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STATE OF FLORIDA
 JUSTICE ADMINISTRATIVE COMMISSION

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COMMISSIONERS

Dennis Roberts, Chair
 Public Defender

Diamond R. Litty
 Public Defender

Jerry Hill
 State Attorney

Jerry M. Blair
 State Attorney

LETTER OF OBJECTION—HEARING PARTICIPATION REQUESTED

8/25/2008

RYAN THOMAS TRUSKOSKI,
 53 CF 2001 003262 APPEALS 0000 XX
 Sent via: Email RTRUSK1@AOL.COM

Pursuant to s. 27.5304, F.S., the Justice Administrative Commission (JAC) reviewed your intended billing, affidavit and documentation for completeness and compliance with statutory requirements in the above matter. Your motion to the Court to approve compensation must state whether JAC objects to any portion of the billing or the sufficiency of the documentation. **A copy of this Letter of Objection must be attached to your Motion for Attorney's Fees.**

JAC **objects** to your billing of attorney's fees in the amount of **\$52,100.00** because you billed this case in excess of the flat fee established in the General Appropriations Act. The Legislature established a flat fee of **\$2,000.00** for representation for **Capital Appeals** cases.

The billed amount also exceeds the statutory fee limit of **\$2,000.00** for criminal appeal cases set forth in s.27.5304, F.S. (2007).

Section 27.5304(11)(a), F.S. (2007) states, "It is the intent of the Legislature that the flat fees prescribed under this section and the General Appropriations Act comprise the full and complete compensation for private court-appointed counsel." The flat fees "are prescribed for the purpose of providing counsel notice of the limit on the amount of compensation for representation in particular proceedings."

If counsel seeks compensation in excess of the flat fee, he or she must follow the procedures and requirements established in s. 27.5304(12), F.S. (2007). Pursuant to s. 27.5304(12), the motion for attorney's fees must be filed with the chief judge. The chief judge or designee must hold an evidentiary hearing on the issue of whether to exceed the flat fee.

The Order to Pay in this case will require written findings by the Chief Judge or designee that the fees claimed are reasonable and identify the unusual and extraordinary nature of the time and efforts associated with the representation which warrant exceeding the flat fee [and statutory cap] pursuant to s. 27.5304(12)(b), F.S. (2007) and Makemson v. Martin County, 491 So.2d 1109 (Fla. 1986). This requirement is explained in the Chief Financial Officer Memorandum No. 04 (2003-04).