

897

~~FILED~~

THE FLORIDA BAR,
Complainant,
v.
SUSAN K. GLANT,
Respondent.

SID J. WHITE
MAY 14 1996
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
Case No.: 85,800
FB #95-90,024

~~FILED~~

SID J. WHITE
MAY 18 1996
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

RESPONDENT'S REPLY BRIEF

1. TFB Brief, p.11, states there is "no argument made by Respondent regarding the payment of costs as a term of probation being improper." See the specific objection in Response To Petition For Order To Show Cause, filed 6/5/95, Paragraphs 15 & 20. The objection was made a year ago.

2. A finding of ability to pay a judgment when the record lacks substantial and competent evidence to support it is an issue of due process of law, 14th Amendment; Thompson v. Louisville, 80 S.Ct. 624, 629 (1960); Garner v. La., 82 S.Ct. 248 (1961). TFB admits that the Respondent is unable to make her mortgage payments (p.15), owes \$18,000 on her credit cards (p.8), and earns \$8000/year (p.15), yet concurs with the Referee's opinion that the Respondent should default on her credit card payments and that will allow her to pay the \$100/month (p.15) (T 30-31). The credit card debts existed at the time TFB took the judgment. Respondent is not required under the law to default on those debts to pay off this judgment, Kinne v. Kinne, 599 So.2d 191 (Fla. 2nd 1992) (T 22), despite the Referee's **CLEAR THREAT OF IMPRISONMENT** if Respondent fails to do so (T 30-31); Florida Constitution Article I, Section 11. The Referee's finding of ability to pay is constitutional error, 14th Amd. (due process & equal protection), and other courts' decisions do not concur with that finding, see attached Exhibit 16.

3. It is a violation of due process to revoke or extend probation where there is no evidence that a defendant has violated the terms of probation, Douglas v. Buder, 93 S.Ct. 2199 (1973); Bearden v. Georgia, 103 S.Ct. 2064 (1983). Payments of costs is not a condition of probation, DuBrevil, 527 So.2d 249 (3rd DCA 1988), rev.den. 537 So.2d 568 (Fla. 1988).

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered by U.S. Mail to James Watson, THE FLORIDA BAR, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300 this 8th day of May, 1996.

Susan K. Glant

Respondent, pro se
SUSAN GLANT FB#393908, delinquent member
4118 N.W. 69th STREET
GAINESVILLE, FL 32606
(352) 373-7663

SUSAN K. GLANT,
Petitioner,
v.

IN THE COUNTY COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

Case No.: 95-3227

THE FLORIDA BAR, and
THE FLORIDA BAR BOARD OF GOVERNORS, and
THE FLORIDA SUPREME COURT,

Respondents.

FILED
NOV 17 2 33 PM '95
DAVE LANG
CLERK OF CIRCUIT COURT
LEON COUNTY FLORIDA

ORDER OF INDIGENCY

The applicant, the Petitioner pro se SUSAN K. GLANT, having duly filed an Affidavit of Indigency and a Motion To Proceed In Forma Pauperis in the above-referenced cause, and having otherwise complied with Section 57.081, Florida Statutes (1994), is hereby certified to be indigent and is entitled to receive the services of the courts, sheriffs and clerks in the appeal of this matter to the Circuit Court, Second Judicial Circuit, Leon County, Florida, Case No. 95-4433.

REEL 9507P601151

DONE AND ORDERED in Courtroom 2-C, Leon County Courthouse, Tallahassee, Florida this 15th day of November 1995.

Thomas H. Bateman III

THOMAS H. BATEMAN III
County Judge

Copies provided to:

- Susan Glant, Petitioner
- Barry Richards, Counsel for Respondents
THE FLORIDA BAR and TFB BOG
- Kenneth Williams, Assistant Attorney General
Counsel for THE FLORIDA SUPREME COURT

STATE OF FLORIDA, COUNTY OF LEON

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of an instrument recorded in the official records of Leon County, Florida. WITNESS my hand and seal of office this 29 day of Dec, 1995

DAVE LANG
Clerk of Circuit Court



by *Danella Steford*

