

>> NOW MOVE TO THE SECOND  
CASE ON OUR DOCKET  
WHICH IS IN RE: AMENDMENTS TO  
THE FLORIDA RULES OF CRIMINAL  
PROCEDURE.

>> PLEASE PROCEED.

>> GOOD MORNING JUSTICE I'M  
DONALD SCAGLIONE,  
CURRENT CHAIR OF THE RULES  
COMMITTEE.

WE'RE HERE ON THIRD CYCLE OF  
REPORT OF SUBMISSIONS MADE FROM  
2008 AND 2011.

I REVIEWED THE SUBMISSIONS  
BEFORE THE COURT AT THIS TIME.  
MOST ARE STYLISTIC OR CLERICAL  
OR SCRIVENER'S.

I BELIEVE THERE ARE ONLY TWO  
ISSUES THAT ARE ADVERSARIAL.  
ONE INTERNAL WITH OUR OWN  
CRIMINAL RULES COMMITTEE WHERE  
WE HAVE A MINORITY REPORT  
PRESENTED BY ABE GLAZER, ONE OF  
THE PRIOR CHAIRPERSONS OF THE  
CRIMINAL RULES COMMITTEE AS TO  
DISCOVERY.

OTHER ONE IS A WITHDRAWAL PLEA OF  
3.170-L WHICH THIS COURT HEARD IN  
ARGUMENT AS TO THE CRIMINAL  
COURT STEERING COMMITTEE.

I BELIEVE WAS 2011-1699.

I WILL BE HAPPY TO ANSWER ANY  
QUESTIONS AS TO THE OTHER  
ISSUES.

YOU WILL FIND THAT WE HAVE AS A  
COMMITTEE, MADE SUBMISSIONS  
LIKE FOR THE APPOINTMENT  
OF INDIGENTS OUT  
OF JUDGE BARBER OUT OF  
HILLSBOROUGH COUNTY AT TIME.  
WAS A COUNTY JUDGE, NOW ASCENDED  
TO THE CIRCUIT BENCH.

AFTER REVIEWING COMMENTS WE  
WITHDREW THAT RECOMMENDATION.  
FILED A NOTICE TO APPEAR  
THAT IS BASICALLY A STATUTORY  
INCLUSION OF A HANDICAP ISSUE.

I CAN DIRECT YOU TO THE  
ATTACHMENT OF B-12 THAT IS  
THERE AS TO RULE 3.140.

IT COINCIDES WITH SUBJUDICIAL  
ADMINISTRATION 2.55.

AS TO LANGUAGE AND INCLUDING ON  
THE INFORMATIONS AND INDICTMENTS.

I LIKE TO PASS OVER 3.170  
BECAUSE I BELIEVE THAT IS THE  
ONE THAT HAS THE MOST

CONTROVERSY.

I KNOW THAT IS WHAT MY COUNSEL  
IS HERE TO SPEAK ABOUT.  
I WAS HERE PRESENT WHEN THE  
CRIMINAL COURT STEERING  
COMMITTEE AND I WAS PRESENT FOR  
ANY QUESTIONS AT THAT TIME.  
THAT WAS EXTENSIVELY LITIGATED  
AND QUESTIONED BY THIS  
HONORABLE COURT AS TO THE  
WITHDRAW PLEA OF 2011-1679.  
IF YOU LOOK AT 3.191  
I DIRECT YOUR ATTENTION TO  
ATTACHMENT B-36.  
BASICALLY THE SCRIVNER'S AS TO  
SPECIFICALLY POINTING OUT IN  
THE RULE AS TO WHEN THE NOTICE  
OF EXPIRATION NEED TO BE ON  
THERE.

3.220 IS THE OTHER POTENTIAL  
CONTROVERSIAL ISSUE, ABOUT THE  
ISSUANCE OF SUBPOENAS DUCES  
TECUMS.

ABE GLAZER, FORMER PAST CHAIR,  
WOULD LIKE ADDITIONAL LANGUAGE  
BEYOND THE LANGUAGE SUBMITTED  
BY THE CRIMINAL RULES COMMITTEE  
THAT STARTS RECIPROCAL  
DISCOVERY.

THAT IS IN HIS ADDENDUM OF  
G-1.

IF YOU LOOK AT 3.410, THAT IS  
ADDITIONAL INFORMATION  
COMING BEFORE THE COURT.  
FROM BEING BEFORE THIS COURT,  
TALK ABOUT E-FILE, E-PORTAL AND  
ELECTRONIC COURTS COMING IN.  
THIS IS ONLY A STEPPING STONE.  
I NOTICE MANY OF THESE RULES  
ARE COMING THROUGH THE  
THREE-YEAR CYCLE REPORT AT THIS  
POINT IN TIME MAY HAVE TO BE  
MODIFIED AND CHANGED BASED UPON  
THE COURTS RULINGS ON THE  
E-FILE, E-PORTAL DECISIONS THAT  
HAVE TO COME THROUGH.

THE CRIMINAL RULES COMMITTEE  
DID IN FACT CHANGE A COUPLE OF  
SENTENCES THERE I THINK AT THE  
PRACTITIONER AS A TRIAL JUDGE.

WE DON'T DO ANYTHING OUTSIDE  
THE PRESENCE OF THE PARTIES.  
THIS JUST CODIFIES IT.  
MAKES SURE EVERYONE KNOWS IF  
YOU BRING THE JURY BACK IN ALL  
PARTIES NEED TO BE THERE.

THEY NEED TO BE PRESENT FOR THE READBACK.

IF THERE IS SOMETHING BE IN WRITING HAS TO BE SOMETHING PLACED IN FILE AND ALL PARTIES HAVE TO BE NOTICED AS WELL AS OPPORTUNITY TO APPEAR AN OBJECT TO IT.

3.590, I DIRECT YOUR ATTENTION TO B-69.

IT TALKS ABOUT JUST THE ISSUE OF TIMING.

3.691, DIRECT YOUR ATTENTION TO B-71 WHERE IT TALKS ABOUT THE SPECIFICALLY IT NEEDS TO BE ADDRESSED TO THE APPELLATE RULES, NOT REALLY TO THE CRIMINAL RULES.

3.70.

THERE IS NO ATTACHMENTS TO THAT BECAUSE AFTER READING THE COMMENTS OF THE PUBLIC DEFENDER ASSOCIATION, CRIMINAL RULES COMMITTEE MADE A DETERMINATION THAT IT WAS BEST WE NOT MAKE ANY CHANGES AND WE WITHDREW THE AMENDMENTS WE HAD INITIALLY PROPOSED.

THE 3.800 DIRECT YOUR ATTENTION TO B-73.

IT TALKS ABOUT THE INCLUSION OF THE SEXUAL OFFENDER, SEXUAL PREDATOR DESIGNATION AS TO BEING ABLE TO COME UNDER THE 300 SERIES TO ATTACK THAT. SO THAT IS BASICALLY, THAT IS ONE I BELIEVE MAY HAVE THE IMPACT OF CRIMINAL COURT STEERING COMMITTEE'S 1116.99.

>> JUST ON THAT ONE, IF IN THE MEANTIME, THERE WOULD BE NO HARM IN AMENDING IT, EVEN IF WE END UP CHANGING ALL OF THE POST-CONVICTION RULES BECAUSE THAT MAKES CLEAR THAT IF THERE'S AN ERRONEOUS SEXUAL PREDATOR DESIGNATION, THAT THAT CAN BE, RELIEF CAN BE SOUGHT UNDER 3.800-A; IS THAT CORRECT?

>> THAT'S CORRECT.

I WOULD AGREE WITH THE JUSTICE THAT WOULD BE MOST PRUDENT THING TO DO AT THIS TIME. EVERYTHING THAT IS COMING THROUGH THE PIPELINE LINE --

>> I DON'T KNOW THAT THE PIPELINE WILL BE COMPLETED.

THAT ONE SEEMED LIKE SOMETHING  
WE COULD DO EVEN IF WE END UP  
CHANGING THE WHOLE WAY THEY  
POST-CONVICTION PROCESS WORKS.

>> THE 3.851 WAS SUBMITTED BY  
BOB STRAIN, WHO WAS THE  
PREVIOUS CHAIR OF THE CRIMINAL  
RULES COMMITTEE.

IT BASICALLY TALKS ABOUT  
MAINTAINING THE  
CONFIDENTIALITY OF PSYCHIATRIC  
REPORTS AND MENTAL HEALTH  
REPORTS.

>> WE'VE ALREADY, THAT WAS A  
SUBJECT OF THE IMPLEMENTATION  
ON PRIVACY AND I THINK WE HAD  
ALREADY REJECTED, HAVEN'T WE  
ALREADY REJECTED THAT, THE  
ISSUE OF, JUST BLANKET  
STEALING OF MENTAL HEALTH  
REPORTS?

>> YOU DID. I BELIEVE --

>> WE KNOW, THAT WAS  
SOMETHING.

COMMITTEE, MAYBE THEY VOTED ON  
IT HADN'T --

>> A LOT OF ISSUES COME  
OUT OF THAT.

MR. STRAIN BEING CCR, DEALING  
WITH DEATH PENALTY AND  
POST-CONVICTION ISSUES.

WE THOUGHT THAT WAS IMPORTANT.  
WE LIKE TO KNOW HOW THE PRESS  
SATURATES INFORMATION.

IF THE CASE GETS OVERTURNED,  
PART OF THE PUBLIC VENUE YOU  
WOULD BE AFRAID SOME OF THIS  
INFORMATION WOULD SATURATE THE  
PUBLIC VENUE PRIOR TO A  
POSSIBLE RETRIAL.

AND I DON'T BELIEVE I  
HAVE ANYTHING CRAZY  
WITH A 3.170 PLEA, TALKING  
ABOUT WITHDRAWAL OF PLEA.

AS I SAT THROUGH THE ARGUMENTS  
FOR THE CRIMINAL COURT STEERING  
COMMITTEE AND HEARD THE  
REBUTTAL ARGUMENTS FROM THE  
PUBLIC DEFENDERS I SEEM TO SEE  
THE JUSTICES KIND OF LOCKED IN  
ON THAT.

ONE THING THAT WAS BROUGHT UP TO  
ME BY JUDGE EMOS THAT WAS MAKING  
THE ARGUMENT, JUDGE HARKINS THAT  
WAS MAKING THE ARGUMENT THAT I  
DON'T BELIEVE THEY HAD THE  
OPPORTUNITY TO SAY IS IT DOES

IMPACT THE TRIAL COURTS.  
WE'RE SEEING IT AS TRIAL JUDGES  
COME BACK NUMEROUS TIMES.  
IT DOESN'T EFFECT THE ABILITY OF  
WITHDRAWAL PLEA PRIOR TO  
SENTENCING.

IT'S A PRIOR SECTION OF THAT.  
BUT WHEN WE DO SEE THEM, THEY'RE  
ACTUALLY RAISING ISSUES OF  
POSTCONVICTION INEFFECTIVENESS  
OF ASSISTANCE.

SO IT'S BEING DEALING WITH IT  
LATER ON ON A POSTCONVICTION  
ISSUE, SO IT'S BEING ADDRESSED  
TWO TIMES.

IT'S THE POSITION OF THE  
CRIMINAL COURTS STEERING  
COMMITTEE THAT BY DELETING THIS,  
DUE PROCESS AND PROTECTION FOR  
THE DEFENDANT WOULD STILL BE  
THERE BY BEING ABLE TO BE RAISED  
THROUGH THE 3.850 INEFFECTIVE  
ASSISTANCE ISSUES THAT ARE  
THERE.

I'M OPEN FOR ANY TYPE OF --  
>> WE'RE TALKING ABOUT THE RULE  
THAT SAYS YOU CAN SILENCE THE  
MOTION TO WITHDRAW WITHIN 30  
DAYS OF SENTENCING?

IS THAT THE -- AND SO, AND I  
GUESS MY QUESTION IS, YOU KNOW,  
USUALLY THE 3.850 IS SOMEWHERE  
LATER DOWN THE LINE.

AND SO WHY WOULDN'T YOU WANT TO  
DO IT AT AN EARLIER POINT IN  
TIME?

>> I BELIEVE FROM THE ARGUMENTS  
I HEARD ON 2011 1699 AND WHAT I  
SEE AS A TRIAL COURT IS THE  
ISSUES THAT ARE RAISED ARE  
INEFFECTIVE.

THEY'RE USUALLY SUMMARILY DENIED  
BECAUSE MOST OF THE TIME THEY'RE  
BEING FOLLOWED BY PRO SE  
LITIGANTS.

IF THERE IS ANYTHING OF FACTUAL  
CONCERN THAT THE TRIAL COURTS  
ARE FINDING THERE, YOU END UP  
HAVING TO APPOINT COLLATERAL  
COUNSEL BECAUSE THEY'RE USUALLY  
ATTACKING THEIR PREVIOUS COUNSEL  
THAT'S THERE.

WE'RE NOT SEEING THAT IT IS  
ASSISTING THE SYSTEM OF JUSTICE  
GOING THROUGH, IT'S ACTUALLY  
CREATING MORE WORK.

AND I HATE TO USE THE WORD

"FINANCIAL CONCERNS" BECAUSE DUE PROCESS SHOULD NOT BALANCE INTO ANY FINANCIAL ISSUES.

RIGHTS OF THE INDEPENDENT --  
>> SO I UNDERSTAND WHAT YOU'RE SAYING.

I GUESS, AND WE PROBABLY HAVE TO GO BACK TO THAT ORAL ARGUMENT BECAUSE WE, OBVIOUSLY, ENGAGED IN IT.

IS THE IDEA THAT -- ARE YOU SAYING THAT REALLY THE 30 DAYS AFTER YOU'RE NOT SEEING AS A TRIAL JUDGE THAT ANY OF THESE, LIKE, THE PLEA SHOULD BE, YOU KNOW, OVERTURNED?

I MEAN, WE'VE JUST HEARD ALL THESE SITUATIONS WHERE PUBLIC DEFENDERS DON'T HAVE THE ABILITY REALLY TO ADVISE.

THEY'VE GOT PADILLA SITUATIONS. I GUESS I'VE ALWAYS THOUGHT THE IDEA THAT IF SOMEBODY WANTED TO WITHDRAW THAT PLEA WITHIN 30 DAYS OF SENTENCING AND REALLY GO TO, AND GO TO TRIAL, THAT'S THE TIME TO DO IT.

NOW, IF THEY'RE ATTACKING GENERAL, I MEAN, BECAUSE THEY'RE ONLY DEALING WITH PLEAS.

SO ARE YOU NOT FINDING ANY OF THESE TO BE ONES WHERE YOU WOULD ACTUALLY SET ASIDE THE PLEA?

BECAUSE THAT'S REALLY WHAT WE'RE LOOKING AT.

OBVIOUSLY, IF 100% OF THEM ARE NOT SET ASIDE, THEN, AND THEN THEY JUST DO IT AGAIN AFTERWARDS, THEN WE ARE INEFFICIENT.

>> SPEAKING FOR THE JUDGES, THEY'RE NOT FINDING MANY OF THEM BEING OVERTURNED.

I CAN TELL YOU AS A TRIAL JUDGE MAYBE 2% IN MY COURT BECAUSE THEY'RE NOT BRINGING THE ISSUES THAT ARE RELEVANT, USUALLY IT'S BUYER'S REMORSE.

THEY GO TO THE JAIL, AND THEY LISTEN TO THE INMATES THAT SAY YOU SHOULD HAVE DONE THIS, YOU SHOULD HAVE DONE THAT.

AND WE'VE ALSO SEEN NUMEROUS TIMES WHERE CASES HAVE COME BACK, AND WHEN THEY FIND OUT THEY'RE ACTUALLY FACING A LOT MORE SEVERE SANCTIONS, THEY

DON'T WANT TO WITHDRAW THEIR PLEA.

SO THAT'S TAKEN A LOT OF TIME AND RESOURCES --

>> BUT THEN AT THAT POINT WHY WOULDN'T THAT BE, THEN IT WOULD HAVE BEEN LITIGATED, SO IF THEY BRING IT AGAIN TWO YEARS, FOUR YEARS LATER, THEY'RE BOUND -- THEY'VE LITIGATED THE ISSUE.

WE HAVEN'T HAD A CASE ON THAT, BUT TO ME, THAT'S THE ANSWER TO THAT, THAT THEY CAN'T JUST RAISE THE ISSUE THEY RAISE.

AT LEAST NOW YOU HAVE THE LAWYER THERE WHO REMEMBERS WHAT HE OR SHE ADVISED ON, AND IT'S DONE THEN, NOT, YOU KNOW, TWO YEARS AFTER THE FACT.

SO THAT'S JUST ONE OF THE -- SORT OF, AGAIN, I REALIZE I'M NOT ON THE GROUND, SO I APPRECIATE IT, BUT WOULDN'T THAT BE THE SOLUTION, TO SAY THAT THEY'RE BARRED IF THEY'VE RAISED THOSE ISSUES AFTER THE FACT?

>> WELL, THAT'S THE STATUS OF THE LAW, THEY'RE BARRED.

THEY COULD HAVE, SHOULD HAVE, WOULD HAVE BROUGHT IT UP.

THE PROBLEM IS, THEY CONTINUE TO BRING IT UP EVEN THOUGH WE MAY HAVE LITIGATED IT.

IT STILL COMES BACK AGAIN IN CASES THAT COME BEFORE YOU NUMEROUS TIMES ON ISSUES THAT WERE HANDLED ON DIRECT APPEAL OR PREVIOUS 3.850s.

SO THE FACT THEY SAY THEY SHOULDN'T IS NOT GOING TO STOP THE PROCESS.

IT'S GOING TO CONTINUE TO COME BACK THROUGH, AND I THINK THE SUBMISSION AS BY THE CRIMINAL RULES AS WELL AS THE CRIMINAL STEERING COMMITTEE IS AT LEAST THIS WILL STREAMLINE, AND WE WILL DEAL WITH IT ONE TIME.

BECAUSE WE KNOW WE'RE GOING TO GET IT.

ARE WE GOING TO GET IT ONCE, TWICE, THREE TIMES?

ANY OTHER QUESTIONS?

THANK YOU ALL VERY MUCH.

>> MAY IT PLEASE THE COURT, GLEN GIFFORD ON BEHALF OF THE FLORIDA PUBLIC DEFENDERS ASSOCIATION.

I'M HERE ONLY TO SPEAK ON 3.170L, AND JUST BRIEFLY, THIS WAS ARGUED IN JANUARY IN 1169, THAT CASE IS STILL PENDING. JUST TO BRIEFLY REITERATE OUR POSITION, THIS RULE EFFECTUATES THE RIGHT TO CHALLENGE THE VOLUNTARINESS OF A PLEA AND WHETHER A SENTENCE EXCEEDS THE PLEA AGREEMENT ON DIRECT APPEAL. THAT WAS RECOGNIZED IN ROBINSON. AND IT PROVIDES A MEANS TO PRESERVE THIS ISSUE IN THE TRIAL COURT AT A TIME WHEN THE DEFENDANT HAS COUNSEL BOTH IN THE TRIAL COURT AND UP TO 30 DAYS BEFORE THE NOTICE OF APPEAL IS FILED AND THEN ON DIRECT APPEAL.

THE RIGHT TO DIRECT APPEAL IS THE RIGHT TO COUNSEL.

ROBINSON RECOGNIZES THAT THESE ISSUES CAN BE RAISED ON DIRECT APPEAL AND AFTER THE CRIMINAL APPEALS REFORM ACT, THEY HAVE TO BE PRESERVED BY A MOTION IN THE TRIAL COURT.

SO THESE MOTIONS WILL CONTINUE TO BE FILED WHETHER THERE'S A RULE 3.170L OR NOT ACCORDING TO ROBINSON.

SECOND, IT'S VERY IMPORTANT THAT THIS OPPORTUNITY EXIST AT THE TIME WITHIN 30 DAYS AFTER THE PLEA BECAUSE OF THE RIGHT TO COUNSEL.

IF YOU DEFER THIS TO 3.850 PROCEEDINGS, THERE IS NO RIGHT TO COME TO HELP PREPARE THE MOTION.

OFTEN LITIGANTS ARE UNREPRESENTED IN A HEARING ON THAT.

>> WELL, WE UNDERSTAND THAT. BUT THEIR, WHAT THE TRIAL JUDGES ARE SAYING AND APPELLATE JUDGES IS THAT ALL WE'RE DOING IS CREATING ANOTHER AVENUE FOR A ABUSE OF THE PROCESS.

NOW, YOU KNOW THAT WHEN WE CREATED IT, IT WAS EXACTLY FOR THAT, SO THAT WE COULD SEE THAT AN ERROR GETS CORRECTED AT THE EARLIEST POSSIBLE STAGE.

BUT IT'S BEEN REPRESENTED THAT IT SOUNDS LIKE 98% OF THESE ARE NOT FRIVOLOUS, BUT ARE JUST ALL

THEY'RE DOING IS JUST SAY, WELL,  
WE WISH WE HADN'T ENTERED THAT  
PLEA, AND THEY'VE ALREADY  
ENTERED IT.

SO WHAT ARE YOU -- WE DON'T HAVE  
ANY NUMBERS, BUT WHAT IS THE  
OPPOSITE SIDE OF THAT?

>> WELL, THERE'S 98% THAT ARE  
FRIVOLOUS CAN BE DEALT WITH AND  
DISMISSED RATHER SUMMARILY.

THIS COURT IN SHEPHERD NARROWED  
THE GROUNDS.

IF THE MOTION DOESN'T ALLEGES ANY  
OF THOSE GROUNDS, THEN AT THAT  
POINT IT CAN BE DISMISSED  
WITHOUT FURTHER HEARING.

AND FURTHER, IF THOSE GROUNDS  
ARE ALLEGED, ONLY THEN IS  
CONFLICT COUNSEL APPOINTED.

SO 98% OF THESE CASES, A GOOD  
PORTION OF THAT 98% IS GOING TO  
BE DISMISSED WITHOUT A HEARING,  
WITHOUT MUCH TROUBLE.

THAT REMAINING 2% IS VERY  
IMPORTANT.

IF THE DEFENDANT GETS RELIEF AND  
THEN GOES TO TRIAL, THE LAW  
PRESUMES, IS IN FAVOR OF TRIAL  
ON THE MERITS.

SO THAT 2% IS IMPORTANT.

MOST OF THE ABUSE OF PRACTICES,  
I THINK, HAVE BEEN CURBED.  
I LOOK AT SHEPHERD, AND I THINK  
SHEPHERD WAS EFFECTIVE BY  
NARROWING THE GROUNDS AND THEN  
REQUIRING APPOINTMENT OF COUNSEL  
IF SPECIFIC ALLEGATIONS ARE MADE  
IN THE MOTION.

AGAIN, I WOULD REFER THE COURT  
BACK TO OUR COMMENTS IN THE  
PREVIOUS CASE AND TO THE ORAL  
ARGUMENT WHERE THIS WAS  
ADDRESSED IN SOME DETAILS.

IF THE COURT HAS NO FURTHER  
QUESTIONS, I'LL CONCLUDE.

>> IF THE COURT DOESN'T HAVE ANY  
QUESTIONS, I'LL JUST ADD ONE  
ADDITIONAL ISSUE.

COUNSEL BROUGHT UP ABOUT THE  
FACT ABOUT A COURSE PLEA.

WE NOW KNOW THE SUPREME COURT  
HAS ISSUED SOMETHING ABOUT  
LAWYERS TRYING TO ENCOURAGE  
THEIR CLIENTS TO TAKE PLEAS, AND  
I THINK WE'RE GOING TO RUN INTO  
SOME DEFINITIONAL PROBLEMS  
THERE.

JUST HOW FAR DOES DEFENSE  
COUNSEL HAVE TO DO TO CONVINCE  
THEIR CLIENT THAT WHAT'S IN  
THEIR BEST INTERESTS?  
OF COURSE, IF THEY RECOMMEND THE  
PLEA TO, SAY, FIVE YEARS, THEY  
GET CONVICTED AND IT'S A  
FIRST-DEGREE FELONY PUNISHABLE  
BY LIFE AND THEY GET LIFE, DOES  
COUNSEL HAVE TO ARM TWIST THEM  
TO TAKE THE CASE?

I CAN SEE THAT COMING BEFORE  
THIS COURT TO GIVE US SOME  
DEFINITIONAL GUIDANCE TO JUST  
HOW FAR IS COUNSEL GOING TO HAVE  
TO PUSH THAT.

THAT MAY HAVE TO IMPACT OUR  
DECISION MAKING ON OUR MOTION  
PLEA.

BUT OUTSIDE OF THAT, I'M  
AVAILABLE FOR ANY FURTHER  
COMMENTS.

IF NOT, THANK YOU VERY MUCH, AND  
WE'LL AWAIT YOUR DECISION.

>> I HAVE JUST ONE COMMENT.  
AND I APPRECIATE YOUR SERVICE.  
AS THE SENIOR MEMBER OF THE  
COURT, I JUST WANTED TO TAKE A  
MOMENT TO SAY THAT THIS IS CHIEF  
JUSTICE CANADY'S LAST ORAL  
ARGUMENT AS CHIEF JUSTICE, AND  
WE WILL BE TURNING THE GAVEL  
OVER TO JUSTICE POLSTON.

FOR THE LAST TWO YEARS, CHIEF  
JUSTICE CANADY HAS SERVED NOT  
ONLY THIS COURT, BUT THE STATE  
IN AN ADMIRABLE WAY, AND WE ON  
THE COURT WILL MISS THAT  
LEADERSHIP, BUT WE KNOW WE'LL BE  
IN GOOD HANDS.

SO I WANTED TO JUST MAKE SURE WE  
REFLECTED ON THAT TODAY, AND  
THANK YOU.

>> CONGRATULATIONS, CHIEF.

>> WE THANK YOU --

[APPLAUSE]

THANK YOU VERY MUCH.

I APPRECIATE THAT.

THAT IS VERY KIND OF YOU.

WE APPRECIATE YOUR ARGUMENT HERE  
TODAY AND YOUR CONTRIBUTION TO  
OUR CONSIDERATION OF THESE  
MATTERS.

COURT IS NOW ADJOURNED.

STAY TUNED.

>> ALL RISE.