

IN THE SUPREME COURT OF FLORIDA
**WARRANT SIGNED
EXECUTION SET**

ARTHUR D. RUTHERFORD,

Appellant,

v.

CASE NO. SC06-18

STATE OF FLORIDA,

Appellee.

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NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to the rule of appellate procedure governing notice of supplemental authority, Rule 9.225, the State provides the following case as supplemental authority on ISSUE II and IV regarding whether the trial court properly denied the lethal injection claim without an evidentiary hearing and whether the trial court properly denied the public records requests associated with the lethal injection claim:

Hill v. State, - So. 2d -, FSC No. SC06-02 (Fla. January 17, 2006)(finding the trial court properly summarily denied a cruel and unusual challenge to Florida's lethal injection protocols based on the Lancet article and did not abuse its discretion denying public records requests, made on DOC and the Office of the Medical Examiner of the Eighth District, relating to those protocols).

Respectfully submitted,

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ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF SUPPLEMENTAL AUTHORITY has been furnished by electronic mail Linda McDermott, Esq. at lindammcdermott@msn.com with a follow up hard copy by U.S. mail to Linda McDermott, 141 N.E. 30th Street, Wilton Manors, FL 32334 18th day of January, 2006.

Charmaine M. Millsaps
Attorney for the State of Florida