

Rule 6.05 | HABEAS ACTION CHALLENGING A DEATH SENTENCE

(a) SCOPE. This rule governs a habeas corpus action under 28 U.S.C. §2254 challenging a death sentence.

(b) APPENDIX. Florida's attorney general must electronically file an appendix containing a complete copy of the state court record, including:

- (1) the pretrial proceedings,
- (2) the guilt phase,
- (3) the penalty phase,
- (4) the sentencing, and
- (5) the direct state court appeal and collateral proceedings, including the appeal of orders on post-trial motions.

(c) SUPPLEMENTAL APPENDIX. Florida's attorney general must file a supplemental appendix that includes any part of the state court record unavailable when the appendix was filed.

(d) MASTER INDEX. With the appendix and each supplemental appendix, Florida's attorney general:

- (1) must electronically file a master index and
- (2) must electronically bookmark the first page of each document and in the bookmark:
 - (A) must identify the title of each exhibit,
 - (B) must identify the location of the first page of each document in the CM/ECF record, and
 - (C) must cross-reference each bookmark to the corresponding item on the index.

(e) PAPER COPY. Florida's attorney general must bind by volume and promptly deliver to the proper division a tabbed paper copy of the index, the appendix, and each supplemental appendix. The tabs must correspond to the index.

(f) ACTIVE DEATH WARRANT. When a death warrant is active but absent an action under 28 U.S.C. §2254:

- (1) the judge can appoint counsel and set a deadline for filing the action,

(2) Florida's attorney general must comply with (e) within seven days after the warrant issues, and

(3) if the conviction or sentence is challenged in state court after the warrant issues, Florida's attorney general must comply with (e) within seven days after the conclusion of the proceedings in each of the state circuit court, the Florida Supreme Court, and the United States Supreme Court.