



STATE OF FLORIDA

BILL MCCOLLUM
ATTORNEY GENERAL

September 17, 2007

A. Russell Smith, Esquire
President
Florida Association of Criminal Defense Lawyers
Post Office Box 1528
Tallahassee, FL 32302

Re: Request to Initiate Action in Quo Warranto

Dear Mr. Smith:

You have requested this office to commence an action in *quo warranto* on behalf of the Florida Association of Criminal Defense Lawyers. Your letter requested that I initiate a petition for writ *quo warranto* as an original proceeding in the Florida Supreme Court, and request that the Court reverse Governor Crist's appointment of five Criminal Conflict and Civil Regional Counsel (hereinafter "Regional Counsel"), made pursuant to Ch. 2007-62, Laws of Florida, formerly CS/SB 1088 (hereinafter "the Act"). You additionally requested that I seek to enjoin the Secretary of State from submitting the certificates of appointment and biographical questionnaires of the five Regional Counsel to the Senate President and to enjoin the Florida Senate from confirming those appointments at its next legislative session pursuant to § 114.05(b), Florida Statutes. Finally, you requested that I petition the Florida Supreme Court to enjoin the five appointed individuals --Jeffrey Lewis, Jackson Flyte, Joseph George, Jr., Philip Massa and Jeffrey Dean--from performing any official duties pursuant to the Act.

After reviewing your letter, I must decline to bring the requested action. This response should not be construed to constitute a legal opinion on the merits of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill McCollum".

Bill McCollum
Attorney General