

IN THE SUPREME COURT OF FLORIDA

RONALD LEE WILLIAMS,

Petitioner,

vs.

CASE NO. SC05-1579

JAMES V. CROSBY, Jr., Secretary,
Florida Department of Corrections,

Respondent.

_____ /

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW JAMES V. CROSBY, Secretary, Florida Department of Corrections (hereafter, the State), by and through undersigned counsel, and hereby responds as follows to Williams' Amended Petition for Writ of Habeas Corpus.

STATEMENT OF THE CASE

Williams' appeal from the denial of postconviction relief is pending in this Court (Case No. SC05-226). The State's brief in that case sets out a detailed Statement of the Case and Facts, which will not be repeated herein. In his habeas petition, William raises one claim, in which he argues that Florida's capital sentencing scheme is unconstitutional.

Williams' habeas issue is simply a variant of issue X in his postconviction appeal. See Initial Brief on Appeal,

Case No. SC05-226, pp. 53-54. By presenting the same claim both here and in his postconviction appeal, Williams has unnecessarily burdened this Court with redundant material. Blanco v. Wainwright, 507 So.2d 1377, 1384 (Fla. 1987) ("By raising the issue in the petition for writ of habeas corpus, in addition to the rule 3.850 petition, collateral counsel has accomplished nothing except to unnecessarily burden this Court with redundant material.").

The State will reprise the argument it makes in its brief (Answer Brief, case no. SC05-226 at pp. 54-55):

The State will not belabor this claim; it should be denied for a variety of reasons. First, any claim that Florida's capital sentencing procedures violate the Sixth Amendment's right to a jury trial could and should have been raised at trial and on direct appeal. . . . Even if not [barred], Williams' prior violent felony convictions take his case outside any possible ambit of Ring. Finally, neither Ring nor Apprendi are retroactively applicable to cases already final when Ring was decided. Rodriguez, supra.

CONCLUSION

For the foregoing reasons, Williams' habeas petition should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Joseph F. McDermott, Esquire, McDermott Law Firm, P.A., 7116-A Gulf Blvd., St. Pete Beach, Florida 33706, this ____ day of November, 2005.

CURTIS M. FRENCH
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CERTIFICATE OF TYPE SIZE AND STYLE

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CURTIS M. FRENCH
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