

COMES NOW the Respondent, LOUIE L. WAINWRIGHT, by and through undersigned counsel, and files this his Supplemental Response to the Petition for Writ of Habeas Corpus, filed November 5, 1984, and states as follows:

1. That as to each of the trial issues referred to by Petitioner, all of the arguments lack substantive merit, for the reasons outlined in the Anticipatory Response filed by Respondent, on November 5, 1984, at pages 24-28.

2. That, additionally, the lack of a contemporaneous objection as to Issues A & C, as cited in Petitioner's Petition, would have resulted in procedural bar of consideration of these issues by this Court, on direct appeal. <u>Caster v. State</u>, 365 So. 2d 701 (Fla. 1978); <u>also</u>, see <u>Maxwell v. State</u>, 443 So. 2d 967,970. (Fla. 1984).

3. That Petitioner has not been prejudiced by the decision not to raise any issue on direct appeal, related to sentencing, since this Court, on direct appeal, independently reviewed the aggravating circumstances relied on by the trial court, in the exercise of its proportionality review (and, to Petitioner's benefit, held three of said circumstances invalid). Maxwell, supra, at 970-971.

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4. That, due to the foregoing circumstances, Petitioner has wholly failed to demonstrate ineffective assistance of appellate counsel, according to the dictates of <u>Strickland v.</u> <u>Washington,</u> U.S. ____, 104 So. Ct. 2052, 80 L. Ed. 2d 674 (1984). <u>See Smith v. Wainwringht</u>, 9 FLW 442, 443-444 (Fla. Supreme Court, October 11, 1984).

WHEREFORE, Respondent respectfully requests that the Petition for Writ of Habeas Corpus be denied.

Respectfully submitted,

JIM SMITH Attorney General Tallahassee, Florida

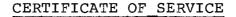
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RICHARD G. BARTMON Assistant Attorney General 111 Georgia Avenue, Suite 204 West Palm Beach, Florida 33401 (305) 837-5062

Counsel for Respondent

ROBERT L.TEITLER Assistant Attorney General 111 Georgia Avenue, Suite 204 West Palm Beach, Florida 33401 (305) 837-5062

Counsel for Respondent 2



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I HEREBY CERTIFY that a true copy of the foregoing Supplemental Response to Petition for Writ of Habeas Corpus has been furnished by United States Mail to STEVEN H. MALONE, ESQUIRE, 233 Third Street North, St. Petersburg, Florida, this 6th day of November, 1984.

Milard G-Bartman OF COUNSEL Mild L. Mat OF COUNSEL