

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC00-762

vs

TFB File No. 96-00,833 (02)

ROBERT EDMOND SENTON,

Respondent.

-----/

REPLY BRIEF

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**CERTIFICATE OF TYPE, SIZE AND STYLE AND
ANTI-VIRUS SCAN**

Undersigned counsel does hereby certify that the Initial Brief of Appellant is submitted in 14 point proportionately spaced Times New Roman font, and that the computer disk filed with this brief has been scanned and found to be free of viruses, by Norton AntiVirus for Windows.

TABLE OF CONTENTS

CERTIFICATE OF TYPE, SIZE AND STYLE AND ANTI-VIRUS SCAN	-i-
TABLE OF CONTENTS	-ii-
TABLE OF CITATIONS	-iii-
ARGUMENT	
I THE DNA SAMPLES WERE LAWFULLY OBTAINED.	1
II. THE BAR WAS REQUIRED TO OBTAIN THE COMPLAINING WITNESS'S CONSENT TO RELEASE OF HER DNA TEST RESULTS BY FDLE INTERNAL PROCEDURES .	2
CONCLUSION	3
CERTIFICATE OF SERVICE	4

TABLE OF CITATIONS

<u>Florida Statutes Cited</u>	<u>Page No.</u>
§760.40(2)(a), Fla. Stat. (1999)	1.

I

THE DNA SAMPLES WERE LAWFULLY OBTAINED.

Contrary to the assertion made in Respondent's Answer Brief, Respondent's DNA samples were not illegally obtained. They were obtained pursuant to a properly issued search warrant in the course of an anticipated criminal prosecution, and thus fall within the first exception found in §670.40(2)(a), F. S. (1999).

II

THE BAR WAS REQUIRED TO OBTAIN THE COMPLAINING WITNESS'S CONSENT TO RELEASE OF HER DNA TEST RESULTS BY FDLE INTERNAL PROCEDURES.

Respondent's assumption that The Florida Bar adopted a double standard by obtaining the complaining witness's consent to the release of her DNA test results, while not doing so with regard to Respondent's permission, rests on the mistaken belief that The Florida Bar had a choice, when in fact it was FDLE that insisted upon the Bar obtaining complaining witness's consent before they would release the test results, in compliance with FDLE's internal procedures. As the complaining witness was the victim of the crime under investigation, and not the alleged perpetrator, it would appear that FDLE properly required her consent to the release of the information.

CONCLUSION

The Referee's determination that Respondent's DNA test results are inadmissible should be reversed and this cause remanded for trial

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Reply Brief regarding Supreme Court Case No. SC00-762, TFB File No. 96-00,833 (02) has been mailed by certified mail #7099 3400 0000 1437 464, return receipt requested, to John A. Weiss, Esquire, Counsel for Respondent, at 2937 Kerry Forest Parkway, Suite B-2, Tallahassee, Florida 32308, on this _____ day of December, 2000.

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