IN AND FOR THE FLORIDA SUPREME COURT

RONALD L. MEOLA
PETITIONER

VS.

DEPARTMENT OF CORRECTIONS,et;al.
RESPONDANTS

CASE NO:89-982

TERRY L. JONES,
PETITIONER

VS.

HARRY K. SINGLETARY JR.:ets
RESPONDANTS

CASE NO:90-148

PETITIONERS RESPONSE TO
RESPONDANTS RESPONSE
OF 19-MAY-1997

PROCEDURAL HISTORY AND PRELIMINARY STATEMENT
REFUTING RESPONDANTS RESPONSE

#1.On 21-February-1997, Petitioner MEOLA,filed with this court a petition for writ of Mandamus seeking relief for violations against Federal Constitutional Rights;not limited to but including those found in the recent U.S. Supreme Court decission in LYNCH v.MATHIS,U.S. SUPREME COURT CASE NO:95-7452, February-19-1997. Within the claims Petitioner Meola found were violations of ex post facto,Bills of Attainder,Due Process,and Equal Protection of Law,including Laws Prohibiting Arbitrary and Retrospective Law Changes and the Fifth Amendment Taking Clause.

PetitionerMeola, then on March-25th-1997 filed an (Amended Brief) to his origional information, which is a Part of This Courts File and record of this Case at Bar:which was also mailed to counsel for the Respondant as indicated within the Certificate of Service,On 25-March-1997,(See: Courts case File 89-982) attached and also enclosed to the amended brief was also Petitioner Meolas financial affidavit, and information which was previously requested by the court; which duely was Accepted 3-april-1997.

Within the context of the Amended Brief of the Petitioner, a greater and more detailed account of the existing peticulars clearly shows the factual information, supported by Fla.Statutes, Rulling cases, and Constitutional Law , and rights there to secured and gaurenteed, which fully support Petitioners Claims of ex post facto violation claims as well as in support of other Federal Constitution Violations as well noted.

The Respondants herein by and through Counsel FAILED to refute any of the claims Petitioner MEOLA has made, which is truely reflected within the Respondants response brief, with the exception that Respondants vagely purport that Petitioner Meola is still not entitled to restoration of any credit.

Within Petitioner MEOLAS Amended Brief, He Clearly Stated He received both Administrative and Provisional credits(944.276 and 944.277) respectively,From 5-27-1987 thru 12-31-1990,Petitioner further stated these credits were unlawfully Void, or cancled. PetitionerMEOLA, further stated:

"That the D.O.C. claimed to Petitioner that he was not eligible for "ANY" gaintime restoration under 944.276 -944.277- or 944.598.
*NOTE: Even know the Respondants make this Claim, They cannot support this theory in accordance to Federal Constitutional Law.

Petitioner Meola states, That the Legislature violated the ex post facto Laws and passed arbitrary Laws to solely deprive Petitioner, and other similarly situated persons, by metting out summary punishment which DID and CLEARLY DOES inflict a

substantually greater punishment than annexed to the offense at the time the offense occured or was committed. This was done by the Legislature or other Executive order with full scope and clear knowledge that these inflictions would cause and affect Violations of ex post facto laws, Bills of Attainder violations, Due Process violations and Equal Protection Violations, but not limited to; which created the affect by and through arbitrary and retrospective law making to Nullify and void* disfavored Law in effect;* which duely Affected Petitioners Vested Rights to earn overcrowding/or early release credits under the statute which was annexed to petitioners offense.* (Disfavored Law being 944.598)*

This is shown where the Legislature, or othe Executive Order made these violations when Administrative Gaintime was activated at a Lower Capata percent rate(98%), While an existing form ,and release, or overcrowding mechinism was still soverignly in effect,being 944.598, Yet this statute was not activated until (99%) capita was reached, which curtailed quite affectively the date Petitioner would become eligible for release.Herein the same Method Doubly applies to Provisional Credit under Fs.944.277.

Because the law found these Capitas to apply to the Florida Prison System Both Male and Female Both, yet did not apply these capitas lawfully to all forms of overcrowding/or release mechinisms uniformly; SOLELY BECAUSE IT WAS TO THEIR(THE STATES) ADVANTAGE NOT TO. Even though they knew they were passing Unconstitutional Laws and Creating Unconstitutional Effects. These Inflictions are considerably HARSH and OPRESSIVE.

In Petitioner Meolas Amended Brief He clearly stated on Page NO:27 of his amended Brief that:

> "PLANTIFF does not know if he is to receive gaintime credit under statute 944.598,944.276 and 944.277, That determination will rest upon this Court's Decission.Yet the Petitioner does Know that he is entitled to gaintime restoration under one of these forms, and proper calculation under Method A or Method B of Petitioners Amended Brief will result in the immediate release of the Petitioner who is being held against his will unlawfully".

Although the Court consolidated Both Petitioner Meola and Jones cases in this action, for thre most part they are dissimiler, with the exception that both Meola and Jones, have both once received administrative and provissional credits, both had them retroactively void or cancled, and both have been denied the right to restoration of "ANY" type or form of credit or relief.

Herein Petitioner Meola differs from Jones in a large scope to the point that overcrowding credits and Lawful Statutes to them Were in affect at the time of offense and did annex Prtitioner Meolas offense, where they did not in the case of Jones, However this fact does not imply that Jones is not able to enjoy the protection of Due Process of Law and Equal Protection of Law.

Clearly both Petitioners in this action at one time have been "GIVEN" the BENNEFIT of administrative and provisional credits which was solely ADMINISTERED by the Florida Department of Corrections (for Inmates who earned these credits through the application of their good behavior) and through their compliance. There would not have been any reason for the Department of Corrections to GRANT or GIVE Petitioner MEOLA or Petitioner Jones any of these Credits, UNLESS the Legislators gave the Department specific Authority to Do so with a specific intent and purpose for them to receive them Lawfully.

This is proven and meets the test because only a certain Class of individuals who Should have received restoration of credits to date have not. These also are the same people who fall under Fs.944.598, who did receive provisional and administrative credits in place of gaintime under 944.598.

ARGUMENT

Petitioner MEOLA, put the question to this Court.

"WOULD THE LECISLATURE OR OTHER EXECUTIVE ORDER OR ACTOR VIOLATED THE FEDERAL CONSTITUTION OF THE UNITED STATES WHEN;RETROSPECTIVE ARBITRARY LAWS WERE ENACTED, WHICH ALTERED OR CURTAILED OR NULLIFIED THE AVAILIBILITY OF FUTURE RELEASE CREDITS, WHEN SUCH NEW LAWS(OR LEGISLATIVE CHANGES TO THEM) INFLICTED A GREATER PUNISHMENT THAN THE LAW ANNEXED TO THE CRIME OR OFFENSE WHEN COMMITTED;IN THE RELIVENT CONCERNS TO EX POST FACTO VIOLATIONS, BILLS OF ATTAINDER, DUE PROCESS CLAUSE THE FIFTH AMENDMENTS TAKING CLAUSE, AND EQUAL PROTECTION OF LAW?"

Herein above it was found in LYNCH that this held in the affirmitive as was held in WEAVER.

Under the recent case of Lynch the U.S. SUPREME COURT found in the affirmitive, where herein Petitioner shows facially where the prescription of Law applies in more than one way and does rise above the burden of proof to set and establish a Prima Fascia Case.

#1. The Respondant did not refute Petitioners claim that he did in fact receive both ADMINISTRATIVE and PROVISSIONAL gaintime credit under 944.276 and 944.277. And did NOT Comment on legislative Intent.

#2 Respondant states that Petitioner does not receive the entitlement of restoration of these credits or the equivilent to them. But did not in any way support or factually dispute the fact that the Petitioner(MEOLA) is entitled to gaintime under 944.598 as so discribed in His amended brief, and will again deleniate herein, for the record., Where the Legislaters Passed into Law a gaintime mechanism at a lower percent capita and under another seperate statute which clearly violated ex post facto where Fs.944.276 nullified, voided and inflicted a greater punishment to Plantiff where the capita on prisons was set at 99% under Fs. 944.598 and set at a lower capita for 944.276. This also violated Due Process of Law, Bills of Attainder and the Fifth Amendments taking Clause and Equal Protection of Law . Herein the Law did not Secure Petitioners Right to earn credit under 944.598; as it has in (LYNCH) and also in (WEAVER) and others similarly situated.

SEE:BILLS OF ATTAINDER ARTICLE 1 SS 9-10
Which; Prohibits Legislators from
metting out summary punishment
for or singiling out disfavored persons
for past conduct.

SEE: UNITED STATES V. BROWN 381U.S. 437;456-462(1965) The Due Process clause also protects the interest in fair notice and reprose that MAY BE COMPROMISED by retroactive(Retrospective) Legislation.Also See: LANDGRAF v. U.S.I. FILM PRODUCTS. 511 U.S. at 226 (footnotes omitted)

Herein the afore applies to PetitionerMeola in the affect that a fundamental fairness by retrospective intent was created by thr Legislaters which did in every sense Met out a More sevear Punishment,(summary Punishment) for a past offense by creating Florida Statutes 944.276 and 944.277 at a lower capacity and thresholds than provided in 944.598 because the credits for both Administrative and Provissional Credits Void and Nullified the opportunity by their lower thresholds.

While it is true that The Florida Legislature raised the Capacity threshold under 944.598 in June of 1986, it's specific INTENT was to do so because they had already planned to put a new form of overcrowding credits into effect(944.276) which was to the advantage of the State that did not apply to 944.598, and did so at a lower capacity rate level which would"retrospectively" disadvantage anyone under 944.598 from earning any credits. This retrospective action caused petitioner a substantial disadvantage.

The Respondants cannot state that this was not the purpose and intent, simply because a lawful amendment to Fs.944.598 would easily have covered all overcrowding. Factually there was no need for any new laws to govern Overcrowding(Ie Administrative, and Provissional Credit and CRD.), While 944.598 was lawfully in effect. Yet because the State and Department of Corrections would not greatly bennifit by making Lawful and statuatory amendments under 944.598, because there were not supervisory periods for inmates as directed in the other statutes discussed, and duely less money which could be earned from supervisory situations which The Legislature quickly realised. Next the Legislature Knowing Created New Laws which curtailed the earning availability as well as cause Federal Constitution Violations:Which Created the affect that caused by a lower capacity threshold nullification for any credits to ever be given out under 944.598, Yet in Futile attempt to stay facially imune the Legislature did not take the Statete off of the Books until June-17-1993. (NOTE Also: NO Set Cap amount of Gaintime Awards Existed under 944.598 as in 944.276, 944.277 which Also Is A Mitigating Factor of legislative Intent To Nullify 944.598.)
SEE: THE UNITED STATES SUPREME COURT DECISSION IN LYNCH

CASE NO: 95-7452 , Opinion in part)

(a) "To fall within the ex post facto prohibition, a Law must be retrospective and"disadvantage" the offender affected by it." Weaver V Grahm, 450 U.S. 24 ,29 by,inter alia, increasing the Punishment for the crime, SEE: Collins V. Youngblood, 497 U.S. 37,50. The opperation of the 1992 Statute was clearly retrospective and a determination

that it disadvantaged the petitioner is supported by Weaver V. Grahm, 450 U.S. at 36. in which the court held that retrospectively Decreasing the ammount of gain time awarded for an inmates good behavior violated the ex post facto Clause. Because weaver and subsiquent cases focused on weather the Legislatures action lengthened the prisioners sentence without examenining the subjective purpose behind it (the sentencing scheme) eg.id. at 33, the fact that the generous gain time provisions in Floridas 1983 statute were motivated more by the interest in avoiding overcrowding than by a desire to reward good behavior is not relivent to the core ex post facto inquiry.

Herein like Weaver, Petitioner Meola, has clearly been Disadvantaged in the respect of the Decreased ammount of gain time in which He could receive under 944.598, due to the New laws 944.276, 944.277 and CRD. Because these forms of Overcrowding Credit were set at a lower capacity level it curtailed, and disadvantaged the Petitioner by decreasing the ammount of credit he could receive.

The United States Supreme Court also found in LYNCH(III)

Which Reads: The prusumption against the retroactive application of new Laws is an essential thread in the Mantle of protection that the Law affords the individual Citizen. The Presumption" is deeply rooted in our jurisprudance ,and embodies a legal doctrine centuries older than our republic.."Landgraf V. USI FILM PRODUCTS ,511 U.S. 244,265(1994) This doctrine finds expression in several Provisions of our Constitution.[12] The specific prohibition on ex post facto is only one aspect of the broader Constitutional protection against (Arbitrary changes)in the Law. In both civil and criminal context, the constitution places limits on the sovergins ability to use it's Law making power to modify bargins it has made with subjects.The basic principal is one that not only Protects rich and powerful,United States V. Winstar Corperation, 518 U.S. 1996, but also the indogent defendant engaged in negoitations that mat lead to an acknowledgment of guilt and suitable punishment.

The United States Supreme Court In Lynch CS. 95-7452, found as it found in weaver 450 U.S. 24,30 (1981) Id.at 36. that:

"To fall within the ex post facto prohibition, a Law must be retrospective-that is " it must apply to events occuring before it's enactment"-and it" must disadvantage the offender affected by it" id at 29, by altering the definition of criminal conduct or increasing the punishment for the crime,

SEE:Collins V. Youngblood 497, U.S. 37,50 (1990)

The Narrow issue In Collins was weather the consiquences of disadvantaged Collins by increasing his Punishment,The Court already had found that the Law was CLEARLY Retrospective. The court therein found for the Petitioner.

Petitioner Meola herein shows that He meets the test In Weaver in Collins, and Lynch, simply because#1.The Laws petitioner states are retrospective, Being;944.276, 944.277, and CRD apply by curtailing the avilibity of earnable credit under 944.598 which was in effect prior to the other Laws,#2. It is certainly and clearly apperant that this forced Legislative curtailing and nullification which was affected and inflicted with intent to void and nullify by depriving anyone from receiving credit or awards under 944.598. certainly does lengthen the Petitioners punishment by(curtailing effectively early release,)thus it is shown where petitioner is disadvantaged. As well as violated in respect to Due Process and Equal protection, and ex post Facto violations.

The Florida Legislature could have done MANY things which would have effectively PROTECTED VESTED RIGHTS, of"We" in question (THE PETIEIONER) simply by maintaining Fs. 944.598 and making a few "Lawful Amendments" to it.

However the actors herein(Legislature)" elected" to Violate the Federal constitution and Create New Laws to govern overcreoding which would Totally and clearly violate the ex post facto clause by nullifying, and curtailing the availibility of credits earnable under another statute in effect(944.598), which disadvantaged

petitioner and others similarly situated sumillarily.

As stated there were many things which could easily have been done to protect and secure those Guarenteed Rights Under the Federal Constitution , as The U.S. Supreme Court found in Lynch, Build New Prisons, it could have paroled other classes of inmates under the parole System, or even discontinued prosicution of victimless crimes,However instead The Legislature on their ownELECTED(emphissis added) to put into affect gaintime credits which would result in the early release of prisioners who behaved, to ease the overcrowding that the Legislature took no measures to avoid or manage, as the system became overcrowded.Then instead of utilizing the soverign Mechinism in effect being Fs. 944.598 , which they realised after the fact would not bennifit the State's incoming revinues because there were not provisionary periods affixed to 944.598 which included those who earned release through release credits to be on a form of paying supervission, and or duely on probation, they decided to Create newlaws which who's intent was to retrospectively Nullify and curtail affectively any awards under 944.598, Those disfavored people and a disfavored Law.

Even though the Legislatur at this time in 1987 put into effect 944.276 at a threshold cap of 98%, a minor and lawful amendment to Fs. 944.598 would have totally Protected and Secured rights to anyone who was under the Jurisdiction of 944.598. As shown below:

Petitioner offers: Had the Legislature reduced the Threshold Cap in Fs.944.598 to 98% at the onset date of Fs. 944.276(administrative credit) through the duration of time in which the lawful prison cap for emergency credit was found to be State wide in Florida Prisons Both Male and Female at 98%, and Then Reduced the Prison Cap in 944.598 to 97.5% July-1-1988, when the Provisional statute was put into affect at 97.5% as was found to be the lawful capacity for issuance of credit in all Prisons in The State of Florida both Male and Female State wide.Then continued until the Lawful prison cap was changed on September-1-1990 under Provisional credit, Then again 944.598

also would have been amended to increase the cap to 98%. By this Method the Legislature on it's own would have SATISFIED ALL FORMS OF ALL RELEASE CREDITS IN EFFECT, and therefore would not have created any violations of Federal Constitutional securities or Protections so Guarenteed under The Federal Constitution.This Method would be the only Fundamentally Fair method that would have served Justice EQUALLy and assured protection and Rights Vested.

Petitioner Offers: The second remedy or option would to completely in effect erease all ADMINISTRATIVE AND PROVISIONAL CREDIT AND CRD, as if though it never existed, and calculate Gaintime for Petitioner, and all similarly situated Gaintime under 944.598 at 99% up to Feb.-2-1997, and at 98% From Feb.-2-1987 through June-30-1988, Next Calculate Gaintime for petitioner at 97.5% For the Period of 1-July-1988 through Sept.-1-1990. The Last calculation which would apply to petitioner would be to apply a 98% cap from Sept.-1-1990 to June -17-1993, when the law was repealed. The petitioner asserts that June Of 1993 is close enough to the actual time that there was no need for any form of release credits to be given out when the Prison Systems were built out of Overcrowding, in 1994.

Petitioner Offers: The Third Option or application, which would be, simply to apply any days of Credit the Petitioner earned Aprox(1915)(There is an error of 215) on DOC's Data) ander 944.276, and 944.277 to the Petitioner under 944.598, then Compute the number of days the petitioner would receive under 944.598 at 98% from 1-1-1991 to June-17-1993, as if no other methods or forms of gaintime were applied.

The Respondant Cannot hide from ostrichism and cannot claim that the petitioner herein is Dissimiler than lynch in the actual infliction of violations pertinent to these issues at Bar, and expressively xe post facto violations and due process violations. Basically Lynch, only did begin to scratch the surface in his action of the true ex post facto claim and other violation, as were also fundamentally precident in WEAVER.

The Lynch, Court discussed Moralles in CALIFORNIA DEPT. OF CORRECTIONS, V. MORALES,514 U.S. (1995) III. In the Morales case it was found that the issue of Legislativc intent had precidence in the issue, Quoting Morales:

The Court"We did not imply in Morales , as respondant contends, that the constitutionality of retroactive changes in the quantum of punishment depended on the purpose behind the parole sentencing system.The only mention oflegislative purpose in Morales, was in the following passage:

"In contrast to the Laws at issue in Lindsay , Weaver, and Miller, which had the purpose and effect of enchancing the range of available prison terms, SEE: MILLER SUPRA,at 433-343, the evident focus of the California amendment was merely""' to releive the board from the costly and time consuming responsibility of scheduling parole hearings'''' for prisioners who have no reasonable chance of being released" It was found that the change at issue in morales had neither the purpose or effect of increasing the quantum punishment.

Herein Petitioner Meola Differs greatly, than the example in Morales simply because the legislativc Intent was strictly to deprive a Person or class of people who are there to disfsvored and did then create an effect that its implicaation was to cause the purpose and effect of increasing the quantum punishment, in a means which was or is different than the Laws annexed to the offense, In Concern to Fs.944.598, And petitioner.

Further, The test in Morales shown where the ammendment was created to eleviate hearing requirements for people who would have no likelyhood of getting released from prison ever, differd greatly to petitioner herein now, because the Petitioner in this case will get released, and was and is lawfully eligible to earn early release, had 944.598 been

Not Retrospectively curtailed by nullifying the availibility of credit. Petitioner contends , had this Not occured through unlawful Legislative action, Petitioner would have been released somewhere between Sept-1993 and sept-1994, depending on properly and accurately calculated credits under 944.598. Respondants Respons in referance To Morales Fails, As Petitioner Shows Clearly The application passes The Test, where Morales failed.

The retrpspective legislative action to cause the effect and Inflict a greater punishment does not stop with the cancelation only. Especially where a statute is in effeft and and annexed next to an offense, such as in the case of the petitioner.

Herein the Legislature created The Law (944.276) with the INTENT to Totally DISADVANTAGE, CURTAIL, VOID and or NULLIFY A PRE EXISTING LAW and STATUTIVE AUTHORITY (being 944.598) and did so in a manner of action BY MAKING THIS ARBITRARY AND RETROSPECTIVE EFFECTIVELY to disfavored persons so they would not be able to earn any credit under 944.598, yet did so in a manner with no Lawful Intent, Where thre Legislatures only and sole intent was to deprive the Petitioner , and all similarilly situated A Vested Right to earn Credits under the statute Annexed to their offense Full Knowledge and Scope that they(the Legislarure) Had Violated Federally Secured and Guarenteed Rights Protected by The Federal U.S. Constitution,and The Florida Constitution. These Causes of action, or inaction if you will metted out summary punishment to disfavored people such as the Petitioner ; Because the Legislative action EFFECTIVELY (EMPHISSIS ADDED) effectively postponed, or curtailed the date that the petitioner would otherwise be eligible for early release.

No notice was ever given to Petitioner, As Respondant Claims, that Petitioner was told that he would only earn release credits at a higher percent Capita than others: Quite on the contrary Petitioner, While receiving Administrative Credit was told that He would receive Early releaes credits under the principal of everyone else who was receiving Administrative credit, This was told to Petitioner at South Florida Reception Center, By classisication, and again by Mr. Emelio, Varella ,Classification officer , at Florida City(D.A.C.I.), In Homestead, Fl.

And Again Notification of "Same Reciept as Others" was given To the petitioner when Provisional Credits were put into affect. Only petitioner was told only that Provisionals , were taking over Administrative, and because Ireceived Administrative, I also would Receive Provisionals.

The United States Supreme Court has long Held That Retrospective Laws cannot be construed or made which are OPRESSIVE and DISADVANTAGE an OFFENDER or in which will enlarge or greaten his Punishment by... ANY STATE...which enacts Retrospective Laws which nullify Laws or an authority in which are annexed to the time of the crime when committed.

Because 944.276 and 944.277, and CRD, were created to Effect an opressive situation and because they do disadvantage the Petitioner, They Are in all actuality "ARBITRARY LAWS" which do violate not only ex post facto, due process of Law, equal Protection of Law, but also the Fifth amendmenta Taking clause, and Bills of Attainder. Art. 1 § 10-ex post facto, Art. 1 §§ 9-10 Bills Of Attainder, 5th Amnd. Taking clause, Equal Protection, and Due Process of Law.

Article 1-§10 of The Federal Constitution Provides That:

" NO STATE SHALL...PASS...ANY EX POST FACTO LAW's"

In Bazel V. Ohio,296 U.S. 167(1925), Justice STONE Explained:

> "The Constitutional prohibition and the Judical interpretation of it rests upon the notion that Laws,whatever their form,which purport to make innocent acts criminal after the event,*or to aggrivate an offense, are harsh and opressive* and that the criminal quality attributed to an act, either by legal definition of the offense or by the nature*or by the Ammount of punnishment for it's commission, SHOULD NOT BE ALTERED by Legislative enactment after the fact to the DISADVANTAGE of the ACCUSED." Id.at 170

* Herein Petitioners Case, as Described By the Markings by Asterick in Justice Stones Intreperation Above , Do Clearly show where all herein which Petitioner claims is true and relivent to all of his claims, which are provenly based and shown thea The Legislatures caused Petitioner to sevearly be disadvantaged, after the fact Not once, but at least on Five Seperate occasions where the gaintime statutes Create Nullification, or voiding, by not only Legal Definition, but also by physically voiding and curtailing the availibility of early release by aggravating Petitioners offense, and inflicting harsh, and opressive, Punishment which was not annexed to the offense when committed.

Petitioner was lawfully entitled to overcrowding early release credit under 944.598, yet the New overcrowding statutes disallowed any opportunity for them to be earned because the other statutes activated at a lower cap while 944.598 was Intentionally placing 944.598 at a higher cap to cause this effect.

Plantiff further offers: That because release awards under 944.598 were at an effectively higher capita rate than 944.276, 944.277 and CRD 944.598 Thereby were forcefully nullified , void, and curtailed.The lower caps in the other forms, gave out so much gaintime it kept 944.598 void, as The Legislature Knew it would.

Because Petitioner has clearly met the Burden of Proof he is entitled to restoration of gaintime under 944.598, or 944.276 and 944.277.

Further Petitioner offers that Respondant CANNOT claim That Since the Petitioner Has met the Burden of proof that he is only Entitled to receive gaintime credits under 944.598, at 99% simply because the Law has already proven otherwise, by the Respondants own response Brief, where offenders Received Credits under different (Caps) for The Same Mechanism.

Lawfully The Legislators Found that in the Overcrowding Cris situations in which are discussed throught this response to have lawfully, By either Legislative order, or other Executive order to have changed at Least (4) times in the periods of 9-17-1986 and 91-1990. This Occured first where 944.598, was raised from 98% to 99% in 1986-, #2 occured 2-Feb-1987, this was due to the Legislature finding the Lawful prison threshold cap to be 98% for the Entire State of Florida, #3. Occured in July-1-1988

When ~~Administrative~~ Provisional Credit were affected at 97.5%, The Lawful Cap was duely Set For all Prisons In The Florida System Both Male and Female. The 4th situation or occurance happened on 1-Sept.-1990, when the Legislature found the Cap to Again be at 98%. Provisional Credits while in it's era was effectively changed, Therefore if it is lawfull To change the capitas by lowering or reducing the capitas, They Should in Fundamental Fairness, apply to all forms of overcrowding credit which are lawfully in effect equally so as not to disadvantagd, nullify or predjuice one group or more of disfavored people under law. To not make this Method apply Seriously Violates All vested rights herein mentioned.

Because the above Method is the oNLY FUNDAMENTALLY FAIR OR CORRECT method that would have served all forms of gaintime, from the beginning fairly, which would not have violated anyones rights, or petitioners, it now would Be The Only Method which would Be Correct and apply to petitioner herein now.

SEE: WEAVER V. GRAHM. Id at 36, Also SEE: Miller V. Florida 482,U.S. 423-(1987)- Where the United State Supreme court found:

> The U.S. Supreme Court:"WE UNAMIOUSLY CONCLUDED that a revision of the Florida Sentencing guidlines that went into affect between the date of petitioners offense and the date of his conviction violated the ex post facto clause.Our determination that the "New Guidlines" "WAS MORE ONEROUS"Than the prior Law" Id.at 431 Quoting Dobert V. Florida 432 U.S. 282,294 (1977) Rested entirely on an objective appraisel of the impact of the change on the length of the offenders Presumptive sentence, 482 U.S. at431

Plantiff asserts that he has Shown That in 1987 when the Legislature changed the Method in the Laws in such a way to construe and alter a substantial right (which is a **Vested** Right) by creating an Arbitrary New Law which disadvantaged the petitioner, and curtailed the availibity of earning future credits under 944.598, which affected his presumptive sentence and expectation of early release for good behavior,etc. He was subject to more harsh and opressive, and greater punishment than annexed to his offense and Laws relivent to petitioners., and did disadvantage petitioner sevearly.

Petitioner Correctly agrees that the Respondant Correctly Holds that The ex post facto clause does indeed Prohibit The Legislature from interfearing with the release of those whos' offense dates SECURE them to the entitlement to overcrowding credits.

However, This is the full and total reason Petitioner MEOLA , is appealing: Because the Legislature overrode, and attempted to minipulate the facts and issues of the Legislative intent in these issues, and Duely because the Respondants have also attemped to support unlawful legislation which completely undermines the entire concept of Justice. The Legislature did not Take measures to Secure Petitioners Vested Rights to early release through overcrowding mechinism annexed to his offense, being mechanism 944.598, as is supported in Soverign Federal Constitutional Law. Herein Petitioner Meets the test and his Merrit shows good.

Petitioner also asserts that the Respondant also was correct that Due Process requirements Do not require all acts to be done in town meeting halls's(to quote the respondant), However it is The RESPONSIBILITY of all governmental Actors to Reasonably notify the Public, and or those in concern, without FAIL, The difference here is that due to the changes in question, the Legislature, By and through Notice to The Florida Dept. of Corrections, Could have readilly notified all Parties concerned, Prior to the finilization of a law, or law change, The D.O.C. could have ordered a directive that such possibility of changes exist and include the pertinent information, so lawful objections could be made. This was an easy task to undertake within the D.O.C. for all effected people since they all are within the departments confinment. Facially Respondants Claim That Petitioners Due Process Claim Fails is Unfounded, and Not Supported by Law, Therefor e, In accordance to the reflection in Herring V.Singlrtary ,875 F.Supp.1180,1185(N.D.FLA.(1995) and LOGAN V. Zimmerman Brush Co,455 U.S. 422-433 102 S.Ct. 1148,1156, 71 L.Ed 2d 265 (1982) Respondants denial herein too requested must fail, where Petitioner has overcome the Objection.

(NOTE: When Credit Cancelation occured, each Inmate was Notifed In Writting, Why did The legislature Not use The Same Notification Method In The law Changes Concerning Gaintime?

GAINTIME in forms of overcrowding, or early release, whenever mandated by any FEDERAL order or GOVERNMENTAL ORDER, OFFICIALLY; SHOULD ALSO BE EXPRESSLY SECURED AND GAURENTEED TO be protected by the same Laws Which impliment them, Under The Federal Constitution Without Question. The respondants have attempted to construe the Law to their own advantage similarly as the Legislature attempted to do in all of these Gaintime concerns, by minipulating facts that are and were unlawfully administered to make them appear innocent after the fact.

The respondant, nor the Legislature can state That it was not Known that the Legislators were violating the ex post facto laws and other Federally Guarenteed constitutional Laws thereto, simply Because they are the Law makers and Know when they have fundamentally altered a substantial right.

See: LANDGRAF V .USI FILM PRODUCTS. 511-U.S. at226(footnotes ommited) also See: State V. Brown 381 U.S at 437,456 ,462(1965)- These cases of authority simply support and validate in context petitioner also is entitled also to due process claims.

In all factual reality there was not any need or reason for the Florida Legislature to ever create any New Forms of Gaintime between the periods of 6-1986, and June-17-1993. Fs.944.598 certainly could have handled any and all overcrowding within the system and would have better served Justice because there only woyld have been one form of Gaintime to Deal with. Lawful amendments could have been made to 944.598 to include to it periods of supervision, form a prospective amendment, as the Departments needs changed during the crisis era in question. Instead of enacting more gaintime forms of release the Legislature should have protected the rights of disfavored persons, and duely petitioner, by maintaining and operating Fs.944.598. See: Collins V. Youngblood 497,U.S. 57,50 and Weaver V. Grahm , 450, U.S. 24,29; There to gaintime was restored as discribed as annexed To The Statutes.

The Bottom line in this case at Bar is the Florida Legislators, and or other Governmental Actors herein have underminded in effect the actual Soverign Laws we know as The Federal Constitution Of The United States. In as much, because they painted themselves into a corner in the issues of overcrowding, and (TOO MANY FORMS OF OVERCROWDING,) and release credits that ran afoul of ex post facto clause protection, the disadvantaged thus far have had to carry the unlawful burden imposed By the Florida Legislators. Weather these actions were accidental or intentional are irrilivent to these issues herein present, the fact that a violation, weather (one or more) does exist, and must be corrected.

It is the Sole responsibility of The FLORIDA Legislature to Ensure Overcrowding (GAIN TIME CREDITS) under 944.598, FS. were lawfully GIVEN OUT, PRIOR TO ANY Other Form of Overcrowding Credit Mechanism: Because FS. 944.598 WAS A Soverign EXisting and lAwfully Active STAtute And Controlling Authority NOT only In The time FRAMES IN question; but also ANNexed to petitioner Meolas offense.

The legislature by Authorizing Credits to be Given Out under "944.276"; "and 944.277"; AS well as "CRD" at a lower Capacity Threshold Than Authorized under 944.598 Critically And knowingly Violated the rights of A "Group of disfavored people" by Metting OUT Summary Punishment for PAST offenses Which Increased The punishment THAT Was NOT Authorized by law AT The time of The offense: Herein The Florida legislature Violated The rights (VESTED) of Petitioner MeolA, NOT limited to but Including, EX post Facto, Fifth Amendment TAking Clause, BILLS of Attainder, Due Process And Equal protection of The law; Which Altered A Substantial Right, or Rights And Enlarged The Quantum punishment. JUSTice is NOT about MAnipulation

It's about The Truth. Petitioner Has Proven All Claims Truthful.

For the petitioner or others to Bear this burden would strictly be unlawful in light of our most soverign laws of the United States, as well as sevearly disadvantage the petitioner and further cause cruel and unjust punishment which is opressive and certainly more harsh than the statutes annexed to petitioners offense. Petitioner CAN prove facially He is entitled To relief.

Herein petitioner has overcome objections of the respondant and has shown facially that the Respondants have not presented a reason for dismissal, The petitioner has further shown This Court within the peramiters of it's Soverign Jurisdiction that according to Federal Constitutional Law's, Rights , and Guarentees, His appeal must be granted, and gaintime for the plantiff be calculated and restored in accordance to Law in a means which is Fundamentally Fair and will duely serve Justice.

Wherefore Petitioner Meolas appeal must be granted, And an evidentuary hearing be set on these matters.

Respectfully Submitted,

Ronald L. Meola

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY That a TRUE and CORRECT Copy of the forgoing, Petitioner Meolas response to respondants response, to petitioners Writ of Mandamus has been furnished by United States Postal Services to; The Supreme Court of Florida, Office of The Clerk, Counsel for the respondant, Sheron Wells ASST. GENERAL COUNSEL BAR NO. 0068410, Fl. D.O.C.- 2601 Blairstone Road, Talla. FL. On this 27th day of May 1997.

Ronald L. Meola

RONALD L. MEOLA pro se.