

IN THE FLORIDA SUPREME COURT

IRA MARTIN AMAZON,
Appellant,
v.
STATE OF FLORIDA,
Appellee.

Case No. 64,117

APPEAL FROM THE CIRCUIT COURT
IN AND FOR PINELLAS COUNTY
STATE OF FLORIDA

CLERK OF THE CIRCUIT COURT

Deputy Clerk

SECOND
SUPPLEMENTAL BRIEF OF APPELLEE

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PRELIMINARY STATEMENT

In view of this Court's decision to allow Appellant to submit a second supplemental brief in this case, Appellee supplements its argument regarding Issue I as follows:

ISSUE I.

WHETHER THE TRIAL COURT ERRED IN DENYING AMAZON'S MOTION TO DISMISS THE MURDER CHARGES ON THE GROUND THAT DOUBLE JEOPARDY PROTECTIONS BARRED THEIR PROSECUTION, OR ALTERNATIVELY WHETHER THE TRIAL COURT ERRED IN ALLOWING THE MURDER PROSECUTION TO PROCEED UNDER A FELONY MURDER THEORY

Appellant continues to claim that this case involves successive prosecutions. Appellee continues to dispute that claim and relies upon its initial argument as well as upon cases that have been submitted as supplemental authority: Ohio v. Johnson, 35 Cr.L 3130 (1984), and United States v. Schuster, ___ F.2d ___, 37 Cr.L 2397 (6th Cir., July 30, 1985).


Appellant's claim is without merit.

CONCLUSION

Based on the foregoing arguments and authorities, Appellant's convictions and sentences should be affirmed.

Respectfully submitted

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to W.C. McLain, Assistant Public Defender, Hall of Justice Building, 455 N. Broadway Avenue, P.O. Box 1640, Bartow, Florida 33830 this _____ day of December, 1985.



OF COUNSEL FOR APPELLEE