IN THE SUPREME COURT OF FLORIDA

RONALD LEE WILLIAMS,

Appellant,

v. CASE NO. 78,249

STATE OF FLORIDA,

Appellee.
_____/

REPLY BRIEF OF APPELLANT

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TABLE OF CONTENTS

TABLE OF CITATIONS

TABLE OF CITATIONS (cont'd)

STATEMENT OF THE CASE AND FACTS

Appellant ("Williams") takes exception to the following statements in the State's statement of the case and facts:

1. The adoption by reference of the trial court's statement of facts in the sentencing order. The order does not make specific references to the record. To the extent it conflicts with Williams' statement of facts, the latter should control.

2. At page 4 of the Answer Brief the State asserts:

> . . . Williams made arrangements for Michael Coleman, Timothy Robinson and Darrell Frazier to fly to Pensacola. (TR 612-614). On the way, the group talked about how "Gas" and the others would be "dropped". (TR 614-615).

It should be noted that Williams was not in "the group" that "talked about how "Gas" and the others would be 'dropped,"' and that the discussion was between Coleman, Robinson and Darrell Frazier at the Miami airport (R. 614, line 3 - 615, line 4).

SUMMARY OF ARGUMENT

With respect to the issues pertaining to the trial phase, the record clearly reflects that the trial court suggested to the jury its opinion of the credibility of Williams primary accuser; the other crimes evidence should not have been admitted; and the State's race-neutral explanation for peremptorily challenging Ms. Rankins was a mere pretext.

As to the sentencing phase, the record shows that four of the six aggravating factors applied by the trial court were not proven beyond a reasonable doubt and that such error was prejudicial; and the record further reflects substantial non-statutory mitigating factors that are indisputable which, although totally ignored by the trial court, demonstrate that the jury's life recommendation is rational.

ARGUMENT

ISSUE I

THE TRIAL COURT VIOLATED APPELLANT'S CONSTITUTIONAL RIGHT TO A TRIAL BEFORE AN IMPARTIAL TRIBUNAL BY INTERRUPTING, WITHOUT OBJECTION HAVING FIRST BEEN MADE BY THE PROSECUTOR, DEFENSE CROSS-EXAMINATION OF A KEY STATE WITNESS AND AFFIRMING THE WITNESS' CREDIBILITY.

The blindfold on the statue of justice is a powerful symbol and reminder that a "judge must above all be neutral," Williams v. State, 143 So.2d 484 (Fla. 1962). While a judge may ask questions to clarify issues, a judge may not appear to lean to either side. Williams v. State, supra, Raulerson v. State, 102 So.2d 281 (Fla. 1958); Seward v. State, 59 So.2d 529 (Fla. 1952); Leavine v. State, 147 So. 897 (Fla. 1933).

The testimony of Darrell Frazier was beyond any doubt the linchpin to the State's case. During defense counsel's cross-examination of Mr. Frazier the trial court, without any prior objection by the prosecutor or need to clarify an issue, leaped into the fray:

> Q. Ronald Williams told you to "get my stuff back," didn't he?
>
> A. Yes, he did.
>
> Q. He never told you to kill anybody, did he?
>
> A. Yes he did. He told us to drop them.
>
> Q. Page 57, lines 9 through 10, take a look at that and see if that refreshes your memory about what he told you.
>
> A. Question, "What did Trick tell you?" "Before we got ready to go -- before we got ready to go --"

Q. Just this right there.

A. Right there? He said, "Yoge, make sure you get my dope back".

Q. Okay. That's the question I posed to you?

THE COURT: No, it wasn't, Mr. Etheridge. That's not the question you posed. You asked him a follow-up question, too,

THE WITNESS: That's right.

Mr. ETRERIDGE: What was my follow-up, you Honor?

THE COURT: **You** asked him if Mr. Williams **asked** him to **kill** anybody, and he said -- and he answered --

MR. ETHERIDGE: That was the question, asked him to kill anybody, and he said no, Your Honor. That was the question I followed up on specifically to him.

MR. PATTERSON: Lines 12, 13 and 14, Your Honor.

MR. ETHERIDGE: The State my redirect if they want to, Your Honor. I asked him whether he told him to kill anybody.

MR. PATTERSON: Your Honor, I think that's improper impeachment.

THE COURT: Well, you may proceed, pursue it further, Mr. Patterson. **As** a matter of the fact, members of the jury, why don't you step out just for a minute and let me handle this outside of the jury's presence.

(Jury out)

(R. 646 - 647, Emphasis supplied.) Mr. Frazier's statement that "Be told us to drop them" was made without any qualification. If Williams' instruction was to "drop them" only if the **drugs** and money were not returned, and if Mr. Frazier had so testified at his deposition, his trial testimony of a categorical order to "drop them" could be impeached.

The question just before the judge's objection was a simple, "Okay. That's the question I posed to you?" Either the witness was asked at the deposition, "What did Trick tell you" or he was not asked the question. In fact, the question was asked at page 57, line 5 (R. 1441), and his answer to that question and the follow-up question indicated that a categorical order to "drop them" had not been given:

> **Q. What did Trick tell you?**
>
> A. Before we got ready to *go* -- before we got ready to go, he came and made sure -- he said that y'all know what we made plans about last night. Y'all just do what I told you. And then he said, Yoge, make sure you get my dope back. And then he told Red and Michael Coleman to do what I told y'all to do.
>
> Q. Did you ever hear him tell Red or Michael Coleman to do anything another than get his shit back?
>
> A. Yes. I heard him tell Red that he wanted Red to drop them if they don't **give him his shit back.**

(R. 1441, Emphasis supplied.) If the prosecutor had any concern as to whether the "follow-up" question would be asked he could object and ask that the "follow-up" question and answer also be read aloud to the jury simultaneously, or cover the matter on redirect examination. But the prosecutor did not ojbect. There was no reason for him to object: Defense counsel's questions were clear and clarification was unnecessary.

But more importantly, regardless of who was right and who was wrong, the trial court's criticism of defense counsel's impeachment effort with the jury present was an egregious abuse of discretion: It could reasonably be seen by the jury as the

judge coming to a truthful witness' aid to protect him from unfair questioning by defense counsel-- a message not overlooked by the witness, who immediately yelped, "That's right."

The State suggests that "defense counsel implicitly admitted his error" (Answer Brief, p. 12). Nonsense. Defense counsel wisely recognized the futility of arguing with the judge and moved on.

Finally, the State submits that "defense counsel's objection to preserve the record for appeal in fact was too late and did not preserve the claim for appellate review" (Answer Brief, p. 12). But shortly after the exchange above, defense counsel made "a motion for mistrial based upon the Court commenting on the evidence earlier" (R. 659). The motion for mistrial was timely made. See Millett v. State, 460 So.2d 489, 492 (Fla. 1st DCA 1984). Moreover, it is fundamental error for a trial court to indicate by innuendo or otherwise its opinion on the credibility of a witness or the guilt of the accused, Whitfield v. State, 455 So.2d 548 (Fla. 1984); Hamilton v. State, 109 So.2d 422 (Fla. 1959); Raulerson v. State, supra; Seward v. state, supra; Leavine v. State, supra; Robinson v. State, 161 So.2d 578 (Fla. 3d DCA 1964); and a conviction may be reversed to correct "fundamental injustice" pursuant to Rule 9.140(f), Florida Rules of Appellate Procedure. Robinson v. State, 462 So.2d 471 (Fla. 1st DCA 1984), rev. denied, 471 So.2d 44 (Fla. 1985). See also Tibbs v. State, 397 So.2d 1120 (Fla. 1981)(Reversal of conviction "in the interest of justice" per Rule 9.140(f), Florida Rules of

Appellate Procedure, is a viable and independent standard for appellate review.).

Under the foregoing circumstances, Williams' right under the United States and Florida constitutions to a trial before an impartial tribunal was violated. The error is so fundamental as to require a new trial.

ISSUE II

THE TRIAL COURT ERRED IN ADMITTING EVIDENCE OF OTHER CRIMES OCCURRING IN A DIFFERENT LOCALE APPROXIMATELY FOUR MONTHS PRIOR TO THE CHARGED CRIMES AND ALLEGEDLY INVOLVING APPELLANT.

The State asserts that relevancy is the true test of the admissibility of other crime evidence (Answer Brief, p. 16). Appellant agrees. Appellant does not contend that evidence of other crimes is limited under the Williams Rule only to other crimes with similar facts. But Appellant does contend that when proof of other crimes is offered to establish identity because the modus operandi of the crimes are the same the facts as to how the crimes were committed, i.e., the modus operandi, must be similar:

> Evidence of other crimes, acts or wrongs is admissible to prove identity. The most common basis of proving the identity of the person who committed the crime in question is from evidence that collateral crimes were committed by the use of a distinctive modus operandi which was the same as that used in the crime in question. Proof that the defendant committed the other crimes provides a basis for an inference that the defendant committed the crime in question. The fact that the defendant is identified as having committed a prior crime does not, by itself, mean the evidence is relevant. The probative value comes from the fact that the collateral crimes were committed with a unique modus operandi which was the same as that used in the crime in question; therefore, it may be inferred that the same person committed both crimes. When that evidence is coupled with an identification of the defendant as the person who committed the prior crime, the evidence is relevant. Evidence that the defendant has committed prior crimes, without evidence of a similar modus operandi, does not raise the same inference. **Only** when the **court can find that modus operandi is so unusual so that it is reasonable to conclude that the same person committed both crimes is the evidence of the prior crime admissible to prove**

identity.

(Erhardt, Florida Evidence s. 404.10 (1992 Edition), Emphasis Supplied.) If, as the State suggests, the Pensacola and Jacksonville crimes were "hits," they were very differenct kinds of "hits." Because the modus operandi were not so unusual that it is reasonable to conclude that the same person committed both crimes, evidence of the Jacksonville drive-by shootings was irrelevant and inadmissible to prove identity or modus operandi.

Such evidence was also irrelevant as proof of motive. It was offered solely to establish Williams as a bad character with a propensity for violence. The Pensacola killings clearly did not result from the Jacksonville crimes, which did not in any fashion motivate the commission of the Pensacola killings. In that very important respect, the case below differs from the cases relied upon by the state.

In Jackson v. State, 522 So.2d 802 (Fla. 1988) the victims of the charged crimes and the "other crimes" were the same and relevancy was established: Evidence that Jackson previously assualted the same victim approximately two weeks before in an argument over drugs was relevant to show Jackson's motive for killing the victim was his belief that the victim was stealing his drugs and taking advantage of him. Thus, Jackson's earlier confrontation with the victim tended to show Jackson disliked the victim and would want to kill him. But in the case below none of the Jacksonville victims were victims in the Pensacola crimes. As a matter of simple logic, proof of Williams' anymosity towards

the Jacksonville victims could not establish Williams' feelings, if any, towards the Pensacola victims.

Phillips v. State, 476 So.2d 194 (Fla. 1985) may also be distinguished:

> As parole supervisor, the victim had responsibility over several probation officers in charge of appellant's parole. The record indicates that for approximately two years prior to the murder, the victim and appellant had repeated encounters regarding appellant's unauthorized contact with a probation officer. On each occasion, the victim advised appellant to stay away from his employees and the parole building unless making an authorized visit. After one incident, based on testimony of the victim and two of his probation officers, appellant's parole was revoked and he was returned to prison for approximately twenty months.
>
> On August 24, 1982, several rounds of gunfire were shot through the front window of a home occupied by the two probation officers who had testified against appellant. Neither was injured in the incident, for which appellant was subsequently charged.

Phillips claimed error in the admission of the August 24 shooting. The August 24 shooting, though, was obviously relevant to prove motive -- Phillips had prior encounters with the victim and probation officers and the August 24 incident indicated his continued dislike for the victim and probation officers and that he was seeking revenge for the revocation of his parole. Again, the Jacksonville crimes involved different victims. Proof of the motive for the Jacksonville crimes, namely, to prevent competition from McClendon, explained why those crimes were committed and nothing else.

The State's reliance upon Craig v. State, 510 So.2d 857 (Fla. 1987) is similarly misplaced. In Craig the State's theory

of the motive for the murders was to avoid arrest for the theft of cattle from one of the victims, whom Craig feared had discovered he was the thief. Consequently, the "cattle thefts were not wholly independent of the murders but rather were an integral part of the entire factual context in which the charged crimes took place," Craig at page 863. The Jacksonville drive-by shootings were not an integral part of the Pensacola killings that occurred four months later nearly 400 miles away in an entirely different manner. The State cannot reasonably argue that the Pensacola killings were done to cover-up or prevent arrest for the Jacksonville crimes.

In short, the cases relied upon by the State involve the admissibility of "other crimes" evidence to prove motive where the other crimes involve the same victims or are an integral part of the factual context of the charged crimes. The case below does not.

It is well settled under Florida law that,

> . . .the erroneous admission of irrelevant crimes evidence "is presumed harmful error because of the danger that a jury will take the bad character or propensity to crime thus demonstrated as evidence of guilt of the crime charged." Straight v. State, 397 So2d 9903. 908 (Fla.), cert. denied, 454 U.S. 1022. 102 S.Ct. 556, 70 L.Ed.2d 418 (1981). Accord Peek v. State, 488 So.2d 52, 56 (Fla. 1986).

Castro v. State, 547 So.2d 111, 115 (Fla. 1989). The other crimes evidence below was patently prejudicial. Indeed, the State offers no argument that admission of the other crimes evidence could be deemed harmless.

The Jacksonville crimes were irrelevant, and, in the final analysis, the undue prejudicial effect of such proof outweighed any relevancy to the crimes charged below. The prejudicial nature of the proof was its tendency to evoke any jury's natural antipathy for major drug distributors. With such evidence a prosecutor can appeal to raw emotions by portraying the defendant as akin to a Hollywood caricature of a crime lord:

> Don Vito, the boss of **basses** that's how (Williams) thought of himself. That's not how we think of him. He was the boss of bosses. His hand is what controlled the knives that cut these people, and his hand is the hand that pulled the trigger on these people, and not because he was there, but because he controlled them. And every witness that took the witness stand told you that. And because the boss of bosses can nod his head and the people that work for him know what he means doesn't mean he's innocent. He caused these people's death, and if he is not criminally responsible for these people's death, no one is. The boss **af bosses** nods **his** head and says take them out, drop them, sitting out by his pool taking them out.

(R. 903).

Furthermore, the emotional impact of the other crimes was exacerbated by the other crimes becoming a feature of the trial: The initial focus of the prosecutor's opening statement was the Jacksonville crimes (R. 211-217); the first eleven witnesses called by the State testified on matters relating only to the Jacksonville crimes (R. 264-332); and, as pointed out above, the prosecutor used the emotional impact of the other crimes evidence to portray Williams as a bad character.

Finally, Williams involvement in the other crimes was not established by clear and convincing evidence (Initial Brief,

p. 26).

Accordingly, the admission of the other crimes evidence was prejudicial error.

ISSUE III

THE TRIAL COURT ERRED IN PERMITTING THE STATE, OVER TIMELY OBJECTION, TO PEREMPTORILY CHALLENGE A JUROR SOLEY ON THE BASIS OF RACE.

The State's argument has three prongs.

The prosecutor below was "glad" to have the opportunity to provide a race-neutral reason for peremptorily challenging a black juror. Now, the State maintains that Williams' Slappy objection was legally insufficient due to the lack of a prima facie showing of discrimination. In Hernandez v. New York, 500 U.S. ____, 114 L.Ed.2d 395, 406, 111 S.Ct. ___ (1991) the United States Supreme Court held:

> Once a prosecutor has offered a race-neutral explanation for the peremptory challenges and the trial court has ruled on the ultimate question of intentional discrimination, the preliminary issue of whether the defendant had made a prima facie showing becomes moot.

The prosecutor below made a voluntary proffer. The trial court ruled on the ultimate question of intentional discrimination, making "a determination that the peremptory challenge of Ms. Rankins was based on her ambivalence about the death penalty and not because she was **black**" (Answer Brief, p. 23). Therefore, the preliminary issue of whether Williams made a prima facie showing of discrimination became moot.

Next, the State argues that the mere fact the prosecutor offered a race-neutral explanation, and the trial court so found, ends the debate. This argument begs the ultimate question: Was the prosecutor's race-neutral explanation a mere pretext? As proof of Ms. Rankins' ambivalence, the prosecutor observed that

"when I asked her that, about the death penalty, there was a long pause. She shook her head both ways , . . both no and up and down." Yet the prosecutor failed to ask her to explain her hesitation and her headshaking (just as he asked another juror to explain her conflicting headshaking response on the same matter.) Moreover, the "reasons proffered by the prosecutor were equally applicable to two unchallenged jurors" (Initial Brief, p. 30). The prosecutor's failure to request an explanation on acceptance of other jurors as to whom the same reasons for challenge existed tends to show that prosecutor's explanation was a pretext. State v. Slappy, 522 So.2d 18, 22 (Fla. 1988). Consequently, the trial court abused its discretion in sustaining the peremptory challenge -- in violation of Williams' constitutional right to equal protection of the law under the Fourteenth Amendment of the United States Constitution and Article I, s. 16 of the Florida Constitution.

Third, the State argues that defense counsel was not serious, he was only seeking an additional peremptory challenge. The argument is not supported by the record, and is a nonsequitor.

Therefore, the State's argument is as hollow as the prosecutor's race-neutral explanation was pretextual.

ISSUE IV

THE TRIAL COURT ERRED BY WEIGHING AGGRAVATING CIRCUMSTANCES NOT PROVEN IN SENTENCING APPELLANT TO DEATH.

(A) WHETHER THE HOMICIDES WERE COMMITTED TO AVOID OR PREVENT A LAWFUL ARREST

Even if the State's factual account is accepted as holy writ, this aggravating factor was not proven beyond a reasonable doubt. Williams after-the-fact remark that Darrell Frazier et al "screwed up because 'one got away"' (Answer Brief, p. 26) is not proof that prior to the killings Williams ordered anyone killed primarily to avoid or prevent a lawful arrest. The comment was a common sense observation that the surviving witness would make an identification.

(B) PECUNIARY GAIN

The trial court found that "the killings of the four victims were without provocation and senseless since the stolen contraband had been recovered" (R. 1309). If so, then it defies logic to then conclude that the killings were committed to recover the stolen contraband.

(C) HEINOUS, ATROCIOUS OR CRUEL

The record does not reflect that "Williams was in constant contact with his henchmen" (Answer Brief, p. 29). The record discloses no evidence of any contact between Darrell Frazier et al and Williams from the time they left Williams in Miami and committed the killings in Pensacola.

Furthermore, there is no evidence that Williams had any

prior knowledge the anyone would be killed in a heinous, atrocious or cruel manner. Thus, Omelus v. State, 584 So.2d 563 (Fla. 1991) controls and it was error for the trial court to vicariously apply this aggravating factor.

(D) COLD, CALCULATED AND PREMEDITATED

In Robinson v. State, Case No. 74, 945 (Fla. June 25, 1992) and Coleman v. State, Case No. 74, 944 (Fla. June 25, 1992) this Court found, based upon the record in those cases, that the cold, calculated and premeditated factor had been proven as Robinson and Coleman. In contrast, the record below reveals that the State failed to prove beyond a reasonable doubt that Williams ordered a "truly contract, execution/witness elimination" (Answer Brief, p. 31) murder of the four victims.

Darrell Frazier was the only witness to confer with Williams in Miami prior to the killings. Re testified that no one was to be killed if the stolen property was recovered (R. 650, lines 9 - 12). The trial court's finding that the stolen property was recovered before the killings is indisputable. If Darrell Frazier testified truthfully, they exceeded Williams' understanding as to what would occur if the drugs and money were recovered. In fact, Mr. Frazier felt the whole time that nothing was going to happen (R. 651, lines 10 - 13) and stated that the "people who killed them" made the decision to kill (R. 651, lines 3 - 4).

(E) PREJUDICIAL ERROR

The trial court's error in misapplying the foregoing factors

was prejudicial. Proof that a defendant was not a triggerman is a valid nonstatutory mitigation factor when the triggerman gets a lesser sentence. Downs v. State, 572 So.2d 895 (Fla. 1990); Campbell v. State, **571** So.2d **415** (Fla. 1990); Slater v. State, **316** So.2d **539** (Fla. 1975). Nevertheless, the trial court completely excluded from its analysis the disparate treatment that two highly culpable triggermen, the Frazier brothers, **would** receive. The trial court's exclusion of this obvious and significant mitigating factor was violative of the Eighth and Fourteenth Amendments of the United States Constitution and alone is sufficient ground for a new sentencing hearing. Eddings v. Oklahoma, 455 U.S. **104, 71** L.Ed.2d **1,** 102 S.Ct. 869 (1982); Campbell v. State, supra. Hence, the trial court's misapplication of several aggravating factors as well cannot be swept under the rug of harmless error.

ISSUE V

THE TRIAL COURT ERRED IN OVERRIDING THE JURY'S LIFE RECOMMENDATION AND IMPOSING A DEATH SENTENCE UPON APPELLANT.

There is a rational basis for the jury's life recommendation.

First, the degree of a defendant's participation and the relative culpability of an accomplice may serve as a reasonable ground for a jury's life recommendation. Harmon v. State, 527 So.2d 182 (Fla. 1982). The irrefutable facts are that Williams was not a triggerman; Williams was in Miami when the killings occurred; and that two of the triggermen were death eligible and received disparate treatment.

Second, the jury could reason that the Frazier brothers were more culpable than Williams: Darrell Frazier participated in whatever decisions were made in Miami; Darrell Frazier described himself to Williams as the group leader; both crashed into Gas' apartment; both assisted in obtaining firearms and holding the victims hostage; and both were present when the killings occurred and took no preventive action. Tina Crenshaw's escape from the Frazier brothers was not, as the State implies, an act of charity. It was either stupidity, or recognition of the fact that no one was to be hurt if the drugs and money were recovered. But whatever their motive in not returning with Tina Crenshaw, the Frazier brothers were far from gallant upon their return to the apartment.

Third, it is not "perfectly clear" that Williams was the

"ultimate triggerman" (Answer Brief, p. 34). The evidence of record sharply conflicts as to what Williams ordered. Darrell Frazier recalls Coleman saying, "The nigger said we got to drop them, man" (R. 622). But Amanda Merrill heard someone say "We got what we want. Come on, let's go" **and** someone reply, **"No,** I'm **going *to* do** this" (R. 477). Thus, a reasonable juror could agree with Darrell Frazier's testimony that the people at the scene in Pensacola made the decision to kill -- rather than Williams in Miami.

The State's assertion that the jury's life recommendation is the result of an emotional defense argument is ludicrous: The prosecutor below was not alarmed, he **did** not make a contemporaneous objection **on** that ground.

Reasonable persons can **differ** on whether to impose the death sentence under the fact and circumstances of the case below. Defense counsel offered the jury solid reasons for tipping the scales of justice in favor of life:

> If you recall in our penalty -- or excuse me, our guilty or innocent phase, the prosecutor attacked me or my tactics, I think about me talking about Bruce and Darrell, specifically Darrell, well, he would have you put these guys on death row and let him not -- and let Ronald live or not be found guilty at that time. But it's amazing how we have had a turnaround, and he asked for death for them, and since they got on the stand and testified for the State, then probably they might not get death.
>
> What does all of this *goes* to, Etheridge, what are you talking about? What I'm talking about is this. Ronald wasn't in Pensacola when this happened. You found that he was a principal, and I wasn't back there in the jury room with you, and I don't know what your arguments were about, and I'm not even going to attempt

> to get into that. But if you found him guilty, that's a given. It's done. I don't know what theory you used, but the facts remain that he was over a thousand miles away when these murders happened. And he never killed anyone. Be never tortured anyone. And he never stabbed anyone. He never kidnapped anyone. I'm guessing that you probably found him guilty on the principal theory probably. And we understand that.
>
> There is an instruction that the Judge will read you that an accomplice that could be a mitigating circumstance and saying that he didn't have a major part in the crime. And I guess it *goes* back to the old adage, even if you believe that Ronald Williams ordered these deaths, what your mom used to tell you when you were little, if you listened, if you listened to your neighborhood friends that got in trouble, well, he told you to do it. If it's like mine, spank you first and tell you you don't listen to what other people say. If somebody told you to run and jump off a cliff, you don't and do that either. Why is that offered? Well, that's something that you can consider.

(R. 1032 - 1033). The jury could reasonably conclude that it is one thing for Williams to have talked in Miami of killing if the contraband was not recovered, and quite another to actually be in Pensacola, confront the victims, hear their pleas for mercy and squeeze the trigger. Therefore, the jury's life recommendation should be reinstated. Cooper v. State, 581 So.2d 49 (Fla. 1991).

CONCLUSION

For the reasons presented in Issues I, 11, and/or III of this brief, appellant asks this Court to reverse his convictions and to grant him a new trial and, for double jeopardy purposes, to reverse his death sentences as well.

In the alternative, appellant asks that his death sentences be reversed and reduced to a life sentence; and that his non-capital sentences be reversed and remanded for proceedings consistent with the Court's opinion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Initial Brief of Appellant has been furnished to Carolyn Snurkowski, Assistant Attorney General, The Capitol, Tallahassee, Florida, 32302, and Ronald L. Williams, #076275, Florida State Prison, P.O. Box 747, Starke, Florida, 32091, by U.S. Mail this 21st day of August, 1992.

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