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AND WE WILL NOW HEAR THE NEXT CASE, WHICH IS THE RULES GOVERNING POSTCONVICTION ACTIONS, MOTION FOR CLARIFICATION.

AM I FIRST?

YOU ARE FIRST.

OKAY.

GOOD AFTERNOON. MY NAME IS CAROL SNURKOWSKI. I AM FROM THE ATTORNEY GENERAL'S OFFICE. ACTUALLY I WAS GOING TO USE ALL OF MY TEN MINUTES, BUT I AM NOT, NOW, BECAUSE I THINK THAT WHAT YOU HAVE HEARD FOR THE LAST FIVE AND-A-HALF HOURS HAS MADE THE POINT OF MY MOTION FOR CLARIFICATION. I THINK THAT THERE IS CONFUSION OUT THERE, WITH REGARD TO HOW TO IMPLEMENT 3.850. I THINK THERE IS A GREAT DEAL OF CONFUSION AS TO WHAT IS TO BE DONE AND HOW IT SHOULD BE DONE. YOU HAVE HEARD TESTIMONY, AND YOU HAVE HEARD ARGUMENT FROM INDIVIDUALS THAT SPAN BOTH THE JUDICIARY, CCR, THE STATE, THE LEGISLATURE, WITH REGARD TO EVERYBODY'S INTENT TO MOVE FORWARD AND TRY TO IMPROVE THE SYSTEM. EVERYBODY HAS THEIR OWN VIEW OF HOW WE CAN IMPROVE THE SYSTEM. EVERYBODY HAS THEIR OWN VIEW OF WHY WE CAN'T IMPROVE THE SYSTEM. I THINK TWO THINGS ARE CLEAR THAT WE HEARD TODAY. THERE ARE PEOPLE WHO WOULD SAY WE SHOULD STAY PUT AND NOT DO ANYTHING AND LET TIME SORT THINGS OUT, BECAUSE, REALLY, THERE ARE NOT THAT MANY PROBLEMS OUT THERE. THERE ARE OTHERS WHO WOULD SAY WE SHOULD GO BOLDLY OUT THERE AND COURSE NEW TRAILS AND TRY NEW THINGS, AND WHETHER THAT IS THE PROPER WAY OF DOING SOMETHING, I AM NOT SURE THAT IS CORRECT, EITHER. HOWEVER, I KNOW WITH THE LEGISLATURE, WHAT IT DID. THE LEGISLATURE PASSED A PIECE OF LEGISLATION, DURING THE SPECIAL SESSION, THAT SOUGHT TO CHANGE HOW WE DO POSTCONVICTION LITIGATION IN THE STATE. THEY ARE PUTTING, INTO PLACE, A DUAL-TRACKING PROCESS. THE COURT, ON FEBRUARY 7, WHEN YOU REENACTED RULES THAT HAD BEEN REPEALED BY SECTION 10 OF THAT ACT, HAS CAUSED SOME CONFUSION, WITH REGARD TO HOW WE ARE GOING TO GO FORWARD WITH THAT ACT. I BELIEVE, AFTER YOU HAVE HEARD ALL THE STATES TODAY AND ALL OF THE ARGUMENTS TODAY, THERE ARE PORTIONS OF THE ACT THAT ARE CLEARLY CONSTITUTIONAL. THERE IS ABSOLUTELY NO DOUBT ABOUT IT. YOU HAVE NOT REALLY HEARD ANYBODY SAY ANYTHING ABOUT THEM NOT BEING CONSTITUTIONAL. THERE ARE OTHER PARTS OF THE ACT WHERE YOU HAVE HEARD PEOPLE ESPOUSE THAT THERE ARE CONSTITUTIONAL PROBLEMS BUT THEY HAVE NOT REALLY DEMONSTRATED TO YOU THAT THERE IS CONSTITUTIONAL INFIRMITY. THIS COURT HAS REACHED OUT AND TRIED TO ASK ALL OF THE PEOPLE THAT WERE BEFORE THE COURT HOW WOULD YOU IMPROVE THE SYSTEM, IF WE HAD A SYSTEM THAT CAME INTO PLACE, AND I THINK WE HAVE HAD SOME VERY GOOD INSIGHT, AND WE HAVE HAD SOME VERY SHORT-SIGHTED IN SIGHT, WITH REGARD TO HOW IT CAN BE DONE. TO THOSE WHO PRESENTED THE ARGUMENTS BEFORE YOU THAT TRIED TO GIVE YOU SOME INSIGHT AS TO HOW WE CAN MAKE THE SYSTEM WORK BETTER, I THINK THOSE COMMENTS ARE VERY HELPFUL. THE STATE WOULD NOT GO ON. I AM NOT GOING TO -- I AM SO FILLED WITH -- I AM SO FILLED WITH STATEMENTS THAT I NEED TO MAKE ABOUT THINGS THAT HAVE BEEN SAID, BUT YOU HAVE HEARD IT ALL. I AM NOT GOING TO REPEAT IT. IT WOULD BE A WASTE OF NOT TIME BUT OF ENERGY, BECAUSE I THINK YOUR ENERGIES ARE NOW AT THE NEXT STAGE, AND THAT IS YOU HAVE TO DEDICATE THOSE ENERGIES, YOUR ENERGIES, TO DOING THIS, BUT I WOULD SAY TO YOU, THOUGH, THAT YOU WOULD GRANT THE STATE'S MOTION FOR CLARIFICATION AND FIND THAT THE ACT, WITH REGARD TO IMPOSE AGO DUAL-TRACKING SYSTEM AND THE TIME FRAME IMPOSED, WHICH IS CLOSELY AKIN TO THE MORRIS COMMISSION'S PROPOSAL, IS THE WAY WE SHOULD GO. THAT YOU WOULD REJECT GOING, FALLING BACK TO THE OLD 3.851 AND 52, BECAUSE

WHILE THEY MAY HAVE HAD A CHANCE TO WORK AT SOME POINT IN TIME, THEY DON'T HAVE A CHANCE TO WORK NOW. THEY HAVE BEEN SULLIED, AND I DON'T THINK WE CAN GO -- THEY HAVE BEEN SULLIED, BUT I DON'T THINK WE CAN GO FORWARD WITH THEM. I THINK WE WILL CONTINUE TO TINKER AND WE OUGHT TO TINKER WITH THEM.

DO YOU AGREE, THAT, IN THE INTERIM, WHILE WE ARE MAKING THIS DECISION CONCERNING WHAT PORTIONS OF THE DEATH PENALTY REFORM ACT IS OR IS NOT CONSTITUTIONAL, THAT THE REENACT PRESIDENT OF THE -- REENACT PRESIDENT OF THE PREVIOUS RULES, AT LEAST -- THE REENACTMENT OF THOSE PREVIOUS RULES, AT LEAST THOSE CASES THAT ARE ALREADY PENDING IN THE SYSTEM, AFFORDS COUNSEL AND THE SYSTEM SOME DEGREE OF, I GUESS, NONCONFLICT, WHAT THEY SHOULD BE DOING RIGHT NOW?

IF THAT HAD BEEN THE INTENT OF THE RULE, THEN I CAN SAY THAT THERE IS -- THEN I THINK THAT THERE IS PROBABLY SOME CORRECTNESS NECESSARY TO THAT. THAT THERE IS SOME VALIDITY TO THAT, BUT I DON'T THINK THAT IS WHAT HAPPENED. I THINK THERE WAS A REENACTMENT OF THE OLD RULE THAT -- A REENACTMENT OF THE OLD RULE THAT SAID THIS IS GOING ON.

THE ACT DID NOT SAY THAT.

NO.

AND SO THERE IN IT LIES CONFUSION, AS WELL.

THAT IS TRUE, BUT EVERYBODY WAS PLED. THE ACT WAS TO TAKE EFFECT IMMEDIATELY. THE POINT WAS THERE WAS NOT, AND THERE IS, IF YOU LOOK AT, I BELIEVE, SECTION 7 OF THE ACT, AN EFFORT TO HAVE AN INTERIM EFFECT, WITH REGARD TO THE NEW RULE. THE NEW ACT.

WHAT WAS SUPPOSED TO HAPPEN TO THOSE PIPELINE CASES?

EXCUSE ME. I AM SORRY. THE PIPELINE CASES THE ONCE YOU ARE TALKING ABOUT ON DIRECT APPEAL OR THE PIPELINE CASES THE ONES THAT HAVE ALREADY PASSED POSTCONVICTIONS?

EITHER.

THE PIPELINE CASES, INSTANTLY OR WITHIN THE TIME FRAME SET OUT IN THE RULE, WE SHOULD HAVE STARTED TO HAVE TRIAL COURTS APPOINTED TO THOSE INDIVIDUALS. THAT IS WHAT THE ACT REQUIRES.

THAT IS WHAT YOU THINK THE ACT SAYS?

YES. YES. WITH REGARD TO THE CASES THAT ARE POST --

WHERE DOES IT SAY THAT?

I BELIEVE THAT IS PROVISION -- I BELIEVE THAT IS SECTION 2 OF THE ACT. AND SECTION 6 OF THE ACT, WHICH GIVES, SETS OUT THE RESPONSIBILITIES OF CCR. THE RESPONSIBILITIES OF CCR AND THE REGISTRY COUNSEL AND, ALSO, HOW THE CASES ARE TO BE HANDLED AND WHEN THEY ARE TO COMMENCE. UPON THE SENTENCE OF DEATH, OR IF THE SENTENCE OF DEATH HAS ALREADY BEEN ENACTED AND THE CASE IS UPON APPEAL, BE -- I BELIEVE THAT IT IS THE RESPONSIBILITY OF THE COUNSEL TO GO FORWARD.

YOU ARE SAYING THAT COUNSEL SHOULD GO FORWARD FOR PEOPLE WHO ARE ON DIRECT APPEAL NOW, WHAT TIME PERIOD?

I WOULD ASSUME, IF THE SENTENCE WERE SET TODAY, AND WITHIN 15 DAYS, THAT COUNSEL --

I HIM TALKING ABOUT PEOPLE WHO ALREADY HAVE DIRECT APPEALS PENDING. WHAT DOES THAT SECTION SAY SHOULD HAPPEN TO POSTCONVICTION COUNSEL?

IT DOESN'T SPECIFICALLY TALK WITH REGARD TO THOSE CASES WHERE, FOR EXAMPLE, A DIRECT APPEAL HAS BEEN FILED, AND A BRIEF HAS BEEN FILED, BUT WHAT THE ACT DOES SAY IS THAT THOSE CASES, THOSE 8 A CASES THAT WE HAVE TALKED ABOUT -- THOSE 85 CASES THAT WE HAVE TALKED ABOUT TODAY, WHETHER THEY ARE IN SOME DEGREE OF THE APPELLATE PROCESS, IT SAYS THAT COUNSEL IS TO BE APPOINTED WITHIN 15 DAYS OF THE SENTENCE OF DEATH IMPOSED, AND I WOULD SUBMIT TO YOU, THAT, IN THAT ACT, 15 DAYS AFTER SENTENCE, WE SHOULD HAVE APPOINTED COUNSEL, OR CCR HAS TO DECIDE WHETHER THEY ARE GOING TO CONTINUE TO REPRESENT THOSE CASES OR NOT. THAT HAS NOT BEEN DONE, EITHER.

LET ME SEE IF I UNDERSTAND EXACTLY WHAT YOU ARE SAYING, THAT ALL CASES WHERE THE DEATH PENALTY HAS BEEN IMPOSED, THE 15 DAYS APPLIES TO THOSE CASES.

THAT IS WHAT WAS CONTEMPLATED BY THE LEGISLATURE. I THINK THERE WAS SUGGESTIONS THAT THERE WERE 85 CASES THAT WERE NOT NOU GOING TO NEED COUNSEL APPOINTED FOR THEM, AND THOSE CASES, ALSO, WOULD REQUIRE THE APPELLATE PUBLIC DEFENDER WHO FILED THE BRIEF TO WITHDRAW, SO THAT A DIFFERENT PUBLIC DEFENDER'S OFFICE WOULD COME IN?

NOT NECESSARILY. I MEAN, THAT IS PREDICATED ON THE FACT THAT, IF IT WAS THE SAME OFFICE, THERE ARE PROVISIONS WITH REGARD TO THAT, WHERE THOSE ARE ALL PROVISIONS THAT WERE CONTEMPLATED.

DOES ANYBODY KNOW HOW MANY CASES HAVE --

HOW MANY CASES WHERE THERE WAS THE SAME OFFICE? NO. I DON'T THINK ANYBODY HAD THAT, AND OBVIOUSLY YOU ARE TALKING ABOUT YOU HAVE GOT FIVE APPELLATE OFFICES STATEWIDE, AND OF THOSE OFFICES, WHAT PERCENTAGE MAKE UP THEIR PARTICULAR CASE LOAD, FROM THEIR OWN OWN. I DON'T KNOW WHAT THAT WOULD BE.

SO, SAY, IN THE FIRST JUDICIAL CIRCUIT, OR SECOND --

HERE. LEON COUNTY?

YES. LEON COUNTY. THAT OFFICE REPRESENTS A NUMBER OF COUNTIES ON APPEAL, CORRECT?

FROM PENSACOLA ALL THE WAY OVER TO JACKSONVILLE.

SO THAT OFFICE WOULD ONLY HAVE TO WITHDRAW ON CASES THAT WERE PROSECUTED IN LEON COUNTY?

OR WITHIN THEIR SIFERCKT, WHICH, I -- OR WITHIN THEIR CIRCUIT, WHICH I GUESS WOULD BE JACKSON COUNTY OR WHAT ELSE.

WHO WOULD BE APPOINTED?

IT WOULD BE ANOTHER PUBLIC DEFENDER'S OFFICE. EXCUSE ME. I AM SORRY. WITH REGARD TO THE APPEAL? I WOULD THINK ANOTHER PUBLIC DEFENDER'S OFFICE. IT DEPENDS UPON WHERE THE CASE IS. IF IT IS PENDING BEFORE THIS COURT IN ORAL ARGUMENT.

IT WOULD BE ONE OF THE 85 THAT HAVE AN APPEAL.

I THINK CERTAINLY THIS COURT, IF A CASE IS ALREADY PENDING BEFORE THE COURT, THERE WOULD BE SOME CONSIDERATION.

DOESN'T THAT SYSTEM THAT IS HAVING TO APPOINT A DIFFERENT OFFICE, HAVING TO APPOINT COUNSEL WITHIN 15 DAYS, ALL PREDICATED ON THE 180-DAY DEADLINE FROM THE FILING OF THE INITIAL BRIEF ARE UPHOLDING? IN OTHER WORDS THOSE ARE ALL KEYED TO THIS ACT BEING CONSTITUTIONAL?

RIGHT. ABSOLUTELY. BUT I AM SUGGESTING TO THE COURT THAT, IN THE IMPACT OF YOUR ORDER, MY MOTION WAS FOR CLARIFICATION, BECAUSE I WOULD SUBMIT TO YOU THAT, EXCEPT FOR WHAT THE COURT ADDRESSED WAS 8, 9 AND 0. YOU DID NOT ADDRESS OTHER -- EIGHT, NINE AND TEN. YOU DID NOT ADDRESS OTHER PORTIONS OF THE ACT THAT HAS OTHER RAMIFICATIONS TO IT. IT IS THE SAME THING AS TO PUBLIC RECORDS AND HOW AND WHO IS SUPPOSED TO DO THE PUBLIC RECORDS? IN FACT, THE ACT REQUIRES THAT THE STATE ATTORNEYS GO OUT THERE, WITHIN A 60-DAY PERIOD, AND NOTIFY PROSECUTORS, AS OPPOSED TO THE ATTORNEY GENERAL'S OFFICE, AT THE END OF THE YEAR MARK OR WHEN A DIRECT APPEAL IS OVER WITH, THAT THE ATTORNEY GENERAL'S OFFICE TO NOTIFY THE STATE ATTORNEY. THERE IS A DIFFERENT MEANS TO DOING THAT, WHERE THE FILES ARE SET. IT WAS INTERESTING EARLIER, SOMEBODY INDICATED HOW THEY WERE COMPLAINING ABOUT HOW THERE WAS CHANGES IN THESE RULES, YET ONE OF THE THANKS AT THEIR BEHEST WAS THAT PUBLIC RECORDS OR CONFIDENTIAL RECORD WOULD PROPOSE, IN THEIR REGION THAT THEY EXIST AS, AS OPPOSED TO COMING UP TO THE REPOSITORY, SO THAT THEY WOULD HAVE READY ACCESS TO IT, BUT THAT WAS POINTED OUT TO THIS COURT AS SOME PROBLEM WITH THE SYSTEM. NOW WE HAD A CHANGE IN PART OF THE SYSTEM. THAT HAS BEEN TOLLED, TOO. ALL I SUGGEST TO YOU IS THAT THERE ARE PROVISIONS WITHIN THE ACT THAT CLEARLY HAVE NOT BEEN TOLLED, YET THE PRACTICAL EFFECT OF THIS COURT'S ORDER REINSTITUTING 3.851 AND 52, IS TO PUT CONFUSION OUT THERE AS TO WHETHER OBLIGATIONS, STATUTORY OBLIGATIONS THAT HAVE BEEN METED OUT BY THE LEGISLATURE TO THESE AGENCIES ARE, IN FACT, IN FORCE OR NOT. THANK YOU.

THANK YOU. MR. KAUFFMAN.

MAY IT PLEASE THE COURT. CHET KAUFFMAN. JUST A COUPLE OF QUICK POINTS. FIRST OF ALL, I AM NOT GOING TO TRY TO TELL YOU WHAT YOU CLEARLY INTENDED OR WHAT YOU CLEARLY DIDN'T INTEND TO DO. YOU WROTE THE ORDER, AND YOU CAN CLARIFY THE ORDER AS YOU SO DESIRE. THE QUESTION IS SHOULD YOU HAVE TOLLED THE ACT? SHOULD YOU HAVE STAYED THE EFFECT OF THE ACT AND TOLLED ALL THE DEADLINES? WE ARGUED, IN MANY PETITIONS, THAT, YES, YOU SHOULD HAVE. WE THINK YOU DID. WE CERTAINLY KNOW THAT SOME OF THE STATE ATTORNEYS IN THIS STATE BELIEVE THAT YOU DID, BECAUSE THEY SENT OUT ORDERS SAYING, WAIT, HOLD OFF. DON'T DO ANYTHING, BECAUSE THE ACT HAS BEEN STAYED. ANOTHER POINT I WOULD LIKE TO ADDRESS IS THE ATTORNEY GENERAL AFTERS OFFICE HAS FOUND AN INTERPRETATION OF THE STATUTE -- THE ATTORNEY GENERAL'S OFFICE HAS FOUND AN INTERPRETATION OF THE STATUTE THAT IS I AM PLAUSIBLE. IT APPLIES TO CASES IN WHICH THE SENTENCE OF DEATH IS IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THE ACT, AND SECTION 7, WHICH HAS NO COUNSEL APPOINTMENT MECHANISM OR RIGHT AT ALL, SPECIFICALLY SAYS IT APPLIES TO ALL CAPITOL POSTCONVICTION ACTIONS IN CASES IN WHICH THE TRIAL COURT IMPOSED THE SENTENCE OF DEATH BEFORE THE EFFECTIVE DATE OF THIS ACT, WHICH MEANS ABOUT 85 CASES THAT WERE PENDING ON APPEAL BEFORE THIS ACT TOOK EFFECT, SO THERE IS ABSOLUTELY NO MECHANISM WHATSOEVER IN THE STATUTE FOR THE APPOINTMENT OF COUNSEL, FOR THE APPOINTMENT OF CCRC, FOR THE APPOINTMENT OF THE REGISTRY, FOR THE WITHDRAWAL OF CCRC, IF SO NEEDED. IT IS JUST NOT IN THE ACT AT ALL. IT IS A GROSS OMISSION. TO OUR KNOWLEDGE, THERE ARE ABOUT FOUR OR FIVE CASES.

DOESN'T CHAPTER 27 SAY THAT THERE IS A SBILINGSMENT TO POSTCONVICTION -- AN ENTITLEMENT TO POSTCONVICTION COUNSEL, UPON THERE BEING A CONVICTION AND SENTENCE OF DEATH?

I THINK CHAPTER 27 CAN BE READ THAT WAY, BUT CHAPTER 27 HAS BEEN AMENDED BY THE ACT,

AND THIS IS ONE OF THE AMENDMENTS THAT THE DPRA HAS IMPOSED, NOW, AND IT IS SAYING WE, ALSO, HAVE THIS PART OF THE LEGISLATION, WHICH DOESN'T GIVE --

IT DIDN'T AMEND THAT PORTION OF CHAPTER 27.

IT DIDN'T AMEND THAT PORTION OF CHAPTER 27, NO, BUT THERE ARE OTHER PORTIONS OF CHAPTER 27 THAT ARE CONTAINED WITHIN THE DPRA.

BUT IF YOU READ THOSE TWO SECTIONS TOGETHER, DON'T YOU COME UP WITH AN UNDERSTANDING THAT POSTCONVICTION COUNSEL IS TO BE APPOINTED AT SUCH TIME AS THERE IS A NECESSITY FOR POSTCONVICTION COUNSEL, WHICH IS WITHIN THE 180-DAY PERIOD?

I DON'T THINK SO, YOUR HONOR. I THINK YOU CAN READ THE STATUTES, THE DIFFERENT SECTIONS TOGETHER, TO READ THAT, YES, THERE IS A RIGHT TO COLLATERAL COUNSEL IN THEESZ CASES, BUT THE -- IN THESE CASES, BUT THE LEGISLATURE, IN THIS NEW ACT, HAS CREATED A NEW MECHANISM FOR THE APPOINTMENT OF COUNSEL AND FOR THE WITHDRAWAL OF COUNSEL AND FOR THE REGISTRY, AND THEY DIDN'T PUT ANYTHING THERE ADDRESSING OUR CASES. ADDRESSING THE PENDING CASES. AND THERE IS NOTHING IN THE PRESENT ACT, I THINK, THAT CAN BE READ, NOW, IN LIGHT OF THE DPRA, THAT SPECIFIES WHAT THE MECHANISM IS TO THE APPOINTMENT OF COUNSEL IN THOSE PENDING CASES.

YOU WOULD AGREE, I TAKE IT, THAT WE DIDN'T USE THE LANGUAGE IN THE ORDER WE ENTERED ON FEBRUARY 7, WHICH SAYS THAT THE STATUTE HAS BEEN STAYED OR TOLLED OR ANYTHING LIKE THAT?

THAT'S RIGHT. YOU DIDN'T.

ALL WE DID WAS PUT PRIOR RULES BACK INTO EFFECT.

I DON'T THINK THAT IS ALL YOU DID. NO. I THINK THE EFFECT OF THE ORDER WAS TO STAY THE ACT. AND THERE ARE MANY PEOPLE IN THIS STATE WHO HAVE SO INTERPRETED THE ORDER. AND POINT OF THE REASON WHY YOU DID THAT, AND WHY, IF YOU DIDN'T DO THAT, YOU SHOULD HAVE DONE THAT, AND WHY YOU SHOULD DO SO, NOW, ON CLARIFICATION, IS THE IN RECEIVE RABLT OF THE ACT. THE-HE THE IN SEVERABILITY OF THE ACT. THE ATTORNEY GENERAL'S OFFICE IS SAYING THAT, BEFORE YOU DECIDE THE CONSTITUTIONALITY OF THE DPRA AND THE APPROPRIATE RULES, YOU SHOULD DECIDE THE CONSTITUTIONALITY OF THE DPRA. YOU SHOULD DECIDE WHICH SECTIONS ARE CONSTITUTIONAL. WHICH SECTIONS ARE NOT CONSTITUTIONAL. WHICH SECTIONS ARE SUBSTANTIVE. WHICH SECTIONS ARE PROCEDURAL. WHAT WE CAN SEVER AND WHAT WE CAN'T SEVER. THEY ARE ASKING YOU, NOW, TO DECIDE, IN A MOTION FOR CLARIFICATION, BEFORE REACHING THE MEIRIES OF ANY OF THE PROCEEDINGS HERE, TO -- THE MERITS OF ANY OF THE PROCEEDINGS HERE, TO DECIDE ALL OF THE CONSTITUTIONAL QUESTIONS AND THE RECEIVERABILITY QUESTIONS, AND THAT IS PRO POSTRUST.

WOULDN'T A GOOD IDEA TO BE WHETHER TO PROCEED WITH APPOINTMENT OF COUNSEL, BECAUSE WHETHER IT GETS SPEEDED UP OR AT SOME POINT, EVERYONE NEEDS COUNSEL, AND IF THERE ARE REPRESENTATIONS BY CCR THAT THEY CAN'T ABSORB IT, WE CAN AT LEAST FIND OUT WHERE THE DEFICITS ARE.

I THINK APPOINTMENT OF COUNSEL SHOULD BE MADE IN EVERY WRIT PAED PETITION -- EVERY WRIT PETITION, PERIOD. CERTAINLY THE APPOINTMENT OF COUNSEL WOULD BE BENEFICIAL TO THE DEFENDANTS, CERTAINLY, WITHOUT A QUESTION. THANK YOU, YOUR HONOR.

THANK YOU, COUNSEL. I BELIEVE YOU HAVE USED ALL YOUR TIME. WE WILL BE IN RECESS. THANK YOU. BAILIFF: PLEASE RISE.