

has been properly rejected by this Court. That the State would continue to make that claim now demonstrates its misuse of the rehearing process.

3. This Court should deny the State's motion because a motion for rehearing should not be used to reargue the same position that this Court has rejected in this appeal. See Jacobs v. Wainwright, 450 So. 2d 200, 201 (Fla. 1984) ("A motion for rehearing shall not reargue the merits of the Court's order."); Ayala v. Gonzalez, 984 So. 2d 523, 526 (Fla. 5th DCA 2008) ("the privilege to seek a rehearing pursuant to rule 9.330, Florida Rules of Appellate Procedure, [is not] an open invitation for an unhappy litigant or attorney to reargue the same points previously presented").

WHEREFORE, Appellant, Ralph D. Wright, Jr., requests that this Court deny the State's motion for rehearing.

CERTIFICATE OF SERVICE

I certify that a copy has been served via the e-portal on Christina Pacheco at christina.pacheco@myfloridalegal.com and capapp@myfloridalegal.com, on this 30th day of May, 2017.

Respectfully submitted,

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