



CHARLIE CRIST
GOVERNOR

December 1, 2008

James H. Fallace, Chair
5th Appellate District
Judicial Nominating Commission
1900 South Hickory Street, Suite A
Melbourne, FL 32901

Re: Fifth District Court of Appeal Nominees

Dear Chairman Fallace:

I recently received the Judicial Nominating Commission's list of six nominees for consideration for appointment to the Fifth District Court of Appeals. In my previous correspondence to you notifying the Judicial Nominating Commission of the vacancy, I expressed my commitment to diversity on the bench. To that end, I requested that you give due consideration to diversity in the nominating process.

I have been advised that at least three well-qualified African-Americans applied for nomination. These applicants included the Chief Judge of the Ninth Circuit and a Seventh Circuit Judge. Unfortunately, none of these names were forwarded to me by the nominating commission, of which you chair. In the interest of diversity on our courts, I am hereby rejecting the list of nominees certified to me on November 6, 2008. Please reconvene the Judicial Nominating Commission and reconsider these important nominations and provide me with a new list of nominees as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Charlie Crist".

Charlie Crist