

IN THE SUPREME COURT OF FLORIDA

JOHN NOBLE,)	
)	
Petitioner,)	
)	
vs.)	Case No. SC00-555
)	
STATE OF FLORIDA,)	
)	
Respondent.)	
_____)	

PETITIONER'S REPLY BRIEF ON THE MERITS

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PRELIMINARY STATEMENT

Petitioner was the Defendant in the Criminal Division of the Circuit Court of the Nineteenth Judicial Circuit, in and for Martin County, Florida, and the Appellant in the Fourth District Court of Appeal. Respondent was the Prosecution and the Appellee below. In the brief, the parties will be referred to as they appear before this Honorable Court.

STATEMENT OF THE CASE

Petitioner relies on the Statement of the Case as set forth in his Brief on the Merits.

STATEMENT OF THE FACTS

Petitioner relies on the Statement of the Facts as set forth in his Brief on the Merits.

ARGUMENT

POINT I

**THE PRISON RELEASEE REOFFENDER PUNISHMENT ACT,
SECTION 775.082(8), FLORIDA STATUTES, IS
UNCONSTITUTIONAL AS IT VIOLATES THE SEPARATION
OF POWERS CLAUSE, ARTICLE II, SECTION 3 OF THE
FLORIDA CONSTITUTION.**

Petitioner relies on the arguments and authorities set forth in his Brief on the Merits for a thorough discussion of this point on appeal.

POINT II

**THE PRISON RELEASEE REOFFENDER PUNISHMENT ACT
IS UNCONSTITUTIONAL AS IT VIOLATES THE EQUAL
PROTECTION CLAUSES OF THE FEDERAL AND FLORIDA
CONSTITUTIONS.**

Petitioner relies on the arguments and authorities set forth in his Brief on the Merits for a thorough discussion of this point on appeal.

POINT III

**THE PRISON RELEASEE REOFFENDER PUNISHMENT ACT
IS UNCONSTITUTIONAL BECAUSE IT UNLAWFULLY
RESTRICTS THE RIGHT TO PLEA BARGAIN.**

Petitioner relies on the arguments and authorities set forth in his Brief on the Merits for a thorough discussion of this point on appeal.

POINT IV

**THE PRISON RELEASEE REOFFENDER PUNISHMENT ACT
IS UNCONSTITUTIONAL AS IT VIOLATES THE FEDERAL
AND FLORIDA PROHIBITIONS AGAINST CRUEL AND
UNUSUAL PUNISHMENT.**

Petitioner relies on the arguments and authorities set forth in his Brief on the Merits for a thorough discussion of this point on appeal.

POINT V

**THE PRISON RELEASEE REOFFENDER PUNISHMENT ACT
IS UNCONSTITUTIONAL AS IT VIOLATES THE VOID
FOR VAGUENESS DOCTRINE.**

Petitioner relies on the arguments and authorities set forth in his Brief on the Merits for a thorough discussion of this point on appeal.

POINT VI

**THE PRISON RELEASEE REOFFENDER PUNISHMENT ACT
IS UNCONSTITUTIONAL AS IT VIOLATES
PETITIONER'S RIGHT TO SUBSTANTIVE DUE PROCESS
OF LAW.**

Petitioner relies on the arguments and authorities set forth in his Brief on the Merits for a thorough discussion of this point on appeal.

CONCLUSION

Based on the foregoing arguments and authorities cited therein, Petitioner respectfully requests this Honorable Court to

quash the decision of the Fourth District and remand this cause with appropriate directions.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Petitioner's Reply Brief on the Merits has been furnished by courier to Joseph A. Tringali, Assistant Attorney General, 1655 Palm Beach Lakes Boulevard, Suite

300, West Palm Beach, Florida 3401-2299, this 25th day of May, 2001.

Attorney for John Noble