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FEB 27 1996

IN THE SUPREME COURT OF FLORIDA

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Chief Deputy Clerk

STATE OF FLORIDA,

Petitioner,

v.

JEFFREY ELY ROBERTS,

Appellee.

CASE NO. 85,909

REPLY BRIEF OF PETITIONER

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TABLE OF CONTENTS

|  | <u>PAGE(S)</u> |
|--|----------------|
| TABLE OF CONTENTS . . . . .  | i              |
| TABLE OF CITATIONS . . . . .   | ii             |
| PRELIMINARY STATEMENT . . . . .  | 1              |
| ARGUMENT . . . . .   | 2              |
| <u>ISSUE</u> . . . . .   | 2              |
| WHETHER THE DISTRICT COURT ERRED IN HOLDING THAT THE TRIAL<br>COURT WAS REQUIRED TO CONDUCT A FOURTH <u>FARETTA</u> HEARING<br>DURING THE COURSE OF THE GUILT PHASE WHEN THE SELF-<br>REPRESENTED DEFENDANT ERRONEOUSLY REFERRED TO A NON-<br>EXISTENT CO-COUNSEL? . . . . . | 2              |
| CONCLUSION . . . . .   | 3              |
| CERTIFICATE OF SERVICE . . . . .   | 4              |

TABLE OF CITATIONS

CASES

PAGE(S)

Jones v. State, 449 So. 2d 253 (Fla. 1984),  
cert. den., 469 U.S. 893, 105 S. Ct. 269,  
83 L. Ed. 2d 205 (1984) . . . . . 2

IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA,

Petitioner,

v.

Case No. 85,909

JEFFREY ELY ROBERTS,

Respondent.

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PRELIMINARY STATEMENT

Petitioner, the State of Florida, will be referred to herein as Petitioner or the State. Respondent, Jeffrey Ely Roberts, was the appellant in the district court; this brief will refer to him as Respondent, or by his proper name.

The symbol "R" will refer to the record on appeal, and the symbol "T" will refer to the transcript of trial court proceedings. "IB" and "AB" will designate the Initial Brief and the Answer Brief of the parties, respectively. Each symbol is followed by the appropriate page number(s).

All bold-type emphasis is supplied, and all other emphasis is contained within original quotations unless the contrary is indicated.

ARGUMENT

ISSUE

WHETHER THE DISTRICT COURT ERRED IN HOLDING THAT THE TRIAL COURT WAS REQUIRED TO CONDUCT A FOURTH FARETTA HEARING DURING THE COURSE OF THE GUILT PHASE WHEN THE SELF-REPRESENTED DEFENDANT ERRONEOUSLY REFERRED TO A NON-EXISTENT CO-COUNSEL?

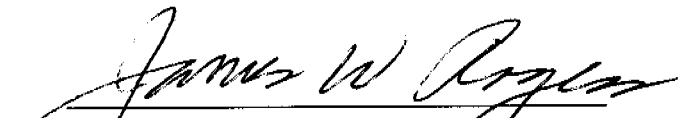
As Respondent so notes, the **fourth** *Faretta* hearing mandated by the District Court's holding in this case is burdensome to the judicial process. (AB, p. 6, 11). The state agrees. The trial court did not err. The district court decision should be quashed. Jones v. State, 449 So. 2d 253 (Fla. 1984), cert. den., 469 U.S. 893, 105 S. Ct. 269, 83 L. Ed. 2d 205 (1984).

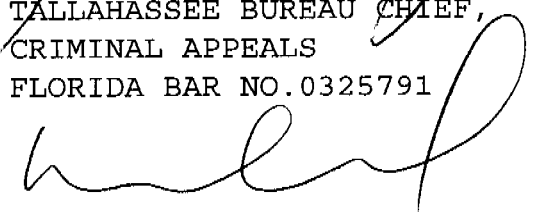
CONCLUSION

The district court decision should be quashed.

Respectfully submitted,

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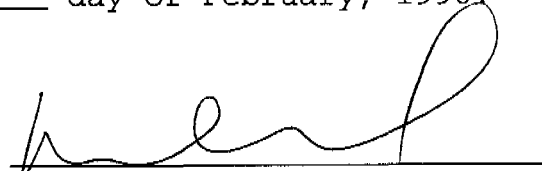
  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Reply Brief has been furnished by U.S. Mail to Carl McGinnes, Assistant. Public Defender, Leon County Courthouse, 301 S. Monroe St., Tallahassee, FL. 32301 this 27<sup>th</sup> day of February, 1996.

  
\_\_\_\_\_  
Daniel A. David  
Assistant Attorney General

[A:\ROBERTS.RB --- 2/27/96,9:16 am]