

FILED

SID J. WHITE

MAR 13 1998

CLERK, SUPREME COURT

By

Chief Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF FLORIDA

STATE OF FLORIDA,

Petitioner,

vs.

CASE NO. 91 , 654
4th DCA CASE NO. 96-2526

EDDIE J. WILLIAMS,

Respondent.

PETITIONER'S REPLY BRIEF

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Coney v. State, 653 So. 2d 1009 (Fla. 1995), *cert. denied*, 116 S. Ct. 315 (1995) 1

RULES OF PROCEDURE

Fla. R. Crim. P. 3.180(b) 1

ARGUMENT

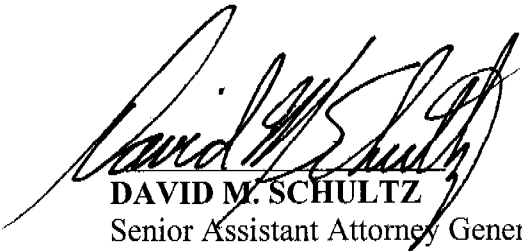
Petitioner withdraws its argument in Point II of its initial brief, which pertains to the retroactive application of *Boyett v. State*, 688 So. 2d 308 (Fla. 1996). The main thrust of Point II remains that the amendment to Florida Rule of Criminal Procedure 3.180(b), which became effective January 1, 1997, should be retroactively applied, because it corrects a rule of law which was based on a fallacious concession of error in *Coney v. State*, 653 So. 2d 1009 (Fla. 1995), *cert. denied*, 116 S. Ct. 315 (1995), and because a prospective application would only perpetuate that mistake.

CONCLUSION

WHEREFORE, based on the foregoing arguments and authorities cited herein, the State respectfully requests that this Honorable Court reverse the decision of the district court of appeal and affirm respondent's conviction.

Respectfully submitted,
ROBERT BUTTERWORTH
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Tallahassee, Florida

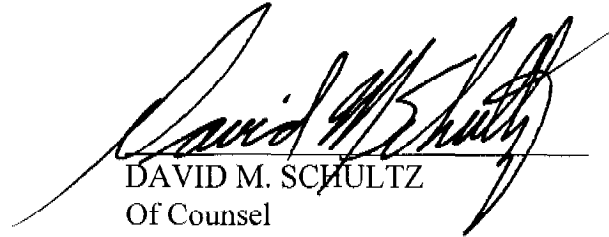

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by courier to Margaret Good-Earnest, Assistant Public Defender, Counsel for Respondent, at 421 3rd Street, 6th Floor, West Palm Beach, FL 33401 this 11th day of March, 1998.


DAVID M. SCHULTZ
Of Counsel