

**FILED**

SID J. WHITE

NOV 30 1998

CLERK, SUPREME COURT  
By [Signature]

Chief Deputy Clerk

**SUPREME COURT OF FLORIDA**

LUTHER T. BASSE,

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Petitioner,

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v.

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CASE NO. 93,760

STATE OF FLORIDA,

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Respondent.

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\* \* \* \* \*

**RESPONSE**

In accordance with the order of the Florida Supreme Court of November 17, 1998, the Second District Court of Appeal responds as follows:

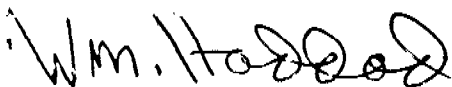
The petition for writ of habeas corpus filed by Luther Basse in the Second District Court of Appeal assails the effectiveness of appellate counsel. It numbers 117 pages, and includes 121 footnotes. This court struck the petition with leave to amend with an instruction that this court requires the same conciseness with regard to original proceedings as Florida Rule of Appellate Procedure 9.210(a)(5) imposes in connection with briefs in plenary and interlocutory appeals. That rule restricts initial briefs to fifty pages unless a longer brief is approved by the appellate court.

The argument in Basse's original proceeding in this court is based upon appellate counsel's purported failure to supplement the record with an eleven and one-half minute audio tape of a statement by Basse during police interrogation. He argues

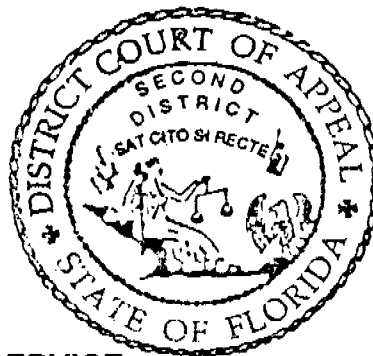
that this supplementation of the record would have demonstrated on direct appeal that the trial court erroneously admitted evidence leading to a conviction, which, in the absence of this oversight by appellate counsel, would have led to a reversal and to Basse's discharge.

These assertions are not unusually complex. Basse's presentation is articulate and attractive, but unnecessarily repetitive. Universally appreciated principles of criminal law and procedure are painstakingly detailed. Basse's petition criticizing one shortcoming of appellate counsel consumes more than twice the number of pages normally permitted for the entire initial brief on appeal for convictions such as those resulting in the confinement of which he complains. This court routinely restricts to fifty pages appellate briefs that involve multi-issue legal questions whose sophistication exceeds that in the claim advanced by Basse in his original proceeding.

I HEREBY CERTIFY THE FOREGOING IS A TRUE COPY OF THE ORIGINAL RESPONSE.

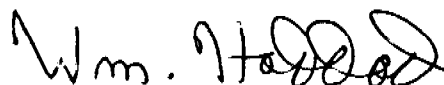


WILLIAM A. HADDAD, CLERK



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been mailed this 24th day of November to: Luther T. Basse, Jr., DC# 140306, Hardee Correctional Institution, 6901 State Road 62, (MB# 515), Bowling Green, FL 33834; Honorable Robert A. Butterworth, 400 South Monroe Street, Tallahassee, FL 32399-6536; and Robert J. Krauss, Assistant Attorney General, 2002 North Lois Avenue, Suite 700, Tampa, FL 33607-2391.



William A. Haddad