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IN THE SUPREME COURT OF FLORIDA

CASE NO. SC17-127

KENNETH DARCELL QUINCE,

Appellant

v.

STATE OF FLORIDA

Appellee.

ON APPEAL FROM THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR VOLUSIA COUNTY, STATE OF FLORIDA
Lower Tribunal No. 80-00048CFAES

REPLY BRIEF OF THE APPELLANT

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The Appellant, Kenneth Darcell Quince ("Quince") relies on his Initial Brief for all purposes, and does not concede nor waive any argument or issues asserted in his Initial Brief of the Appellant. The Initial Brief of the Appellant sufficiently replies to the arguments put forth by the Appellee in the Answer Brief of the Appellee and cites to the relevant facts and medical authorities from the post-conviction evidentiary hearing. Therefore, the Appellant will not file a Reply Brief of the Appellant. However, it cannot be repeated enough that the determination of whether an individual is a medical diagnosis that requires an expert to look at all three prongs in concert as laid out by the American Association on Mental Retardation and the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision. *Hall v. Florida*, 134 S. Ct. 1986, 188 L.Ed.2d 1007 (2014) did not create a cut-off range for the IQ scores. The Supreme Court of the United States in *Hall* clearly held that intellectual disability "is **a condition**, not a number." *Hall*, 134 S. Ct. at 2001.

This Court was previously reversed because they interpreted Florida Statute section 921.137 "so narrowly that it precluded sentencing courts from considering substantial evidence that is accepted by the medical community to be probative of intellectual disability." *Hall*, 2016 WL at 1. This Court has clear and convincing evidence and un-refuted medical evidence that Quince is intellectually disabled. The lower court's analysis is not in accordance with federal and state law and must be

reversed. Quince must be granted a life sentence because he is intellectually disabled and ineligible to be executed.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY, pursuant to Fla.R.App.P. 9.210, that the foregoing document was generated in Times New Roman fourteen-point font.

s/ Raheela Ahmed
Raheela Ahmed
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the PDF copy of the foregoing document has been transmitted to this Court through the Florida Courts E-Filing Portal on this 21st day of June, 2017.

I HEREBY CERTIFY that a copy of the foregoing has been through the Florida Courts E-Filing Portal to **Tayo Popoola**, Assistant Attorney General, Office of the Attorney General, at tayo.popoola@myfloridalegal.com and CapApp@myfloridalegal.com on this 21st day of June, 2017.

I HEREBY CERTIFY that a copy of the foregoing was mailed to **Kenneth Quince**, Union Correctional Institution, P.O. Box 1000, Raiford, Florida 32083, on this 21st day of June, 2017.

/s/ Raheela Ahmed
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