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IN the SUPREME Court of FLORIDA

DUANE EUGENE OWEN,
APPELLANT,

VS.

STATE of FLORIDA,
APPELLEE.

CASE NO: 68,550

SUPPLEMENTAL PRO SE REPLY BRIEF
of APPELLANT

DUANE EUGENE OWEN # 101660
FLORIDA STATE PRISON
P.O. BOX 747
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Summary of Argument

Appellant relies on the summary in his initial supplemental pro-se brief.

Statement of Facts

Appellant relies on the statements in his initial supplemental pro-se brief.

Preliminary Statement

The following symbols will be used:

"R"	Record on Appeal
"SR", "ST"	Supplemental Record on Appeal
"AB"	Appellant's Initial Brief
"ASB"	Appellant's Supplemental Brief
"APB"	Appellant's Pro-Se Brief
"SAB"	State's Answer Brief

Argument

Point 1

I. The Trial Court erred in denying the motion to suppress Appellant's Statements.

Much of the States argument is addressed to the issues of whether the trial court correctly ruled on the voluntariness of Appellant's statements. (SAB 32-92). In an attempt to clarify issues relating in the State's answer brief, Appellant will argue issues as it relates to the outline in the States answer brief and will number accordingly in this reply.

1) The initial stop of Appellant.

The Appellant relies on the arguments as set forth in the (AB 31-33), and his (APB 8-11).

2) The police isolated Appellant from any outside assistance, including a lawyer of his choice and failed to bring Appellant before a committing magistrate.

The Appellant relies on the arguments as set forth in (ASB 11-13), and his (APB 11-19), however Appellant will add the following. The States argument here is claiming that appellant did not assert his Right to a lawyer of his choice (SAB 61-74), and that it is without merit and rather boarder on the ridiculous. This argument flys directly in the face of our Constitution

And as the Fifth Amendment guarantees that;

"No person..... shall be compelled in any criminal case to be a witness against himself."

Although the Amendment itself does not speak of the right to counsel, the Supreme Court held in; Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d. 694 (1966), that it provides;

"An individual held for interrogation..... the right to counsel and to consult with a lawyer and to have the lawyer with him during interrogation." ID.

In addition, the Sixth Amendment guarantee that; "In all criminal prosecutions, the accused shall enjoy the right .... to have the assistance of counsel for his defense."

The question at issue in the present case is whether Appellant clearly asserted his right to counsel and a lawyer of his choice by his statement of requesting to speak with Paul Moyle. (ST 169), (ST 386-388), (ST 391-399), (ST 399-402), and (APB pg. 3, appendix).

In Miranda, supra, the Court set out the Miranda requirement to be read to every suspect in police custody and they are;

1) You have the right to remain silent and not answer any questions,

2) Any statement you make must be freely and voluntarily given,

* 3) You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.

4) If you cannot afford a lawyer, you are entitled to the presence and representation of a Court Appointed lawyer before you make any statement and during any questions,

5) If at any time during the interview you do not wish to answer any questioning, you are privileged to remain silent,

6) I can make no threats or promises to induce you to make a statement. This must be of your own free will,

7) Any statement can and will be used against you in a Court of law,

8) Do you understand these rights as they have been read to you?

From the beginning of the interviews / interrogations Appellant was misled as to the true meaning of his Miranda rights. (ST 5-6)

Officer Woods: According to the Miranda Rule, there is only four things.

Defendant: Anything you say will be used against you in a court of law; you have the right to be presented --- how is it?

Officer Woods: You have the right to the presence and representation of a lawyer of your choice before you make any statements and during any questioning.

Defendant: Alright.

Officer Woods: If you cannot afford a lawyer, you are entitled to the presence and representation of a court-appointed lawyer.

"And in some states, they say at no cost to you or whatever," but really in talking to the State Attorneys and stuff, they put all this stuff on the cards, you know, to print it out, and a lot of guys check it off as they do it.

As clearly indicated from officers' woods statement, Appellant was left to decide whether if Florida was one of the States that paid for an attorney, and since the State Attorney printed up the cards, Appellant then requested to speak with the only attorney he knew and that was Paul Moyle. (ST 169, 386-88, 391-99, 399-402), (APB pg. 3, appendix).

The State claims that Paul Moyle is not an Attorney, however, due to the misstatement of law by officer Woods and the fact that Appellant knew of no other Attorney, the officers denied Appellant's request to a lawyer of his choice. In a similar analogy, if Appellant's father was an assistant state attorney just a Paul Moyle is, and upon requesting his father regardless if he is an assistant state attorney, wouldn't that be an assertion of a lawyer of his choice?. In a similar situation, Judge Buck stated the following at the motion to suppress at (R1426) that;

> "And I point out for the purpose of this record, Mr. Owen, that which you probably have surmised, that when I asked counsel at the first part of the week about your statements on the tapes that you thought the lawyers were jerks, that it was with tongue-in-cheek, that I inquired of counsel as to whether or not you were aware that a Judge is also a lawyer."

When a person expresses both a desire for counsel and a desire to continue the interview without counsel, "further inquiry is limited to clarifying the suspect's wishes." Thompson v. Wainwright, 601 F.2d. 768 (5th Cir. 1979); Nash v. Estelle, 597 F.2d. 513 (5th Cir. cert. denied, 444 U.S. 981, 100 S.Ct. 485, 62 L.Ed.2d 409 (1979)).

In the present case, the police officers did not limit their inquiry to just clarifying Appellant's request and the presence of a lawyer of his choice, and in fact, told Appellant that;

> McCoy: You know, you can ask to go see him or him, whether its him or whatever other attorney or through your attorney, say, yeah, I want to sit down with this guy. That's up to you. Okay. I'm sure, you know, he may sit down and listen to you. But you---- Maybe he won't you know. Maybe he won't until he wants to.

---- I mean but your not going to just ~~snap~~ snap your fingers and he's going to come running over here .... (ST 393-394).

As clearly indicated though officer's McCoy's statement (ST 393-94), it clearly shows that Appellant was denied his right to a lawyer of his choice during that interrogation or any other police-initiated interrogation, and a valid waiver of that right could not be established by showing only that Appellant responded to police-initiated interrogation after being again advised of his right. Edwards v. Arizona, 452 U.S. 973, 101 S.Ct. 3128, 68 L.Ed.2d. 378 (1981).

The State claims that appellant was only at the Boca Raton police station for 12 hours and not 36 hours as alleged by appellant and that officer Brady testified that the date on the documnt (APB, page 2, appendix) is nothing but human error (R 738-740), this alleged human error testified by officer Brady is hard to swallow and in fact an insult to the Courts. Officer Brady testified that his calendar watch incorrectly showed the wrong date as the 29th, when it was in fact the 30th, because April only had 30 days. (R 738-40). However it is somewhat amazing that a police officer would have worked all month with his watch being one day off without noticing it prior to the end of the month. This is especially true when there were two separate form signed, dated both the 29th, one signed by DANA L. BROWN AKA, and one signed DUANE OWEN. (APB pg. 1 and 2, appendix's). Furthermore not only did officer Brady sign it but another officer not brought before the suppression hearing signed both documents, that being officer O'HARA. So least to say, was both officers' watches wrong?. Again, not to insult the Courts.

Thus since Appellant was denied his right to a lawyer of his choice

on the first day of interrogations (APB pg. 3, Appendix) and was detained for over 36 hours before being brought before a committing magistrate, Appellant was denied both the fifth and sixth Amendment right to counsel during the first interrogation and during all police initiated interrogations including on June 21, 1984.

3) The police continued to interrogate and question Appellant even after Appointment of Counsel at his arraignment.

The Appellant relies on the arguments as set forth in the (APB 19-22), however will add the following;

Appellant was arraigned[1] on May 31, 1984 (R 917) (SAB 62), and this fact was known to various officers (R 1199), (R 1200), (SAB 10) and (ST 389-391). This date of arraignment is very important as to show that the police initiated interrogation held on July 21, 1984 on the date of the alleged statements (ST 1102-1170) (SAB 88) to the instant case violated Appellant's Fifth and Sixth Amendment Rights to counsel.

The State claims that simply because Appellant was appointed counsel at arraignment on one matter that does not mean that he cannot be interrogated on that matter or any other case. (SAB 73). The State relies on Delap v. State, 440 So2d 1242, 1247-1248 (Fla. 1983), however if the police initiate communication after appointment of counsel at arraignment or similar proceeding, "that police initiated communication would be in violation of a suspect's fifth Amendment right to counsel."[2] Michigan v Jackson, — U.S. —, 106 S.Ct. 1404, 89 L.Ed.2d. 631 (1986). In the present case, the police initiated communication with Appellant (R 1200),

(1) Appellant was arraigned on (2) non-capitol cases, # 84-3459 and # 84-3460, plus (3) FTA's (failure to appears) on May 31, 1984.

(SAB 82) and thereafter the alleged statements were used at trial (R 2975-3088). In Edwards, supra the Court held;

> "that an accused person in custody who has expressed his desire to deal with police only through counsel, is not subject to further interrogations by the authorities, until counsel has been made available to him, unless the accused himself initiates further communications, exchanges, or conversations with the police". ID at 101 S.Ct. 1884-1885.

At the motion to suppress held July 29 - August 2, 1985, testimony was elicted that officer Lincoln obtained a court order for the footprints of Appellant (R 1199) and that order was served on Appellant on June 21, 1984 (R 1200)(SAB 10). Later that night of June 21, 1984 during a police initiated interrogation, Appellant gave alleged statements to the Slattery homicide (R 1204-1205)(SAB 10)(ST 1100-1168).

Although the State contends that the right to counsel can be waived during questioning (SAB 73), and that Appellant was repeatedly advised of his rights to consult with counsel during interrogation (SAB 74), these sort of waivers of counsel has been held invalid upon a police initiated interrogation regardless if a suspect has been given his Miranda rights. Edwards, supra. As held by the United States Supreme Court in Michigan v. Jackson, supra that;

> "if police initiate interrogation after a defendants' request or assertion, at an arraignment or similar proceeding, of his right to counsel, any waiver of that defendant's right to counsel for that police initiated interrogation is "invalid".

Appellant in the instant case did have a sixth amendment right to counsel upon

(2) The trial Judge was without the benefit of Michigan v. Jackson during the motion to suppress and his denial of that motion. Taylor v. State, 498 So 2d 1297 (Fla. App. 1 DCA 1986)

the court order being served (R 1199) upon appellant during the police initiated interrogation (R 1199) (R 1200) (SAB 10), and it is also clear as a suspect in police custody, that appellant had a fifth amendment right to counsel at the interrogation. Miranda, supra, 384 U.S. at 467-74, 86 S.Ct. at 1625-28. It is clear that appellant invoked his Fifth and Sixth Amendment right to counsel as explained at; infra pg. 2-6, but as a supect in police custody, he did invoke his constitutional right to counsel at his arraignment as explained supra at pg. 7, prior to the instant murder interrogation. Therefore, appellant was entitled to the assistance of counsel at the June 21, 1984 police initiated interrogation. Edwards, Jackson, supra and any waiver of that right is invalid. Jackson, supra.

There are strong parallels between the duration of an individuals fifth amendment and sixth amendment right to counsel. * * * The sixth amendment right vests when an individual "becomes the accused", Escobedo v. Illinois, 378 U.S. 478, 485, 84 S.Ct. 1758, 1762, 12 L.Ed.2d. 977 (1964). From that point on the accused is entitled to have an attorney present at all "critical stages of the prosecution." United States v. Wade, 388 U.S. 218, 237, 87 S.Ct. 1926, 1937, 18 L.Ed. 2d. 1149 (1967). The right continues for as long as the individual remains "the accused". That is, until the individual is either convicted or freed by reason of aquittal or dismissal of charges. In a similar manner, the fifth amendment right to counsel vests "when an individual is taken into custody". Miranda, supra 384 U.S. at 478, 86 S.Ct. at 1630; United States v. Zarrara, 626 F.2d. 136, 137 (9th Cir. 1980). From that point on, the suspect has "the right to have counsel present at any custodial interrogation." Edwards, supra 451 U.S. 485-86, 101 S.Ct. at 1885-86, 68 L.Ed. 2d. 398 (1981).

In the present case, appellant became a suspect and the police obtained a court order (R 1198) and served upon appellant during a police-initiated interrogation (R 1200) in which was a critical stage of the prosecution. U.S. v. Wade,

MIRANDA, EDWARDS AND MICHIGAN V. JACKSON, SUPRA.

Just as the Sixth Amendment right continues for as long as the individual is "the accused", the Fifth Amendment right continues for as long as an individual is "in custody".

Because the Fifth Amendment right extends to any interrogation conducted in police custody, "if an individual invokes the right to counsel during a proceeding that concerns one crime, the invocation continues to apply if he or she is later interrogated about a second crime." U.S. EX. REL. ESPINOZA V FAIRMAN, 813 F.2d. 117 (7th Cir. 1987).

In ESPINOZA, SUPRA at 118, the Court held that;

> "Espinoza had both a fifth Amendment and a sixth Amendment right to counsel at the interrogation, and that he had not knowingly and voluntarily waived those rights. Because the state had not yet begun to prosecute Espinoza on the murder charge at the time he confessed, we conclude that Espinoza had no sixth Amendment right to counsel at the police interrogation concerning that crime. However, because Espinoza invoked his fifth Amendment Right to counsel at his arraignment on the weapons charge, we conclude that the State was barred from initiating an interrogation of Espinoza without counsel concerning any crime for as long as he remained in continuous police custody".

The Court went on to say at 127, that;

> "Espinoza was constitutionally incapable of waiving his right to counsel. By interrogating Espinoza about the murder in the absence of his lawyer, the police violated Espinoza's fifth Amendment right to counsel".

In the present case, Appellant was arraigned on May 31, 1984 (R 917)(SAB 62) and the police obtained a court order on June 21, 1984 (R 1199)(SAB 10), And that court order was served on Appellant on June 21, 1984 (R 1200)(SAB 10).

Later that night of June 21, 1984 during a police-initiated interrogation, Appellant gave an Alleged statement to the Slattery homicide (R 1204-1205) (SAB 10)(ST 1100-1168).

Therefore, using the standards as set forth in Miranda, Edwards, Jackson, and Espinzona, supra, Appellant was denied his sixth Amendment Right to counsel upon a police initiated interrogation by the issuance of the court order (R 1199)(R. 1200)(SAB 10) and the police initiated interrogation later that night (ST 1069-1168) and further appellant was denied his fifth Amendment Right to counsel upon the police initiated interrogation (R 1200)(SAB 10)(ST 1069-1168) and any waiver of that right to counsel is invalid and all statements obtained should have been suppressed.

4) Appellant's Fourth Amendment Rights were violated by the Illegal Electronical Means of search and seizure

Appellant relies on the arguments as set forth in (APB 23-25), however would add the following;

The state contents that Appellant did not have any expectation of privacy in that he knew whatever he said to the officers would be used against him in a court of law (SAB 61). However, Appellant was taken across the street to a different facility, that being open to the public and therefore Appellant did have an expectation of privacy just as any citizen would whom entered that public facility. Plus the issue of voluntariness of a confession is whether Appellant knew he was being videotaped and that any waiver of counsel is invalid during that videotaping. Furthermore, without a proper court order or search warrant to intercept Appellant's communication, and without any counter-clock or time reflected on the tapes themselves, cannot be said to reflect a true and correct recording thereby violating discovery.

5) The police continued to interrogate Appellant after he invoked his right to remain silent.

Appellant relies on the arguments as set forth in (APB 25-29)(AB 36-41) and (ASB 2-6), however from beginning of the police initiated interrogation until Appellant gave an alleged statement, Appellant clearly invoked his right to remain silent several times, and as shown herein; (ST 1043); Defendant: "I don't know nothing about that one". (ST 1047); Defendant: "Because they wasn't my footprints". (ST 1046); Defendant: "That wasn't me". (ST 1077); Defendant: "I'd rather not talk about it". (ST 1095); Defendant: "I don't want to talk about it". After Appellant relized that the police would continue to ask questions concerning the homicide, he only knew of one way out and that occured at (ST 1097), when Appellant stated, "let me take --- use the bathroom first".

Whereupon the defendant was again questioned at (ST 1097) with no fresh Miranda warning given though (ST 1102) when Appellant then decided to rely upon another one of misstatement of law given by officer Lincoln at (ST 1100) and Appellant stated at (ST 1102) that;

Defendant: What the hell, like you said, two --- It doesn't make no difference once you got one.

So as this Court can clearly see, Appellant's right to cut off questioning was violated as mandated by Miranda v Arizona, 86 S. Ct. 1602 and Michigan v. Mosley, 423 U.S. 96, 96 S. Ct. 321, 46 L.Ed.2d. 313 (1975). Therefore, all statements should have been suppressed and this case must be reversed and remained back to the trial court for a new trial, with directions to suppress the alleged statements.

Point II

II. Appellant was deprived of Due Process of law and a fair trial by the State's destruction of evidence in violation of the Fifth and Fourteenth Amendments, Florida law, and notions of basic fairness.

Appellant relies on the arguments as set forth in (APB 30-41) and would add the following and bring to this court's attention that;

* * * * * "Let it be known that the videotapes used in the trial Judge's determination during the motion to suppress held during July 29th through August 2, 1984 were copies of the originals taken between June 3rd through June 21st 1984 and that the originals are still in the possession of Boca Raton and Delray Beach Police Agencies. (see order of Oct. 5, 1987 in re: transcription of videotapes). Furthermore, let it be know that the supplemental record on appeal (SR)(ST), was made from copies of the originals placed into evidence during the motion to suppress thereby creating doubt as to the true contents of the originals as they were never entered into evidence as required by law, Florida Rules of criminal procedues, Evidence code, § 90.952, § 90.953 and § 90.954. with this in mind, the State has violated Discovery under Florida Statute, Rule 3.220. * * * * *

Much of the State's argument in respect to the allegation of selectively recording Appellant's statements is vague as it relates to that issue. (SAB 92 93). The state claims that no due process occured and that the trial court found that "selectively recording" is not illegal (R 1434). But since the sole issue involved is voluntariness, this issue is of the upmost importants and should be reviewed as a whole by the appellate court. Taking the issue from the beginning, Appellant will show that the

selectively recording is a violation of due process and should not be tolerated in any respect.

In the instant case from May 30th and June 1st 1984, the officers testified that although they had the equipment to record that this was not a consious decision, nor an attempt to keep anything from appellant, but simply because the officers do not automatically record all conversations, (R 732, 734, 737, 758, 814, 893, 894, 922)(SAB 92). This statement alone proves that the officers selectively recorded Appellant's statement and that they do not automatically record all conversations.

Although the trial court found that "selectively recording" is not illegal (R 1434), the procedures used by the officers in this case falls directly in the lap of the controlling law set forth in Brady v. Maryland, 373 U.S. 83 (1966), and therefore is a due process violation. Without the exact intent of the interrogations held on May 30th and June 1st 1984, this Court has to speculate as to what occured during that time. Furthermore the Court has to continue to speculate as to the exact intent of the interrogations during June 3rd through June 21st 1984 even those interrogations were recorded as they were selectively recorded, And since those tapes were not obtained by a court order, supra at pg. 11, or sealed with the proper authorities as to preserve those tapes from edits or erasures, the use of those tapes at Appellant's trial is a violation of due process. Had the State used reasonable care in obtaining the videotapes as outlined, supra pg. 11, (APB 23-25) And had the State continued to use reasonable care by turning over the original tapes at the motion to suppress for the trial court to determine the volunteriness of those tapes, Again this Honorable Court would not be left with the heavy burden of revieuwing this inaccurate record on appeal.

Previously the 4th District Court of Appeals of Florida were faced with the issue of voluntariness of consent pertaining to search and seizure. See; Smith III v. State, (12 FLW 2455, Fla. 4DCA, Oct. 21, 1987); Hunter v. State, (13 FLW 233, Fla. 4DCA, JAN. 29, 1988). In both decisions, the Court was referred to; Stephan v. State, 711 P.2d. 1156 (Alaska 1985). In Stephan, supra the Alaska Supreme Court held;

"More than five years ago, in Mallott v. State, 608 P.2d 737 (Alaska 1980), we informed Alaska law enforcement officials that (it is incumbent upon them to tape record, where feasible, any questioning of criminal suspects and particularly that which occurs in a place of detention). Id. at 743 n.5 (citation omitted). This requirement (hereinafter the Mallott Rule) was again noted in S.R. v. State, 614 P.2d 786 (Alaska 1980), with the observation that an electronic record of such interviews "will be a great aid" when the Courts are called upon to determine "the circumstances of a confession or other waiver of a suspect's Miranda rights". Id. at 790 n.9. In a third case, McMahan v. State, 617 P.2d. 494 (Alaska 1980), cert. denied, 454 U.S. 839, 102 S.Ct. 146, 70 L.Ed 2d 121 (1981), the recording requirements was repeated, with further statement that "if Miranda rights are read to the defendant, this too should be recorded." 617 P.2d at 499 n.11. Today, we hold that an unexcused failure to electronically record a custodial interrogation conducted in a place of detention violates a suspect's right to due process, under Alaska Constitution[3] And that any statement thus obtained is generally inadmissible." See; Hendricks v. Swenson, 456 F.2d. 503, 506-07 (8th Cir 1972) (Suggesting that videotapes of interrogations protect a defendant's rights and are a step forward in the search for truth); Ragan v. State, 642 S.W.2d. 489, 490 (Tex. Crim. App. 1982) (Tex. Code Crim.

(3) Alaska Const. art. I, §7 provides in part: "No person shall be deprived of life, liberty, or property without due process of law".

proc. Ann. art. 38.22, § 3 (Vernon 1979) requiring that oral statements of the accused during custodial interrogations must be recorded in order to be admissible; Model Code of Pre-Arraignment Procedure § 130.4 (Proposed Official Draft 1975)(requiring sound recordings of custodial interviews). See generally Kamisar, Forward: Brewer v. Williams — A hard look at a dis-confitting record, 66 Geo. L. J. 209 (1977-78); Williams, the Authentication of statements to the police, Crim. L. Rev. 6 (Jan. 1979).

Id. Stephans at 1157-58.

* * * *

"The Alaska court of Appeals refusal to adopt an exclusionary rule in these circumstances is perhaps due to failure on our part to adequately explain the full significance of our prior decisions. Electronic recordings of suspects' interrogations was described in those cases, rather ambiguously, as "part of a law enforcement agency's" duty to preserve evidence. Malloff v. State, 608 P.2d. at 743 n.5 (citing Catlett v. State, 585 P.2d. 553, 558, n. 5 (Alaska 1978))(4) Today, we resolve that ambiguity. Such recording is is a requirement of state due process when the interrogation occurs in a place of detention and recording is feasible. We reach this conclusion because we are convinced that recoeding, in such circumstances, is now a reasonable and necessary safeguard, essential to the adequate protection of the accused's right to counsel, his right against self-incrimination and, ultimately, his right to a fair trial."

In the present case, appellant agrees that recording statements is a good

(4) In Catlett, we held that, because of the important due process rights involved, evidence should not be destroyed based on an investigator's evaluation of its usefulness, instead, state investigators should have standard procedures for the preservation of evidence obtained during the investigation. 585 P.2d. at 558 n.5.

step towards preserving evidence, however, due to the State's "selectively recording" Appellants statement without any device (counter-clock) to support the amount of time the officer's spent with Appellant or without the state preserving the videotapes by sealing them as to preserve the true contents from edits or erasures violated Appellant's due process Rights.

As our own constitution states, Florida constitution, Art. 1, § 9, that;

> "No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any ceiminal matter to be a witness against himself."

Appellant subnits that due to the State's failure to preserve the entire interrogation's and that the "selectively recoeding" of Appellant's interrogations must not be tolerated in any respect as it is a violation of Appellant's due process rights to a fair trial.

> ..... Interrogation still takes place in privacy. Privacy results in secrety and this in turn results in a gap in our knowledge as to what in fact goes on in the interrogation rooms.

Miranda, 384 U.S. at 445, 448, 86 S.Ct. at 1612, 1614, 16 L.Ed.2d. at 707, 709.

Point III

III. Appellant was denied his Sixth Amendment right to the assistance of counsel for his defense through the negligent and therefore ineffective assistance of trial counsel.

Appellant relies on the arguments as set forth in (APB 41-52).

Conclusion

Based upon the following Arguments and the Authorities cited, Appellant respectfully request this Honorable Court to reverse the judgment and sentence of the trial court and remand this cause with directions as may be deemed Appropriate.

Respectfully submitted,

Duane Egan Owen pro-se

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Certificate of Service

I, Hereby Certify that a true copy Hereof has been furnished to; Georgina Jimenez-Orosa, Assistant attorney general, 111 Georgia Ave., Suite 204, W.P.B., Fla. 33401; and Theodore S. Bogas, Esquire, Law firm of Salwick and Keiscker, 100 Australian Ave., Suite 102, W.P.B., Fla. 33406 this 15th day of March 1988 by U.S. Postal Service.

Respectfully,

Duane Egan Owen pro-se

cc: Supreme Ct. Clerk
file

MARCH 15, 1988

Honorable Sid J White,

Enclosed please find (1) ~~Original~~ and (7) copies of the Reply supplemental pro-se brief to be filed with this Honorable Court.

Thank you very much!

Respectfully,

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