



THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

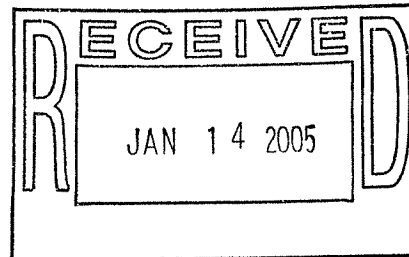
CHAMBERS OF
JORGE LABARGA
CIRCUIT JUDGE

COUNTY COURTHOUSE
WEST PALM BEACH, FLORIDA 33401
407/355-3964

January 12, 2005

Theodore Babbitt, Esquire
1450 Centrepark Blvd.
Suite 100
West Palm Beach, Florida 33401-7404

RE: State of Florida v. Simpson
02-8589CF AO2 and 80-5652CF AO2



Dear Mr. Babbitt:

The purpose of this letter is to bring to your attention the complexities involved in selecting a jury in cases controlled by the "Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act." Commonly known as the Jimmy Ryce Act, the statute (§ 394.910, Florida Statutes) provides a civil commitment procedure for the long term treatment of sexually violent predators. It was created so that a person classified as a sexually violent predator may be involuntarily committed to the Department of Children and Family Services for treatment until the person's mental abnormality or personality disorder has changed and the person is safe to be at large.

These cases pose two significant problems in selecting a jury: (1) they usually require at least two weeks of trial time, and (2) a great number of prospective jurors state that they cannot be fair and impartial once they are told that the accused has been convicted of molesting children (in some instances his or her own children) and is about to be released from prison. As a direct consequence of these issues, it has been my experience that it is necessary, depending on the duration of the case, to interview between seventy five (75) and one hundred (100) jurors in order to select a fair and impartial jury to hear these type of cases. In my last Jimmy Ryce trial, for instance, approximately sixty (60) prospective jurors were excused for cause based only on hardship due to the duration of the trial and/or due to bias against the accused. Judge Jack Cook recently presided over a similar case and found that a venire panel of at least seventy five (75) persons was necessary.

I will be starting a Jimmy Ryce trial in the above-captioned case sometime in early February of 2005. Accordingly, given the complexities mentioned above, I have requested our Chief Judge to authorize the availability of a venire of one hundred (100) jurors to be interviewed for this case. I sincerely

hope that you bring this problem to the attention of your committee. I understand that our budget is tight; however, our judicial system is replete with complex cases, such as Jimmy Ryce cases, which require more than the usual resources. I sincerely hope that this matter is carefully considered by your committee.

If I can be of any assistance to you or your committee on this issue, please do not hesitate to call me.

Very truly yours,

Jorge Labarga

cc:

The Honorable Edward H. Fine
Chief Judge, 15th Judicial Circuit

The Honorable Jack Cook
Circuit Court Judge, 15th Judicial Circuit