAY EVIDENCE
 - CONTENTS OF DOCUMENTS
 - IMPEACHMENT

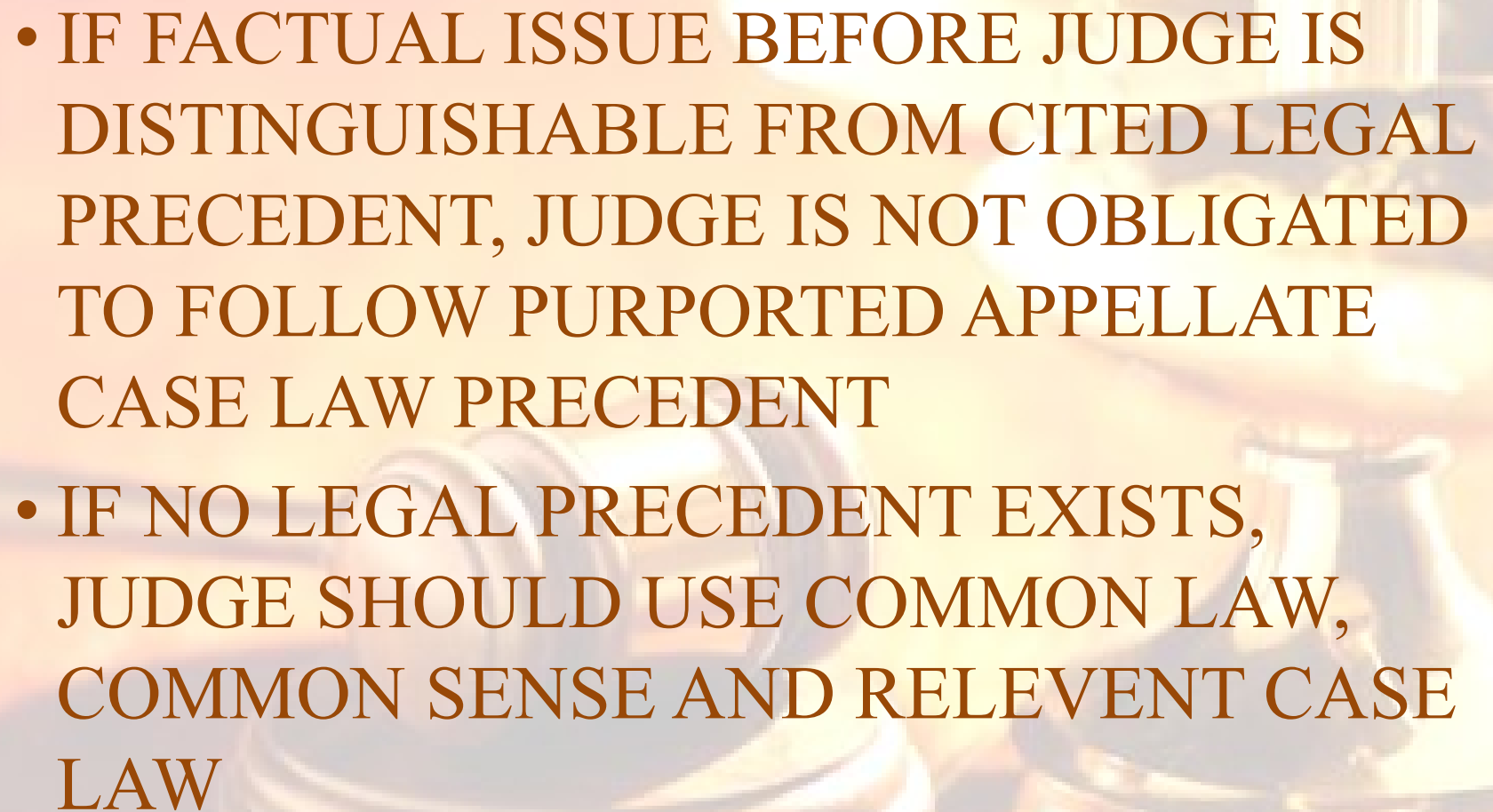


- C. FLORIDA RULES OF CRIMINAL PROCEDURE

- ENACTED BY FLORIDA SUPREME COURT TO PROVIDE SIMPLICITY IN PROCEDURE AND FAIRNESS IN ADMINISTRATION WITH RESPECT TO PRE-TRIAL, TRIAL AND POST-TRIAL PROCESS

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- D. JURY INSTRUCTIONS
 - PROVIDE TO JURY PRIOR TO THEIR DELIBERATIONS
 - CONTAINS ALL LAW JURY NEEDS TO APPLY TO FACTS OF CASE TO REACH VERDICT
 - STANDARD AND ROUTINE INSTRUCTIONS FORMULATED BY SUPREME COURT
 - CASE SPECIFIC INSTRUCTIONS CREATED BY JUDGE WITH INPUT FROM LAWYERS

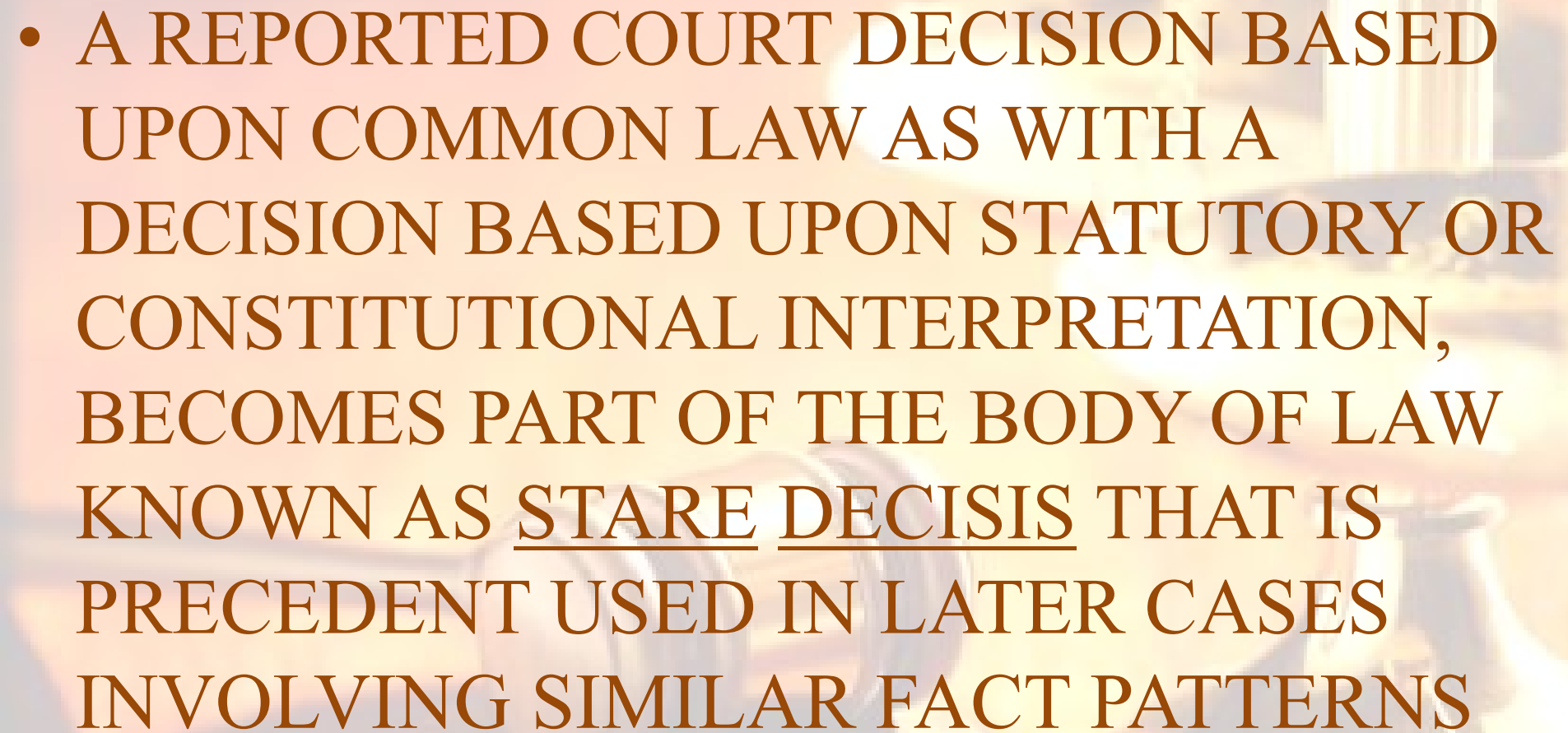
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- E. JUDICIAL APPELLATE DECISIONS ESTABLISHING LEGAL PRECEDENT
 - GUIDE COURT AND LAWYERS ON CURRENT STATUS OF LAW ON RELEVANT ISSUES
 - JUDGE OBLIGATED TO FOLLOW APPELLATE PRECEDENT IF FACTS AT ISSUE ARE ALLIGNED WITH FACTS CONTAINED IN REPORTED APPELLATE DECISION(S)

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- IF FACTUAL ISSUE BEFORE JUDGE IS DISTINGUISHABLE FROM CITED LEGAL PRECEDENT, JUDGE IS NOT OBLIGATED TO FOLLOW PURPORTED APPELLATE CASE LAW PRECEDENT
 - IF NO LEGAL PRECEDENT EXISTS, JUDGE SHOULD USE COMMON LAW, COMMON SENSE AND RELEVANT CASE LAW



- **F. COMMON LAW**

–BODY OF LAW BASED UPON CUSTOM AND GENERAL PRINCIPLES, OFTEN TIMES EMBODIED IN APPELLATE CASE LAW THAT SERVES AS PRECEDENT IN SITUATIONS NOT COVERED BY STATUTES

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- A REPORTED COURT DECISION BASED UPON COMMON LAW AS WITH A DECISION BASED UPON STATUTORY OR CONSTITUTIONAL INTERPRETATION, BECOMES PART OF THE BODY OF LAW KNOWN AS STARE DECISIS THAT IS PRECEDENT USED IN LATER CASES INVOLVING SIMILAR FACT PATTERNS

- CONCEPT ORIGINATED IN ENGLAND IN MIDDLE AGES
- FLORIDA STATUTE 775.01 CODIFIES THIS CONCEPT
 - “THE COMMON LAW OF ENGLAND IN RELATION TO CRIMES, EXCEPT SO FAR AS THE SAME RELATES TO THE MODES AND DEGREES OF PUNISHMENT, SHALL BE OF FULL FORCE IN THIS STATE WHERE THERE IS NO EXISTING PROVISION BY STATUTE ON THIS SUBJECT



THE END