

IN THE SUPREME COURT OF FLORIDA

DWAYNE F. WHITE,
Appellant,

v.

Case No. SC15-625

STATE OF FLORIDA,
Appellee.

_____ /

APPELLEE'S MOTION TO ACCEPT SURREBUTTAL

Comes now the Appellee, represented by the undersigned Assistant Attorney General and hereby moves this Honorable Court to accept the attached pleading entitled, *Appellee's Brief in Surrebuttal*.

Recognizing this pleading is not specifically authorized under Florida Rule of Appellate Procedure 9.210(a), Appellee respectfully submits that a surrebuttal response is necessary and appropriate in this case for the following reasons:

1. The United States Supreme Court issued its opinion in *Hurst v. Florida*, 136 S. Ct. 616 (2016) on January 12, 2016, after the Appellee's *Answer Brief* had been filed on January 5, 2016, and prior to the filing of the Appellant's *Reply Brief* on February 15, 2016.
2. Appellant's *Reply Brief* raises new arguments based upon *Hurst* that Appellee has not otherwise had a fair opportunity to respond to, specifically in Point One.

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3. To be able to properly argue the merits of these new arguments and how *Hurst* relates to this case at the upcoming Oral Argument before this Court, the surrebuttal is necessary to provide fair and proper notice of those arguments to Appellant.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

/s/ Vivian Singleton

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of April, 2016, I electronically filed the foregoing with the Clerk of the Court by using the Florida Courts E-Portal Filing System which will send a notice of electronic filing to the following: John M. Selden, seldon.john@pd7.org, lombardo.michelle@pd7.org, Office of the Public Defender, 444 Seabreeze Boulevard, Suite 210, Daytona Beach, Florida 32118.

/s/ Vivian Singleton

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