IN THE SUPREME COURT OF FLORIDA

CASE NO. 64,426

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OSCAR L. ANDREWS,

Petitioner,

vs.

THE STATE OF FLORIDA,

Respondent.

ON APPLICATION FOR DISCRETIONARY REVIEW

BRIEF OF AMICUS CURIAE BENNETT H. BRUMMER
PUBLIC DEFENDER, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

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INTRODUCTION

This cause is before this Court pursuant to a certification by the District Court of Appeal of Florida, Third District, that its decision passes upon a question of great public interest. This brief is filed pursuant to this Court's order of November 2, 1983, granting leave to file an *amicus curiae* brief.

QUESTION PRESENTED

WHETHER THE SYSTEMATIC EXCLUSION OF A CONSTITUTIONALLY-COGNIZABLE GROUP OF PROSPECTIVE JURORS ON THE BASIS OF RACIAL OR ETHNIC BACKGROUND BY THE USE OF PEREMPTORY CHALLENGES VIOLATES ARTICLE I, SECTIONS 2, 9 AND 16 OF THE CONSTITUTION OF THE STATE OF FLORIDA.

ARGUMENT

THE SYSTEMATIC EXCLUSION OF A CONSTITUTIONALLY-COGNIZABLE GROUP OF PROSPECTIVE JURORS ON THE BASIS OF RACIAL OR ETHNIC BACKGROUND BY THE USE OF PEREMPTORY CHALLENGES VIOLATES ARTICLE I, SECTIONS 2, 9 AND 16 OF THE CONSTITUTION OF THE STATE OF FLORIDA.

The question certified by the District Court of Appeal in this case is whether, "[a]bsent the criteria established in Swain v. Alabama, [380 U.S. 202 (1965)], may a party be required to state the basis for the exercise of a peremptory challenge?" Andrews v. State, ___So.2d___, Case No. 81-1180 (Fla. 3d DCA 1983)(8 FLW 2385).[1] The underlying issue presented by this certified question is whether the intentional single-trial exclusion of prospective jurors by a litigant through the use of peremptory challenges, on the sole basis of ethnic or racial identification, is constitutionally permissible. It is submitted that such discriminatory use of peremptory challenges is barred by the Florida Constitution.

In Swain v. Alabama, supra, upon which the court below relied to hold that such usage of peremptory challenges is acceptable, it was alleged that the systematic exclusion of black veniremen by the prosecution through the use of peremptory challenges violated the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. 380 U.S. 210-11. The Supreme Court, after examining the historical roots and

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The Third District previously certified the same question in Neil v. State, 433 So.2d 51 (Fla. 3d DCA 1983), which is currently pending before this Court in Case Nos. 63,933 and 63,899.

traditional usage of peremptory challenges, id. at 212-20, concluded as follows:

> The function of the challenge is not only to eliminate extremes of partiality on both sides, but to assure the parties that the jurors before whom they try the case will decide on the basis of the evidence placed before them, and not otherwise. In this way the peremptory challenge satisfies the rule that "to perform its high function in the best way 'justice must satisfy the appearance of justice.'" . . . .
>
> The essential nature of the peremptory challenge is that it is one exercised without a reason stated, without inquiry, and without being subject to the court's control. . . . It is often exercised upon the "sudden impressions and unaccountable prejudices we are apt to conceive upon the bare looks and gestures of another," upon a juror's "habits and associations," or upon the feeling that "the bare questioning [a juror's] indifference may sometimes provoke a resentment," . . . . It is no less frequently exercised on grounds normally thought irrelevant to legal proceedings or official action, namely, the race, religion, nationality, occupation or affiliations of people summoned for jury duty. . . . 380 U.S. at 219-20 (citations and footnote omitted).

Based upon these considerations, the Court concluded the striking of all prospective black jurors in a single trial does not violate the Equal Protection Clause, holding that a federal constitutional violation is established only by a proven continuing practice of doing so:

> . . . [W]hen a prosecutor in a county, in case after case, whatever the crime and whoever the defendant or the victim may be, is responsible for the removal of Negroes who have been selected as qualified jurors and who have survived challenges for cause, with the result that no Negroes ever serve on petit juries, the Fourteenth Amendment claim takes on added significance. In these circumstances, giving even the widest leeway to the operation of irrational but trial-related suspicions and

> antagonisms, it would appear that the purpose of the peremptory challenge are being perverted. If the State has not seen fit to leave a single Negro on any jury in a criminal case, the presumption protecting the prosecutor may well be overcome. Such proof might support a reasonable inference that Negroes are excluded from juries for reasons wholly unrelated to the outcome of the particular case on trial and that the peremptory system is being used to deny the Negro the same right and opportunity to participate in the administration of justice enjoyed by the white population. These ends the peremptory challenge is not designed to facilitate or justify. 380 U.S. at 223-24.

The standard of proof required to establish an equal protection violation, characterized by one court as imposing "Sisyphean burdens" upon litigants, Commonwealth v. Soares, 377 Mass. 461, 387 N.E.2d 499, 509 n.10 (1979), cert. denied, 444 U.S. 881 (1979), has been the subject of a significant body of scholarly criticism.[2] Empirical proof of the virtual impossibility of satisfying that burden is that but one reported decision since Swain has found an equal protection violation under the principles of that decision. See State v. Brown, 371

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See, e.g., Brown, McGuire & Winters, The Peremptory Challenge as a Manipulative Device in Criminal Trials: Traditional Use or Abuse, 14 New Eng.L.Rev. 192 (1978); Finkelstein, The Application of Statistical Decision Theory to the Jury Discrimination Cases, 80 Harv.L.Rev. 338 (1967); Comment, The Prosecutor's Exercise of the Peremptory to Exclude Non-White jurors: A Valued Common Law Privilege in Conflict with the Equal Protection Clause, 46 U.Cin.L.Rev. 555 (1970); Comment, Swain v. Alabama: A Constitutional Blueprint for the Perpetuation of the All-White Jury, 52 Va.L.Rev. 1157 (1966). Statistical analysis in Finkelstein, supra, established that the racial disparity in Swain could have occurred randomly in only one out of 100 trillion venires, id. at 356-58, using the formula subsequently adopted by the Supreme Court of the United States as the accepted method of proving discrimination in jury cases in Castaneda v. Partida, 430 U.S. 482, 494 n.17 (1977).

So.2d 751 (La. 1979).[3] And the lack of success in proving equal protection violations under Swain can hardly be said to be the result of having achieved the American ideal of perfect neutrality in jury selection processes; the courts have had numerous occasions to address -- and accept -- claims of racial and minority-group discrimination in jury selection since the advent of Swain. See, e.g., Castaneda v. Partida, 430 U.S. 482 (1977); Taylor v. Louisiana, 419 U.S. 522 (1975); Peters v. Kiff, 407 U.S. 493 (1972); Gibson v. Zant, 705 F.2d 1543 (11th Cir. 1983); Guice v. Fortenberry, 661 Fo.2d 496 (5th Cir. 1981).

The rule announced in Swain is grounded solely on federal equal protection grounds.[4] It is accordingly binding on the states only insofar as it adjudicates the scope of the Fourteenth Amendment, and is wholly irrelevant to a proper construction of state constitutional guarantees. Oregon v. Hass, 420 U.S. 714

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In Neil v. State, supra, the Third District held that Swain requires a litigant to establish that "(1) a particuilar prosecutor (2) in every type of case (3) in every set of circumstances and (4) for an extended provable period of time has (5) peremptorily excused black venire persons with the result that no black person has ever served on a petit jury in a case tried by that prosecutor." 433 So.2d at 51; see also State v. Simpson, 326 So.2d 54, 56 (Fla. 4th DCA 1976). As the concurring opinion in this case notes, defendants in large metropolitan areas such as Dade County will rarely -- if ever -- succeed in satisfying even the first prong of this test, due to the large number of assistant state attorneys and the relatively short tenure of trial prosecutors in such offices. Andrews v. State, supra, 8 FLW at 2386 n.2.

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Swain was decided prior to Duncan v. Louisiana, 391 U.S. 145 (1968), which held the Sixth Amendment right to trial by jury applicable to the states, and Taylor v. Louisiana, supra, which held the Sixth Amendment guarantee of a jury drawn from a fair cross-section similarly applicable.

(1975). The right to trial by jury is independently guaranteed by Article I, Section 16 of the Constitution of the State of Florida (1968), which provides that "[i]n all criminal prosecutions the accused . . shall have the right to have . . . a speedy and public trial by impartial jury". See, e.g., Aaron v. State, 345 So.2d 641 (Fla. 1977); Deeb v. State, 131 Fla. 362, 179 So. 894 (1937). The Florida Constitution similarly guarantees due process of law, Art. I, § 9, Fla.Const. (1968), and equal protection of the laws. Art. I, § 2, Fla.Const. (1968). These provisions and their predecessors[5] have long been uniformly construed to forbid the systematic exclusion of cognizable groups, so as to guarantee truly "impartial" and non-discriminatory juries. See, e.g., State v. Silva, 259 So.2d 153, 160 (Fla. 1972); Porter v. State, 160 So.2d 104, 107 (Fla. 1963); Haynes v. State, 71 Fla. 585, 72 So. 180, 182 (1916); Tarrance v.

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Art. I, § 1 Fla.Const. (1838)("all freemen, when they form a social compact, are equal"); Art. I, § 6, Fla.Const. (1838)("the right of trial by jury, shall for ever remain inviolate"); Art. I, § 10, Fla.Const, (1838)("in all criminal prosecutions the accused hath a right to . . . a speedy and public trial, by an impartial jury"); Art. I, § § 6, 10 Fla.Const. (1861)(identical to 1838 provisions); Art. I, § § 6, 10 Fla.Const. (1861) (identical to 1838 provisions; only constitution without equal protection counterpart); Decl. of Rights, § 1, Fla.Const. (1868)("All men are by nature free and equal"); Decl. of Rights, § 3, Fla.Const. (1868)("The right of trial by jury shall be secured to all, and remain inviolate forever"); Art. 16, § 28, Fla.Const. (1868)("There shall be no civil or political distinction in this State on account of race, color, or previous condition of servitude"); Art. I, § 1, Fla.Const. (1885)("all men are equal before the law"); Art. I, § 3, Fla.Const. (1885)("The right of trial by jury shall be secured to all, and remain inviolate forever"); Art. I, § 11, Fla.Const. (1885)("In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury").

State, 43 Fla. 446, 30 So. 685 (1901), aff'd, 188 U.S. 519 (1902); Bass v. State, 368 So.2d 447 (Fla. 1st DCA 1979); Simmons v. State, 182 So.2d 442 (Fla. 1st DCA 1966).

An "impartial" jury is not merely one which is unbiased; rather, that term embraces and incorporates the concept of a jury drawn from a fair cross-section of the community, as the Supreme Court held in Taylor v. Louisiana, supra:

> The unmistakable import of this Court's opinions, at least since 1940 . . . is that the selection of a petit jury from a representative cross section of the community is an essential component of the Sixth Amendment right to a jury trial.
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> * * *
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> We accept the fair-cross-section requirement as fundamental to the jury trial guaranteed by the Sixth Amendment and are convinced that the requirement has solid foundation. The purpose of a jury is guard against the exercise of arbitrary power -- to make available the commonsense judgment of the community as a hedge against the overzealous or mistaken prosecutor and in preference to the professional or perhaps overconditioned or biased response of a judge. This prophylactic vehicle is not provided if the jury pool is made up of only special segments of the populace or if large, distinctive groups are excluded from the pool. Community participation in the administration of the criminal law, moreover, is not only consistent with our democratic heritage but is also critical to public confidence in the fairness of the criminal justice system. Restricting jury service to only special groups or excluding identifiable segments playing major roles in the community cannot be squared with the constitutional concept of a jury trial. "Trial by jury presupposes a jury drawn from a pool broadly representative of the community as well as impartial in a specific case. . . . [T]he broad representative character of the jury should be maintained, partly as assurance of a diffused impartiality and partly because sharing in the administration of justice is a

> phase of civic responsibility." 419 U.S. at 530-31.

The concept of an "impartial" jury as one drawn from a representative cross-section of the community -- the principle of "diffused impartiality" -- is critical to the right to a jury trial:

> . . . The Court repeatedly has held that meaningful community participation cannot be obtained with the exclusion of minorities or other identifiable groups from jury service. "It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community." The exclusion of elements of the community from participation "contravenes the very idea of a jury . . . composed of 'the peers or equals of the person whose rights it is selected or summoned to determine.'" Ballew v. Georgia, 435 U.S. 223, 236-37 (1978).

These principles underpin recent decisions which have sought to resolve the not-inconsiderable tension between the fair cross-section requirement and the recognized interest in free exercise of peremptory challenges. See People v. Wheeler, 22 Cal.3d 258, 148 Cal.Rptr. 890, 583 P.2d 748 (1978); Commonwealth v. Soares, 377 Mass. 461, 387 N.E.2d 499 (1979), cert. denied, 444 U.S. 881 (1979); State v. Crespin, 94 N.M. 486, 612 P.2d 716 (1980). Wheeler, the leading decision on this question, is grounded upon a California constitutional provision declaring that "'[t]rial by jury is an inviolate right and shall be secured to all'". 583 P.2d at 754. Although this provision does not explicitly guarantee the right to an impartial jury, the Court concluded that such is "no less implicitly guaranteed by our charter", and thus held that "the right to a jury drawn from a representative

cross-section of the community is guaranteed equally and independently" by the state constitutional provision. Id. at 754, 758.

The issue presented in Wheeler arose from a criminal trial in which the prosecution used peremptory challenges to strike all prospective black jurors. Id. at 750-54. Since the issue was framed as noted above, the Court held that Swain was inapplicable, id. at 766-67, and that single-trial exclusion of black jurors violated due process cross-section principles.

> We conclude that the use of peremptory challenges to remove prospective jurors on the sole ground of group bias violates the right to trial by a jury drawn from a representative cross-section of the community under article I, section 16 of the California Constitution. This does not mean that the members of such a group are immune from peremptory challenges . . . . Nor does it mean that a party will be entitled to a petit jury that proportionally represents every group in the community . . . .
>
> What it does mean, however, is that a party is constitutionally entitled to a petit jury that is as near an approximation of the ideal cross-section of the community as the process of random draw permits . . . . It is that degree of representativeness -- whatever it may prove to be -- that we must preserve as essential to trial by an impartial jury. Certainly the prospective jurors are then subject to challenges for cause and peremptory challenges on grounds of specific bias; but for the reasons stated above we cannot countenance the decimation of the surviving jurors on the ground of group bias alone. 683 P.2d at 761-62 (citations and footnotes omitted).

The Wheeler decision was adopted by the Supreme Judicial Court of Massachusetts in Commonwealth v. Soares, supra, in which the Court similarly rested its decision on a state constitutional provision guaranteeing a trial by jury and the concommitant

assurance of a jury drawn from a representative cross-section. 387 N.E.2d at 509-14. The Soares Court concluded that the goal of "diffused impartiality" in the trial jury demands some limitation upon the use of peremptory challenges to strike all representatives of cognizable groups from the jury panel:

> . . . If the constitutional mandate of a jury which fairly reflects a cross-section of the community is to signify more than hollow words in this Commonwealth, we cannot permit the peremptory challenge to be exercised with absolute and unbridled discretion.
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> * * *
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> What we view art. 12 of the Declaration of Rights as proscribing is the use of peremptory challenges to exclude prospective jurors solely by virtue of their membership in, or affiliation with, particular defined groupings in the community. Were we to decline to so hold, we would leave the right to a jury drawn from a representative cross-section of the community wholly susceptible to nullification through the intentional use of peremptory challenges to exclude identifiable segments of that community. The argument sometimes made that members of specific identified groups in the community are statistically more likely than the population at large to hold a given view which bear[s] on their deliberations in the case misapprehends the issue. It is this very diversity of opinion among individuals, some of whose concepts may well have been influenced by their group affiliations, which is envisioned when we refer to "diffused impartiality."
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> . . . [E]xercise of peremptory challenges to exclude members of discrete groups, solely on the basis of bias presumed to derive from that individual's membership in the group, contravenes the requirement inherent in art. 12 of the Declaration of Rights. . . . What both parties are constitutionally entitled to expect is "a petit jury that is as near an approximation of the ideal cross-section of the community as the process of

random draw permits." 387 N.E.2d at 514-16 (citation and footnotes omitted).

Accord State v. Crespin, supra.

The Wheeler-Soares principle represents a moderate middle course, paying heed to the policy underlying peremptory challenges while protecting the general run of litigants, who will never be able to establish a Swain violation. Indeed, it is not only the strict burden of proof imposed by Swain which makes this so, but the requirement of that decision that a long-term practice be established. Swain thus "provide[s] no protection to the first defendant who suffers such discrimination, but, because he is the first . . . cannot show enough 'instances' to establish a pattern of prosecutorial abuse." State v. Crespin, supra at 717. Similarly, all successive defendants are subject to such discriminatory practices "until 'enough' such instances have accumulated to show a pattern of prosecutorial abuse." People v. Wheeler, supra at 767.

Discrimination in the jury box is no less evil in one case than it is in many; assuming that a Florida defendant eventually succeeded in establishing a Swain violation, such would mean, in the very words of the decision, that "the peremptory system is being used to deny [minorities] the same right and opportunity to participate in the administration of justice enjoyed by the white population." 380 U.S. at 224. The inescapable import of such a finding would be that all cases used to prove the ultimate constitutional finding were similarly tainted by invidious -- but unremediable -- discrimination. And the social costs of such discrimination, in even a single trial, can be enormous. See

Andrews v. State, supra, 8 FLW at 2386-87 n.4 & 10.

The Wheeler decison promulgated the following test to accommodate the legitimate prupose of peremptory challenges while prohibiting intentional discrimination:

> . . . If a party believes his opponent is using his peremptory challenges to strike jurors on the ground of group bias alone, he must raise the point in timely fashion and make a prima facie case of such discrimination to the satisfaction of the court. First . . . he should make as complete a record of the circumstances as is feasible. Second, he must establish that the persons excluded are members of a cognizable group within the meaning of the representative cross-section rule. Third, from all the circumstances of the case he must show a strong likelihood that such persons are being challenged because of their group association rather than because of any specific bias. 583 P.2d at 764 (footnote omitted).

If this showing is made, the trial court must then determine "whether a reasonable inference arises that peremptory challenges are being used on the ground of group bias alone." Ibid. A finding that such an inference arises shifts the burden to the other party "to show if he can that the peremptory challenges in question were not predicated on group bias alone", and, if this cannot be demonstrated, "the court must then conclude that the jury as constituted fails to comply with the representative cross-section requirement and it must dismiss the jurors thus far selected", as well as the remaining prospective jurors. Id. at 764-65.

This procedure has been well-received by most commentators. See, e.g., Brown, McGuire & Winters, supra; Note, The Defendant's Right to Object to Prosecutorial Misuse of the

Peremptory Challenge, 92 Harv.L.Rev. 1770 (1979); Comment, People V. Wheeler; California's Answer to Misuse of the Peremptory Challenge, 16 San Diego L.Rev. 897 (1979). The majority of state courts which have refused to adopt the Wheeler-Soares doctrine have done so either because the issue was advanced solely on federal due process grounds or upon a finding that state constitutional jury guarantees provided no greater protection than Swain. See People v. Williams, ___Ill.2d___, ___N.E.2d___, Case No. 53240 (1983), opinion filed May 27, 1983 (due process grounds); State v. Stewart, 225 Kan. 410, 591 P.2d 166 (1979)(same); Lawrence v. State, 51 Md.App. 575, 444 A.2d 478 (1982)(highest state court had previously construed state right to trial by jury as identical to Federal right); People v. McCray, 57 N.Y.2d 542, 457 N.Y.S.2d 441, 443 N.E.2d 915 (1982)(same).

However, a minority of jurisdictions have adopted the same reasoning as did the Third District in Neil v. State, supra, and the present case, basing a rejection of Wheeler-Soares on the need for unbridled exercise of peremptory challenges. See Commonwealth v. Henderson, 497 Pa. 23, 438 A.2d 951 (1981); State v. Grady, 93 Wis.2d 1, 286 N.W.2d 607 (1979).[6] The tacit

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The Henderson decision also holds that Wheeler-Soares is "unworkable", concluding that "the fluency and rationalizing power of a lawyer [can] overcome any burden the Wheeler-Soares rule may place upon prosecutors to justify their peremptory challenges." 438 A.2d at 956 (citation omitted). This is an irrational --as well as a frightening -- basis for rejecting the rule. First, it proceeds from the assumption that prosecutors, when faced with a Wheeler-Soares challenge, will disingenuously deny racial discrimination; in other words, that they will lie. (Cont.)

rationale for such holdings is that prosecutors are entitled to presume that certain constitutionally-cognizable groups of persons will all be biased against the prosecution in a particular case, and may use peremptory challenges to strike all such persons. As the Wheeler decision concluded, the systematic exclusion of a constitutionally-cognizable group of persons solely on the basis of presumed "group bias" strikes at the very heart of the cross-section guarantee:

> . . . [W]hen a party presumes that certain jurors are biased merely because they are members of an identifiable group distinguished on racial, religious, ethnic, or similar grounds -- we may call this "group bias" -- and peremptorily strikes all such persons for that reason alone, he not only upsets the demographic balance of the venire but frustrates the primary purpose of the representative cross-section requirement. That purpose, as we have seen, is to achieve an overall impartiality by allowing the

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Prosecutors, as attorneys licensed to practice in this state, are as bound by the Code of Professional Responsibility as other lawyers, see Jackson v. State, 421 So.2d 15 (Fla. 3d DCA 1982), and it cannot be presumed that they will so flagrantly violate their oaths.

Second, trial courts are routinely faced with the task of determining whether prosecutors have deliberately acted in violation of the law, see, e.g., Wilcox v. State, 367 So.2d 1020 (Fla. 1979)(duty of trial court to determine if prosecutor intentionally violated discovery rules); State v. Iglesias, 374 So.2d 1060 (Fla. 3d DCA 1979)(duty of court to determine whether prosecutor deliberately provoked defendant to move for a mistrial), and there is no reason to believe that the trial courts of this state would be unable to efficiently and accurately inquire into a prosecutor's use of peremptory challenges. Finally, it must be noted that the State Attorney of the Eleventh Judicial Circuit is apparently quite willing to have trial prosecutors respond to such inquiries; the expressed policy of the State Attorney is that prosecutors, when faced with a charge of discrimination by use of peremptory challenges, shall "announce the reasons" for the challenges, and shall offer to continue jury selection "until the trial Court is satisfied." Andrews v. State, supra, 8 FLW at 2386-87 n.6 (citation omitted).

> interaction of the diverse beliefs and values the jurors bring from their group experiences. Manifestly if jurors are struck simply because they may hold those very beliefs, such interaction becomes impossible and the jury will be dominated by the conscious or unconscious prejudices of the majority. Seen in this light, the presumed group bias that triggered the peremptory challenges against its members is indistinguishable from the group perspective we seek to encourage by the cross-section rule. 583 P.2d at 761 (footnote omitted).

The critical social importance of access to the jury box by all American citizens, regardless of race, creed, sex, or ethnic identification, has been recognized since 1880. See, e.g., Duren v. Missouri, 439 U.S. 357 (1979); Apodaca v. Oregon, 406 U.S. 404 (1972); Williams v. Florida, 399 U.S. 78 (1970); Brown v. Allen, 344 U.S. 443 (1953); Glasser v. United States, 315 U.S. 60 (1942); Patton v. Mississippi, 332 U.S. 460 (1937); Strauder v. West Virginia, 100 U.S. 303 (1880). The great strides forward represented by the innumerable decisions which have commanded equality in the methods by which jurors are summoned the courthouse can be readily eviscerated by invidious discrimination in the selection of jury panels; such usage of the peremptory challenge is the last vestige of discrimination in the jury process, and must be prohibited to achieve the constitutional goal of true neutrality and impartiality in the jury box. The deleterious consequences of allowing such discrimination extend not only to the penalized litigants, but "to the jury system, to the law as an institution, to the community in which the trial was held, and to the democratic ideal reflected in our state constitution and in the processes of our courts." State v. Eames,365 So.2d 1361, 1373 (La. 1978)(Dennis. J. concurring).

CONCLUSION

Based upon the foregoing, it is respectfully requested that this Court quash the decision of the District Court of Appeal of Florida, Third District, in this cause.

Respectfully submitted,

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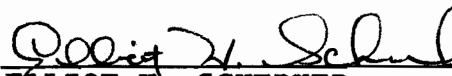
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing brief was forwarded by mail to Geoffrey C. Fleck, Esq., 2250 S.W. Third Avenue, Miami, Florida 33129, and Carolyn Snurkowski, Assistant Attorney General, Office of the Attorney General, 401 N.W. Second Avenue, Miami, Florida 33128 this 10th day of November, 1983.



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