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CLEM, SUPREME COURT
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IN THE SUPREME COURT OF FLORIDA

MAURICE ANTONIO MANN, et al.,

Petitioners,

v.

CHIEF JUDGE OF THE THIRTEENTH JUDICIAL CIRCUIT et al.,

Respondents.
_____/

Case No.: **90,498**

District Court of Appeal,
Second District Case Nos.:
97-00566
97-00962

ANSWER BRIEF OF RESPONDENT HONORABLE F. DENNIS ALVAREZ

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PRELIMINARY STATEMENT

The Second District Court of Appeal certified two consolidated cases to this Court pursuant to Florida Rule of Appellate Procedure **9.125,** without ruling on the merits of the cause. This cause was not brought as an appeal from a final order of the trial court, but rather as a petition for writ of certiorari that was filed by Petitioner Maurice Antonio Mann and a petition for writ of mandamus or in the alternative for writ of certiorari that was filed by the Petitioner Pedro Arencibia. Thus, the issues were presented to the District Court of Appeal solely upon the petitions that were filed and the response and replies thereto, not upon any record from the circuit court. For that reason, and because the circuit court is not due to complete its record until after the due date of this brief, references to the proceedings below will be made by citation to the specific page of Respondent F. Dennis Alvarez's appendix to Respondent's Response to Petition for Writ of Certiorari and Response to Petition for Writ of Mandamus and in the alternative a Petition for Writ of Certiorari, as follows: "Appendix _____ to Respondent's Response, at **A_____**." References to Petitioners' appendices will be similar

Because the Second District Court of Appeal did not make any decision on the merits of this cause, it cannot be determined who is the appellant or appellee to this proceeding, Therefore, Maurice Antonio Mann will be referred to as Petitioner Mann, Pedro Arencibia will be referred to as Petitioner Arencibia, and the Honorable F. Dennis Alvarez, Chief Judge of the Thirteenth Judicial Circuit, will be referred to as Respondent.

STATEMENT OF THE CASE AND FACTS

Respondent concurs with Petitioners' Statements of the Case and Facts except that Respondent submits that Thirteenth Judicial Circuit Administrative Order No. **S-04-29-97-003** (hereinafter "AO 97-003") **speaks** for itself and any matters not specifically mentioned in the administrative order can be gleaned from the context of the order.

SUMMARY OF THE ARGUMENT

The Thirteenth Judicial Circuit's drug divisions are properly established by administrative order instead of by local rule because these drug divisions are mere subdivisions or sections of the Criminal Justice Division. As mere sections of the Criminal Justice Division, the drug divisions are not separate subject matter "divisions" that must be established by local rule and approved by the Florida Supreme Court. This Court has recognized that subdivisions of the circuit court criminal division may be established by administrative order instead of by local rule. AO 97-003 was appropriately entered by Respondent in the exercise of his broad administrative authority as chief judge under Florida Rule of Judicial Administration 2.050(b).

The Thirteenth Judicial Circuit's establishment of the drug divisions by administrative order is not contrary to the legislative intent behind the state constitutional reforms to Article V in **1972.** Any chaos that existed prior to the constitutional reforms to Article V was jurisdictional chaos, not a problem with specialization. This chaos has been remedied by our current two-tier trial court system, with uniform jurisdiction throughout the state. Thus, even though the circuit court is now frequently divided into divisions for administrative efficiency, all circuit judges have the same jurisdiction, Petitioners have no standing to enforce internal court policy. Subject only to the substantive law on disqualification, Petitioners have no right to have, or not have, any particular circuit judge hear their drug case.

ARGUMENT

A. The Thirteenth Judicial Circuit Court's Drug Division was properly established by administrative order of the chief judge.

Pursuant to Florida Rule of Judicial Administration 2.050(b), Respondent entered and signed AO 97-003 on January 15, 1997. (Appendix "A" to Petitioner Mann's Petition; Appendix 1 to Petitioner Arencibia's Petition, at A1-A5). AO 97-003 established a specialized section of the Criminal Justice Division of the Thirteenth Judicial Circuit to handle felony violations of Chapter **893,** Florida Statutes. Petitioners argue that the drug division of the Thirteenth Judicial Circuit constitutes a subject matter division of the circuit court that was improperly established pursuant to administrative order rather than local rule. Respondent respectfully disagrees. Respondent's entry of AO **97-003** was properly within his broad administrative authority as chief judge.

Florida Rule of Judicial Administration 2.020(c) defines an administrative order as "a directive necessary to administer properly the court's affairs but not inconsistent with the constitution or with court rules and administrative orders entered by the supreme court." Florida Rule of Judicial Administration 2.050(b) gives the chief judge of the circuit court the responsibility to develop a fair plan in the administrative operation of the courts that is both in the best interest of the public and provides for the full utilization of available facilities and judicial personnel. Among other things, the plan shall include the prompt disposition of cases, the assignment of judges, the control of dockets, and the regulation and use of courtrooms. Fla. R. Jud. Admin. 2.050(b)(3). Thus, the assignment of specific court cases between or among the judges is a matter within the internal government of the court, and is directed by policy adopted

by and through the chief judge.

The chief judge may not, however, establish a subject matter division of the circuit court by administrative order. Article **V,** section 20(c)(10), Florida Constitution and section 43.30, Florida Statutes, both provide that "[a]ll courts except the supreme court may sit in divisions as may be established by local rule approved by the supreme court."[1] The word "division" used herein has a specific meaning and is used as a term of art referring to a subject matter division. Administrative Order. Fourth Judicial Circuit (Divisions of Courts), 378 So, 2d 286 (Fla.1979). Trial courts in Florida are generally arranged in various subject matter related divisions, i.e., criminal, civil, juvenile, and probate, and such subject matter divisions must be established by local rules approved by the supreme court in accordance with article **V,** section 20(c)(10) of the Florida Constitution[2]. Id.

A subject matter division is distinct from a mere subdivision or section of a criminal justice

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[1] Article **V,** section 7 of the Florida Constitution provides that "all courts except the supreme court may sit in divisions as may be established by general law." The legislature, in enacting section 43.30, Florida Statutes, delegated this power so that courts may sit in divisions as established by local rule approved by the supreme court.

[2] In accordance with Administrative Order. Fourth Judicial Circuit, and article **V,** section 20(c)(10) of the Florida Constitution, the Thirteenth Judicial Circuit established five subject matter divisions for the circuit court by Local Rule No. 1, approved by the Florida Supreme Court on December 3, 1979. ***See*** Appendix 15 to Petitioner Arencibia's Petition, at A40-A41. On January 25, 1982, the supreme court approved Amended Local Rule No. 1, wherein the Thirteenth Judicial Circuit added a separate family law division. *See* Appendix 1 to Respondent's Response, at A1-A4. On September **7, 1994,** the supreme court approved another amendment to Local Rule 1, wherein, under the authority of Administrative Order Fourth Judicial Circuit., the Thirteenth Circuit deleted reference to the geographically-described East Division. ***See*** Appendix 2 to Respondent's Response, at A5-A7. Currently, the five subject matter divisions for circuit court in the Thirteenth Judicial Circuit are: general civil; criminal justice; probate, guardianship and trust; juvenile; and family law.

division. ***See*** Dennis v. State, **673 So.** 2d 881 (Fla. 1st **DCA** 1996), quoting In re: Administrative Order of the Fourth Judicial Circuit - No. 88-21 Career Criminal Project), No, 81,017 (Fla. Mar. 11, 1993)[Appendix 14 to Petitioner Arencibia's Petition, at A39], ***review denied*** 680 So.2d 422 (Fla. 1996). In 1993, this Court ruled that a "career criminal court" for habitual felony offenders was appropriately created by administrative order because it was merely a "section" of the circuit court's criminal division and not a separate subject matter division. ***See*** In re: Administrative Order of the Fourth Judicial Circuit - No. 88-21 (Career Criminal Project), No. 81,017 (Fla. Mar. 11, 1993), Appendix 14 to Petitioner Arencibia's Petition, at A39. ***See also*** Jenkins v. State, 685 So. 2d 918 (Fla.1st DCA 1996).

The real question then in this case is whether the Thirteenth Judicial Circuit's new drug division is a separate "division" of the circuit court that must be established by local rule or merely a section of the criminal justice division, the provisions of which may be implemented by a chief judge's administrative order. Despite the fact that the drug divisions and all other lettered criminal justice divisions in the Thirteenth Judicial Circuit are referred to as "divisions" to distinguish between the eleven criminal divisions, they each operate as subdivisions or sections of the only subject matter division required to be established by local rule: the Criminal Justice Division. ***See*** Amended Local Rule No. 1, Appendix 2 to Respondent's Response, at A5. Labeling a court as Division "Y" or Drug Division "X" does not convert that court into a subject matter division. Nothing in the statutory or constitutional provisions requires that the subcategories of each division be delineated in local rules. Such micro management would eliminate the discretion a chief judge possesses under Florida Rule of Judicial Administration 2.050(b) to properly administer all courts within the chief judge's circuit.

The Thirteenth Judicial Circuit's Drug Division is similar to the career criminal court established in the fourth judicial circuit in that both courts are mere sections of the larger criminal "subject matter" division created in both circuits, In Dennis, the first district followed this Court's ruling and upheld the administrative order creating the career criminal court division and rejected the fourth district's holding in Hartley v, State, 650 **So,** 2d 1044 (Fla. 4th DCA 1995). In Hartley, the fourth district reviewed an administrative order which originated from the Fifteenth Judicial Circuit and established a court to hear cases involving serious habitual felony offenders. The fourth district held that "the designation of a special court to exclusively handle habitual felony cases constitutes a subject matter related division which must be accomplished by local rule." 650 **So.** 2d at 1047. In Dennis, the First District Court of Appeal found the fourth district's Hartley decision "unpersuasive in light of the supreme court's holding on this specific issue." **673** ***So.*** 2d at **882.**

Respondent also submits, with all due respect to the honorable Fourth District Court of Appeal, that Hartley was also wrongly decided because the court incorrectly interpreted this Court's opinions addressing the establishment of family law divisions, The court in Hartley relied on In Re Report of the Commission on Family Courts, 646 **So.** 2d 178 (Fla. 1994)(Family Courts III). In Family Courts 111, the Florida Supreme Court addressed the creation of family law divisions within each circuit pursuant to 1990 legislation requiring the establishment of family law divisions in each circuit that were to operate "with as much consistency as possible throughout the state" and 1994 legislation criminalizing domestic violence injunction violations. After the 1990 legislation was enacted, this Court provisionally approved both local rules and administrative orders that had been submitted by the circuits pursuant to the 1990 legislation. ***See*** In Re Report

of the Commission on Family Courts, **633** So. 2d 14 (Fla. 1994)(Family Courts II).

The 1994 legislation that criminalized domestic violence injunction violations "created an administrative Frankenstein" because it placed the violation of some provisions of domestic violence injunctions in the jurisdiction of the county criminal courts and others in the jurisdiction of the circuit court in the family law division. Family Courts 111, **646** So. 2d at 180. In response to the 1994 legislation, the chief judge of the Eleventh Judicial Circuit issued two administrative orders that established domestic violence departments within both the family law division and the county criminal division. These administrative orders were quashed, however, in Garcia v. Rivkind, 639 **So.** 2d **177** (Fla. 3d DCA 1994), because the third district determined that the Eleventh Circuit had unconstitutionally created a new domestic violence "division" in violation of article V, section **7,** of the Florida Constitution, and section 43.30, Florida Statutes.[3]

In Family Courts III, the supreme court did not rule on the issue of whether a domestic violence court was a new subject matter division which required a local rule, and instead held:

> [T]hat the implementation of family law divisions and the assignment of all family law matters, including domestic violence, are to be controlled through either local rules or administrative orders expressly approved by this Court. Additionally, we find that family law divisions and the related assignment of family law division judges to handle domestic violence matters are not now affected by the local rule requirements of rule 2.050. At this time, we expressly approve the local rules and administrative orders establishing family law divisions in each of the circuits as identified in the attached Appendix **"A"** with the understanding that those rules and orders are subject to further review by this Court.

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[3] After Garcia, the Eleventh Judicial Circuit promulgated a proposed local rule, which this Court subsequently approved. ***See*** Local Rule to Establish a Domestic Violence Court in the Eleventh Judicial Circuit, No. 84,051 (Fla. Sept. 29, 1994)(unpublished order), Appendix 3 to Respondent's Response, at **AS.**

> Further we reiterate that any proposed changes to the rules or orders approved by this Court *must* ***be submitted*** *to* ***this Court for*** *approval* ***before those changes are*** *effected.* This Court's direct approval of any changes shall be in lieu of the usual procedure for the approval of local rules set forth in rule 2.050 and these changes will thus be treated as an exception to that rule.

646 ***So.*** 2d at **182** (italicized emphasis in the original) (underlined emphasis added). This Court went on to state that because of the legislature's actions regarding family law divisions and because of the Family Courts III decision, the district court ruling in Garcia was moot. See *also* Rivkind v. Garcia, 650 So, **2d** 38 (Fla. 1995), quashing the third district's Garcia opinion.

In Hartley, the court found that the Florida Supreme Court had implicitly endorsed the results reached in Garcia. In Hartley, the fourth district noted that the supreme court's approval of local rules creating family law divisions and its unusual requirement that administrative orders creating family law divisions and administrative orders creating domestic violence courts be submitted to the court for approval in Family Courts III signified that the supreme court considered the specialized domestic violence courts were new subject matter divisions of the circuit courts which could not be established merely by an administrative order. Hartley, *650* **So.** 2d at 1048. Respondent submits, however, that the supreme court's decision in Family Courts III merely rendered Garcia moot. Nothing in Family Courts III can be construed as implicitly endorsing Garcia. **If** anything, the supreme court's decision in Family Courts III implicitly ***rejected*** Garcia because it approved the establishment of the divisions by administrative order and did not require the local rule procedure. Moreover, this Court subsequently quashed the third district's Garcia opinion in Rivkind v. Garcia, 650 **So.** 2d **38** (Fla. 1995).

The Hartley court erroneously held that the creation of the career criminal division of the

Fifteenth Judicial Circuit created a specialized subject matter division. As explained ***supra,*** the career criminal "division" functioned as a mere subdivision of the Criminal Law Division, and it was not a separate subject matter related division in and of itself. This Court should not follow in the steps of the fourth district and its improvidently issued Hartley opinion[4]

Both Petitioners also argue that the Thirteenth Judicial Circuit's Drug Division should have been established by local rule instead of administrative order so that there could have been greater scrutiny of the new drug division. **As** described in Hartley, there is a distinction between the procedural requirements for the establishment of local rules and administrative orders:

> Administrative orders are simply entered by chief judges of the circuit courts and approval of these orders by the Supreme Court of Florida is not required. Fla. R. Jud. Admin, 2.050(b)(2). On the other hand, local rules must be approved by a majority of all county and circuit judges in the circuit. The judges must then notify the local bar within the circuit of the proposal and must permit a representative of the local bar, and any other interested persons, to be heard on the proposal. The proposal is then submitted to the Supreme Court of Florida for approval. After submission to the supreme court, the proposal is reviewed by the Supreme Court Local Rules Advisory Committee and by appropriate committees of the Florida Bar. All other interested persons are given the opportunity to provide their comments or responses to the local rules advisory committee. The supreme court may then act on the proposal on the basis of the recommendations received by the advisory and Florida bar committees or may set the matter for a public hearing. Fla. R. Jud. Admin. 2.050(e)(1). It is readily apparent from the preceding review that local rules are submitted to greater scrutiny and allow for more public input than administrative orders.

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[4] After Hartley, the fourth district also ruled that because other members of the public defender's office were successfully attacking the creation **of** the Fifteenth Judicial Circuit's serious habitual felony offender division, the failure of appellant's public defender to do so constituted ineffective assistance of counsel, Butler v. State, 684 So.2d 825 (Fla. 4th **DCA** 1996).

650 **So.** 2d at **1047.**

It is clear then, from a legal standpoint, that an administrative order does not require any outside review before it is entered by a chief judge. Therefore, Respondent was not required to consult with or consider anyone's comments before entering AO **97-003.** However, in order to allow individuals effected by or having concerns with the proposed drug division to be heard prior to entry of AO **97-003,** Respondent allowed counsel for Petitioner Arencibia and counsel from the Public Defender's office to be included in organizational meetings about the drug division. Counsel for Petitioner Arencibia and counsel from the Public Defender's Office attended at least two such meetings in December **1996.** See Minutes from Drug Division Policy Board Meeting on December **18, 1996,** Appendix **4** to Respondent's Response, at **A9-All;** and Minutes from Drug Division Organizational Meeting on December **31, 1996,** Appendix **5** to Respondent's Response, at A12-A16. Therefore, Petitioners should be precluded from arguing that the drug division should have been established by local rule in order to allow public scrutiny inasmuch **as** counsel for both Petitioners were provided the opportunity for input prior to the entry of AO **97-003.**

B. The ivision r r h legislative intent of sections 7 and 20(c)(10), article V of the Florida Constitution and section 43.30. Florida Statutes,

Petitioner Arencibia contends that the Thirteenth Judicial Circuit's establishment of the Drug Division is contrary to the legislative intent behind the state constitutional reforms to Article V in **1972.** In summary, Petitioner Arencibia points out that prior to the constitutional reforms to Article V, there were 16 different types of courts and this "fractured court system" created

inefficienciesand confusion. ***See*** Petitioner Arencibia's Initial Brief at p. 11. In response to this problem, our present two-tier trial court system was created, with a provision that all courts except the supreme court may sit in divisions as established by local rule. Art. **V,** Sec. 20(c)(10), Fla. Const.

Petitioner Arencibia attempts to draw a distinction between "specialized" divisions and "subject matter" divisions, but then argues that a local rule is required for the creation of either one, Petitioner Arencibia attaches too much emphasis on the section heading for article V, section 7 of the Florida Constitution -- "Specialized Divisions." Section headings are added editorially and are not to be considered as part of the constitution. ***See*** Preface to the Constitution of the State of Florida, Appendix ***6*** to Respondent's Response, at A17-A18. Therefore, notwithstanding the section heading for article **V,** section **7** of the Florida Constitution, this provision simply states that "[a]ll courts except the supreme court may sit in divisions as may be established by general law." In enacting section **43.30,** Florida Statutes, the legislature, by general law, provided that such divisions may be established by local rule approved by the supreme court. **As** discussed ***supra,*** the word "division" used herein has a specific meaning and is used as a term of art referring to a subject matter division. Administrative Order, Fourth Judicial Circuit (Divisions of Courts), 378 So. 2d 286 (Fla.1979).

What Petitioner Arencibia is trying to suggest is that any special section or subdivision of a subject matter division may never be established by administrative order and must always be created by the time-consuming local rule process. Such contention ignores the practical realities of administering a large circuit such as the Thirteenth Circuit. If Petitioner Arencibia's suggestion was adopted and the drug division was established by local rule instead of administrative order,

then for every minor change in procedure in the drug division, it would be necessary to secure the consent of a majority of the judges in the circuit, along with input from the local bar, and then submit suggested changes to this Court who presumably would have to forward such changes to the local rules advisory committee and appropriate committees of The Florida Bar pursuant to Florida Rule of Judicial Administration 2.050(e)(1). Employing such an elaborate process for a simple change in local procedure would be a waste of valuable judicial resources.

Furthermore, if Petitioner Arencibia's position on the local rule requirement was adopted, then the Thirteenth Judicial Circuit's First Appearance/Emergency Division would also be in jeopardy. Thirteenth Judicial Circuit Administrative Order No, **S-02-04-08-09-29-96-113** (superseding Administrative Order No. **89-148,** which had been in effect since August **1989)** established First Appearance/Emergency Criminal Court Division "**O,**" which conducts preliminary presentations on all criminal cases, bond and release on recognizance motions on felony cases not assigned to a division, bond and release on recognizance motions for all misdemeanor and traffic cases prior to and at arraignment, traffic and misdemeanor arraignment hearings for incarcerated defendants, and traffic and misdemeanor violation of probation hearings for incarcerated defendants. First Appearance/Emergency Criminal Court Division "**O**" also conducts hearings on certain emergency criminal matters, including, but not limited to, adversary preliminary proceedings, petitions to seal and expunge records in cases that have no division assignment, fugitive warrants, Governor warrants, witness extraditions, motions to quash in criminal cases that have no division assignment, other circuit criminal matters relating to cases that have no division assignment, circuit criminal matters when the assigned judge is on leave, and other circuit criminal matters upon request or approval of the assigned judge. ***See*** Appendix **7** to

Respondent's Response, at A19-A20. Respondent entered Administrative Order S-02-04-08-09-29-96-113 pursuant to Florida Rule of Judicial Administration 2.050(b)(3) in order to promote the efficient and proper administration of justice in the Criminal Justice Division. Like the Drug Division, the First Appearance/Emergency Division is a mere subdivision of the Criminal Justice Division, and therefore is properly created by administrative order rather than by local rule.

Petitioner Arencibia also argues that the legislature intended to avoid a "reversion back to the judicial chaos" that existed prior to the constitutional reforms to Article V by requiring that any "specialized" division be created by local rule. ***See*** Petitioner Arencibia's Initial Brief at p. 13. However, the problem with the various courts that existed prior to the constitutional reforms in 1972 was a jurisdictional problem, not per se a problem with specialization. The ***jurisdictional*** chaos that existed prior to 1972 has been remedied by the creation of our two-tier trial court system, county and circuit courts, with uniform jurisdiction throughout the state. See Appendix **12** to Petitioner Arencibia's Petition, at A35.

Thus, even though the circuit court in the Thirteenth Judicial Circuit has been separated into five subject matter divisions (some of which have been further separated into subdivisions), all circuit court judges have the same jurisdiction. All judges of the circuit court are empowered to hear and determine any case properly within the court's jurisdiction. ***See*** § 26.012, Fla. Stat. It is only for the convenience of the litigants and for the efficiency of administration of the court's judicial business that the circuit court is frequently divided into divisions, Payette v. Clark, 559 ***So.*** 2d 630 (Fla. 2d **DCA** 1990); Maugeri v. Plourde, 396 **So.** 2d 1215 (Fla. 3d **DCA** 1981); In Re Guardianship of Bentley, 342 ***So.*** 2d 1045 (Fla. **4th DCA** 1977).

The essence of Petitioners' complaint is that they do not want to have their cases heard in

Division **"X"** and would rather have their cases assigned by blind rotation to one of the seven other lettered Criminal Justice divisions in the Thirteenth Circuit. Petitioners have no right to such a reassignment. **"A** litigant does not have standing to enforce internal court policy, which is a matter of judicial administration and the proper concern of the judges of the particular court and of the administrative supervision of the judicial system." Kruckenberg v. Powell, **422 So.** 2d 994, **996** (Fla. 5th **DCA 1982).** In Kruckenberg, a petitioner who had his criminal cases reassigned from one subdivision of the trial court to another subdivision sought a writ of mandamus directing the reassignment of such cases to the court in which they were originally assigned. The petitioner claimed that the reassignment of his cases was done at the request of the state attorney for the purpose of judge shopping. In rejecting petitioner's claim, the fifth district ruled that subject only to the substantive law relating to disqualification of judges, litigants had no right to have, or not have, any particular judge of a court hear their case. Applying Kruckenberg to the present case, Petitioners have no right to preclude the Honorable Jack Espinosa, Jr., presiding judge in Division "X", from hearing their criminal cases, subject only to the substantive disqualification law.

CONCLUSION

The Thirteenth Judicial Circuit Court's Drug Division was properly established by AO 97-003 under the chief judge's broad administrative authority. This Court has recognized that subdivisions of the circuit court criminal division may be established by administrative order instead of by local rule. Moreover, "[i]n arranging logistics trial courts should be accorded maximum discretion, particularly in these litigious days when dockets...are uniformly overcrowded. The trial judges are truly on the firing line and so are in a much better position to determine how to handle their dockets,'' Condominium Owners Organization of Century Village East, Inc. v. Century Village East. Inc., 428 So. 2d 384, 387 (Fla. 4th DCA 1983).

Therefore, this Court should find that AO 97-003 is a valid administrative order of the chief judge of the Thirteenth Judicial Circuit, Based on the foregoing discussion of the law, Respondent respectfully requests this Honorable Court to deny Petitioner Maurice Antonio Mann's Petition for Writ of Certiorari and Petitioner Pedro Arencibia's Petition for Writ of Mandamus and in the Alternative a Petition for Writ of Certiorari.

Respectfully submitted,

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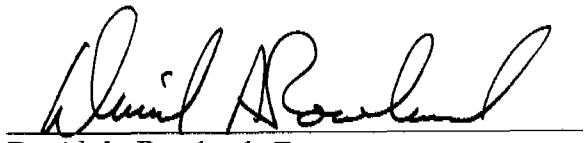
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer Brief of Respondent Honorable F. Dennis Alvarez has been furnished by U.S. mail on this 5th day of June, 1997, to Richard Escobar, Esquire, 2708 West Kennedy Boulevard, Tampa, Florida 33609; Robert Shimberg, Esquire, Assistant State Attorney, 800 East Kennedy Boulevard, Fifth Floor, Tampa, Florida 33602; Theda James, Esquire, Assistant Public Defender, 801 East Twiggs Street, Fifth Floor, Tampa, Florida 33602; and Angela McCravy, Esquire, Assistant Attorney General, 2002 North Lois Avenue, Westwood Center, Suite **700,** Tampa, Florida **33607.**



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