IN THE SUPREME COURT OF FLORIDA

CASE NO. SC11-1553

LOWER TRIBUNAL No. 63-2002-CF-000028-A

D. TODD DOSS, ETC., ET AL.,

Appellant(s),

v.

STATE OF FLORIDA,

Appellee.

INITIAL BRIEF OF APPELLANT

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PRELIMINARY STATEMENT

This proceeding involves the appeal of the circuit court's Order Dismissing Post-Conviction Proceeding and Discharging Post-Conviction Counsel and Directing the Court Reporter to Transcribe the June 30, 2011 Hearing.

The following abbreviations will be utilized to cite to the record in this cause, with appropriate volume and page number(s) following the abbreviation:

"R" -- record on direct appeal to this Court;

"T" – transcripts of hearings other than the June 30, 2011 Durocher hearing;

"PCR" -- record on appeal from initial denial of postconviction relief;

"PCT" -- transcript of Durocher hearing conducted June 30, 2011.

All other references are self-explanatory or otherwise explained herein.

STANDARD OF REVIEW

The issues presented in this appeal are governed by standards recently reiterated in Trease v. State, 41 So.3d 119, 124-125 (Fla. 2010):

> The Court reviews a trial court's order finding a voluntary, knowing, and intelligent waiver of postconviction counsel and proceedings for an abuse of discretion. Alston at 57. A trial court's ruling regarding competency to waive is also subject to this Court's review for an abuse of discretion. Id. Further, "the relevant test for competency in the context of waiving collateral counsel and collateral proceedings in Florida is whether the person seeking waiver has the capacity to 'understand'[] the consequences of waiving collateral counsel and proceedings.'" Slawson, 796 So.2d at 502 (quoting Durocher, 623 So.2d at 485). Finally, "the party challenging the defendant's waiver request bears the burden of proving that the defendant is incompetent." Id.

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STATEMENT OF THE CASE AND FACTS

The Circuit Court for the Eighth Judicial Circuit, in and for Union County, Florida, entered the judgments of conviction and death sentence at issue.

On February 6, 2002, Mr. Gill was indicted by a Union County grand jury for the first degree murder of Orlando Rosello (R1. 1-2). Following a Faretta inquiry conducted on April 15, 2005, the Court ruled that Mr. Gill had waived his right to counsel and that he could represent himself in his proceedings (R1. 65-66).[1]

On July 8, 2005, Mr. Gill changed his plea to guilty as charged (T19. 335-58). On that same date, Mr. Gill waived his right to a penalty phase jury (T19. 358-77). A penalty phase before the Court commenced on July 8,2005 (T19. 368-77). During that proceeding, the State presented five aggravating circumstances (T19. 379-93). Since Mr. Gill waived counsel and chose not to present mitigation, the prosecutor introduced evidence he deemed relevant to mitigation (T19. 393-401).

On June 30, 2006, the circuit court adjudged Mr. Gill guilty and sentenced him to death for the murder (T21. 462-89)(R4. 687-94; R5. 695-770).[2]

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1 Attorney Bill Salmon was appointed by the Court as stand-by counsel for Mr. Gill.

2 The Court found the following aggravating circumstances: 1) Mr. Gill was under a sentence of imprisonment for a previous

On July 9, 2009, this Court affirmed Mr. Gill's conviction and sentence on direct appeal. Gill v. State, 14 So. 3d 946 (Fla. 2009). Three issues were raised on the direct appeal of Mr.

Gill's conviction and sentence: 1) The death sentence imposed in this case is disproportionate; 2) the trial court erred in finding as an aggravating circumstance that the homicide was committed in a cold, calculated and premeditated manner; and 3) the trial court erred in sentencing Mr. Gill to death because Florida's capital sentencing procedures are unconstitutional under the sixth amendment pursuant to Ring v. Arizona.

In affirming Mr. Gill's death sentence, this Court rejected issue one, stating: "The trial court found that the three heavily weighted aggravators outweighed the statutory and nonstatutory mental mitigation in the case, justifying the sentence of death. We will not disturb this finding. Accordingly, based on the foregoing, we hold that the sentence of death is proportionate in this case." Gill, 14 So. 3d at 963.

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murder at the time of the homicide; 2) Mr. Gill had been previously convicted of a capital felony; and 3) the homicide was committed in a cold, calculated and premeditated manner (R5. 697-702). In mitigation, the Court found: 1) The homicide was committed while Mr. Gill was under extreme mental or emotional disturbance; 2) Mr. Gill's ability to appreciate the criminality of his conduct or to conform his conduct to the law was impaired; and 3) Mr. Gill suffered a brain malformation pressing on the amugdala which controls impulse behavior and rage (R5. 703-708).

This Court also rejected issue two, finding that "[c]ompetent substantial evidence demonstrated that the murder of Orlando Rosello was clearly the result of a longstanding plan by Gill, who fashioned a murder weapon in advance and who had ample time to reflect on the proposed murder and abandon the plan, but did not-and the murder was carried out in a cold manner as a matter of course, without pretense of justification. Id. at 963. Finally, this Court rejected issue three on the basis that "Gill waived a sentencing jury in this case and, because his waiver was knowing, intelligent and voluntary, he therefore waived any to his sentencing based on *Ring*." Id. at 967.

Mr. Gill's now discharged counsel filed an incomplete Rule 3.851 motion in order to comply with the one year time limit in state court and to toll the time for filing Mr. Gill's federal habeas petition in accordance with the AEDPA.

Thereafter, the circuit court entered its Order Dismissing Motion for Post-Conviction Relief on February 21, 2011 for failure to meet the oath requirement of Rule 3.851(e)(1), Fla.R.Crim.P. This dismissal was without prejudice to file an amended motion by April 18, 2011 that included the required oath.

Undersigned counsel attempted to meet with Mr. Gill to obtain the required signature, thus providing the required oath to the Motion for Post-Conviction Relief. However, Mr. Gill

refused to come out of his cell and meet with undersigned counsel and his investigator.

Undersigned counsel then filed a motion to extend the time for filing the amended motion and raised the issue of Mr. Gill's competency. The competency issue was raised as a result of Mr. Gill's erratic behavior throughout his post-conviction litigation. This behavior has included the sending of letters threatening the Court and the undersigned and the filing of numerous pro se pleadings attempting to dismiss the undersigned as counsel and represent himself. These events, coupled with information contained in privileged correspondence the undersigned counsel could not and cannot reveal, caused the undersigned to seriously question the competence of Mr. Gill.

As a result, the circuit court ordered Dr. Krop and Dr. Cooke to examine Mr. Gill for competency. Dr. Krop examined Mr. Gill on May 31, 2011 and filed his report finding him competent. Dr. Cooke attempted to evaluate Mr. Gill on June 7, 2011, however, Mr. Gill refused to see Dr. Cooke and the doctor subsequently filed his report declining to render an opinion.

The circuit court then conducted a hearing regarding Mr. Gill's competence to discharge counsel and waive his post-conviction appeals on June 30, 2011. Prior to the hearing it was determined that Dr. Cooke would attempt to evaluate Mr. Gill before the start of the competency proceedings. Dr. Cooke

evaluated Mr. Gill for approximately and hour and fifteen minutes and emerged to state that he believed Mr. Gill was competent. The trial court then took testimony from Dr. Cooke, Dr. Krop, and Mr. Gill.

The undersigned objected to Dr. Cooke being accepted as an expert in the circuit court below. PCT. 13. This objection was based upon Dr. Cooke's inexperience in this particular type of proceeding. Upon questioning by the undersigned, Dr. Cooke admitted that he had not testified in a capital post-conviction proceeding involving the discharge of counsel and waiver of post-conviction appeals. Further questioning revealed that Dr. Cooke did not have an understanding or knowledge of Florida post-conviction proceedings. PCT. 12-3. This dearth of knowledge disqualifies this doctor from being accepted as an expert in such vitally important proceedings.

Dr. Krop subsequently testified regarding the evaluation he performed on May 31, 2011. PCT. 28-42. Dr. Krop stated that at that time he conducted no testing of Mr. Gill and that he relied upon his prior testing in years past of Mr. Gill. PCT. 33-4.

Dr. Krop also testified on cross-examination that he had not reviewed any medical records or disciplinary records from the Florida Department of Corrections (DOC hereafter).[3] PCT. 34.

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3 Dr. Cooke had also not reviewed any medical records or disciplinary records from the Florida Department of Corrections.

Dr. Krop agreed that it would be possible that there could be information in these records that could possibly impact his opinion as he was always willing to revisit his opinion if new information was available. PCT. 36-7. Dr. Krop acknowledged that he was aware that Mr. Gill had cranial surgery performed upon him since his last evaluation of Mr. Gill, however, he relied upon Mr. Gill's self-report that everything was fine and that he was not currently prescribed any medication. Dr. Krop admitted that he had no corroboration of this self-report either from record documentation or discussions with DOC officials. PCT. 34-5.

During the hearing undersigned counsel moved the Court to order the release of Mr. Gill's medical and disciplinary records from DOC. The undersigned related how he had reviewed Mr. Gill's records from the Florida Department of Corrections and believed they contained information that is relevant to the proceedings. Undersigned counsel also explained to the Court that he was unable to provide these records to the doctors because after Mr. Gill had signed a release for the records and they were obtained from DOC, Mr. Gill revoked his release. The undersigned therefore requested the Court order the release of the records and stay the proceedings until the doctors had the opportunity to review those records. The circuit court declined to do so and the undersigned again moved the circuit court to order the

release of Mr. Gill's DOC records and order the doctors to review them and render a competency determination thereafter. PCT. 43-4.

Dr. Krop recounted in his evaluation report and testimony that Mr. Gill stated that his desire to waive his post-conviction appeals in order to obtain a visit with his parents. Reportedly, this desire is so strong that Mr. Gill stated to Dr. Krop that if he could see his parents they could kill him the next day. Dr. Krop acknowledged that death row inmates can visit with parents, unless they have misbehaved and lost their visiting privileges. Additionally, Dr. Krop acknowledged that in his extensive experience of testifying in death cases that a prisoner under death watch is not guaranteed visitation with family if they are a behavior problem. PCT. 38-9.

Dr. Krop also testified and stated in his report that Mr. Gill had recounted how he had earned his way off of Q-wing and that this wing is utilized for inmates that have behavioral and/or psychiatric issues. Mr. Gill then reportedly had a parental visit scheduled, but the visit was then cancelled after he was caught making alcohol and he was returned to Q-wing after trying to stab an officer through his cell gate. PCT 35.

Mr. Gill did indicate, however, that he tried to stab an officer through his cell gate. This in addition to the previous acknowledgment that his inability or unwillingness to control

his behavior costs him his visiting privileges. Mr. Gill's erratic behavior is obvious.

Mr. Gill indicated as well to Dr. Krop that he had moved to have the undersigned removed from the above-captioned case. His main complaint appeared to be a lack of contact, although Mr. Gill stated he had refused all visits from undersigned counsel except the first one, had revoked the releases for medical record and files, and had called his mother and father to instruct them to not cooperate with undersigned counsel. Mr. Gill clearly has continued his history of being uncooperative with counsel and discharging them, both in this case and the prior murder case in Alachua County. PCT. 40-2.

Unfortunately, Dr. Krop never specifically discussed the legal issues and procedures facing Mr. Gill with him. For instance, the doctor never even discussed the concept of Florida capital post-conviction procedures with Mr. Gill or the issue of procedural bar with him and there has not been any indication of a rational understanding of those legal concepts by Mr. Gill. Nor has there been any discussion during the psychiatric evaluations that Mr. Gill would be waiving his ability to proceed in federal habeas as well, much less any indication of a rational understanding of that by Mr. Gill.

Subsequent to the hearing the circuit court considered the testimony at the hearing and the post-hearing memorandum's filed

by the parties and entered an order discharging undersigned counsel and permitting Mr. Gill to waive his post-conviction proceedings. However, subsequent to the hearing, yet prior to the circuit court's ruling, Mr. Gill wrote a letter motion the day after the hearing to request his appellate proceedings continue, but undersigned counsel be discharged and another attorney appointed for his post-conviction proceedings. PCR. 196, 209. The trial court denied the letter motion in its Order Striking *Pro Se* Motion to Continue Proceedings, citing Trease v. State, 41 So.3d 119, 126 (Fla. 2010)("a change of mind is insufficient to set aside a prior valid waiver"). PCR. 205.

SUMMARY OF ARGUMENT

The circuit court should not have rendered a decision on Mr. Gill's competency due to incomplete evaluations by the doctors. Based upon the current record on appeal, a finding of incompetency must be rendered. Rules 3.851(g)(8)(B)(ii) & (iii), Fl.R.Cr.P. direct a court to consider, "the prisoner's ability to disclose to collateral counsel facts pertinent to the postconviction proceeding at issue, and any other factors considered relevant by the experts and the court . . ." Mr. Gill has consistently operated with a level of mistrust and paranoia that prevents him from rationally communicating with counsel, listening to advice, and then operating based upon a consideration of that advice. These facts cut to the essence and

heart of an attorney-client relationship and Mr. Gill is simply incapable of participating in such a relationship.

CLAIM I

A CONSTITUTIONALLY VALID PSYCHOLOGICAL EVALUATION AND WAIVER HEARING WERE NOT CONDUCTED IN MR. GILL'S CASE IN VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

Dr. Cooke was not qualified to testify as an expert and render an opinion as to Mr. Gill's competency to waive his post-conviction proceedings and discharge undersigned counsel. Florida Rule of Criminal Procedure 3.851(i)(4) requires in pertinent part that: "No fewer than two or more than three qualified experts shall be appointed to examine the prisoner if the judge concludes that there are reasonable grounds to believe the prisoner is not mentally competent for purposes of this rule." Cross-examination of Dr. Cooke by undersigned counsel starkly revealed his lack of expert knowledge in this area.

> Mr. Doss: Dr. Cooke, you had testified that you had been qualified as an expert once in a waiver of counsel case at (sic) a trial case? Is that correct?
>
> Dr. Cooke: Yes.
>
> Mr. Doss: Have you ever been - - have you ever testified as an expert as to waiver of counsel in a post-conviction proceedings?
>
> Dr. Cooke: I believe that one case was preconviction. Presentencing. (sic).
>
> Mr. Doss: So as far as after - - in a post-conviction setting, you've never testified as to waiver of counsel?

Dr. Cooke: Not that I can recollect.

Mr. Doss: Okay. And out of the cases that you had described for The (sic) Court, how many of those were capital cases, where a sentence of death had - - either was an option, or had actually been imposed?

Dr. Cooke: How many cases have I been involved with, or how many cases have I testified in?

Mr. Doss: Testified in, in regards to being a capital case at any stage?
Dr. Cooke: Probably less than five.

Mr. Doss: Were any of those in Florida?

Dr. Cooke: No.

Mr. Doss: And how would you characterize your familiarity with Florida post-conviction procedure in the legal sense?

Dr. Cooke: In the legal sense? Not too familiar.

Mr. Doss: Okay. So if I were to question you regarding the stages and the things that - - that a post-conviction Defendant would be facing, would you be able to describe those to me?

Dr. Cooke: No, I would not.
PCT. 12-13

Further questioning revealed:

Mr. Doss: Were you able to discuss with him any specific legal procedure that he might - - that he might be waiving?

Dr. Cooke: No. He said that he was well-versed with proceedings up to - - through the trial stage, and that he had access to the law library in the prison. He said that he had not yet pursued references from the law library from the appellate stages of trials.
PCT. 20.

Subsequent questioning showed:

> Mr. Doss: What step did you take to ascertain whether or not he had the ability to understand any specific legal concepts that relate to post-conviction capital procedures?
>
> Dr. Cooke: Well, he said quite honestly that he was not well-versed. And I admitted to him and - - and to you that I am not either. I approached it from looking at his decision - - his reasoning for this - - putting forward this motion, and then trying to determine if this decision was being influenced by the presence of mental illness.
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> PCT. 23-24.

Clearly, Dr. Cooke does not possess the requisite knowledge required to be qualified as an expert and make a determination as to an individual's competence to make a valid waiver of post-conviction counsel and discharge counsel. This lack of proper qualifications means that the trial court failed to require with the dictates Florida Rule of Criminal Procedure 3.851(i)(4) that, "No fewer than two or more than three qualified experts shall be appointed to examine the prisoner if the judge concludes that there are reasonable grounds to believe the prisoner is not mentally competent for purposes of this rule."

Dr. Cooke's lack of qualifications rendered any "expert opinion" propounded by Dr. Cooke as irrelevant for purposes of Rule 3.851(i), Fl.R.Cr.P. The question regarding the validity of an expert opinion is whether the witness has sufficient knowledge, training, or education on the *discrete* subject to render the opinion expressed. In Chavez v. State, 12 So.3d 199

(Fla. 2009), this Court held that it was not an abuse of discretion for the trial court to not qualify a lawyer as an expert to talk about the differences between Cuban and U.S. law and the impact these differences would have upon the voluntariness of a statement pursuant to Miranda. This Court stated:

> A witness may be qualified as an expert through specialized knowledge, training, or education, which is not limited to academic, scientific, or technical knowledge. An expert witness may acquire this specialized knowledge through an occupation or business or frequent interaction with the subject matter. *See* Weese v. Pinellas County, 668 So.2d 221, 223 (Fla. 2d DCA 1996)(citing Harvey v. State, 129 Fla. 289, 176 So. 439, 440 (1937) (witnesses were qualified as expert cattlemen and butchers based upon many years experience in such business and occupation and knowledge acquired thereby)). However, general knowledge is insufficient. The witness must possess specialized knowledge concerning the discrete subject related to the expert opinion to be presented. *See* Charles V. Ehrhardt, *Florida Evidence* § 702.1, at 686-87 (2008 ed.).

Chavez at 205. The Chavez Court went on to further state, "Although an expert may also be qualified through study or practical experience, rather than education or formal training, there must be sufficient development of specialized knowledge in the subject matter." Id.

In Mr. Gill's case, Dr. Cooke simply did not display a sufficient development of specialized knowledge in the legal and procedural issues that Mr. Gill was waiving to render a constitutionally valid opinion on such a life and death matter. The simple fact that Dr. Cooke has general knowledge is

insufficient. The expert witness must possess specialized knowledge concerning the discrete subject related to the expert opinion to be presented. The discrete knowledge here is whether Mr. Gill is cognizant and aware of what he is actually waiving and the ramifications thereof. See Jordan v. State, 694 So.2d 708, 716 (Fla. 1997) (An individual qualified as a psychologist was not qualified to testify to complex profile evidence in a capital case); Goodyear Tire & Rubber Co., Inc. V. Ross, 660 So.2d 1109, 1111 (Fla. 4th DCA 1995) (Expert in traffic control devices was not permitted to testify and render opinion regarding speed bumps. The Court stated: "He may be the world's foremost expert on traffic control devices, but it does not appear that he knows any more than we do about portable rubber speed bumps. We agree that it is not enough that the witness be qualified to propound opinions on a general subject; rather he must be qualified as an expert on the discrete subject on which he is asked to opine.").

Furthermore, neither Dr. Cooke nor Dr. Krop possessed relevant medical records and DOC records necessary to render a constitutionally valid opinion upon Mr. Gill's competence. Both doctors admitted that they did not possess any records from DOC to corroborate Mr. Gill's reports as to his behavior, disciplinary reports, and/or medical records. PCT. 17, 36-37. However, both doctors testified they knew of his arteriovenuous

malformation and that he had received cranial surgery since the last time he was evaluated.

The problem is that without these records the doctors do not know of disciplinary reports and history, suicide attempts or not, attacks upon DOC personnel, psychiatric treatment, problems, or diagnoses. Additionally, there is no way the doctors can corroborate the information related by Mr. Gill and determine whether it is delusional or based in reality. Undersigned counsel objected to any determination without these records and moved to have the Court order the DOC records be released to the doctors. PCT. 43-4.

At the hearing it was addressed that undersigned counsel had initially obtained these records through a release signed by Mr. Gill, however, Mr. Gill subsequently revoked the release and directed counsel to not release the records to anyone. This issue was brought before the Court as to the ethical dilemma counsel was placed in by not being able to address material in the records or reveal attorney-client communications in cross-examining the doctors regarding the competency or not of Mr. Gill, as well as Mr. Gill himself. PCT. 67-8. The circuit court denied the motion for release of the records at the request of Mr. Gill. PCT. 68-9.

Corroboration of Mr. Gill’s reports relative to his disciplinary history and medical history directly impact any

determination of his competency and these readily obtainable documents should be made available. It is well-settled throughout the history of these proceedings that Mr. Gill suffers from an arteriovenous malformation of the brain that has produced cranial bleeding in the past. Any surgery and its subsequent impact upon that condition cannot and should not be overlooked in the determination of Mr. Gill's competency and its effect upon his behavior and thought processes. Without these records a valid expert opinion cannot be rendered.

Due process requires a fair determination of Eighth Amendment claims, particularly ones such as incompetency, discharge of collateral counsel, and waiver of collateral proceedings. The Supreme Court of the United States has held:

> It is uncontested that petitioner made a substantial showing of incompetency. This showing entitled him to, among other things, an adequate means by which to submit expert psychiatric evidence in response to the evidence that had been solicited by the state court. And it is clear from the record that the state court reached its competency determination after failing to provide petitioner with this process, notwithstanding counsel's sustained effort, diligence, and compliance with court orders.
> Panetti v. Quarterman, 127 S.Ct. 2842, 2855 (2007).

Mr. Gill has articulated his main reason for waiving his post-conviction proceedings was his desire to see his parents (PCR. 179, PCT. 18-19) and to not live the rest of his life in prison. As to the first reason regarding visiting his parents, the fact that Mr. Gill would use this as a reason to discharge

counsel and waive his post-conviction appeals is completely irrational and demonstrates his lack of competency. Mr. Gill could simply behave and earn back his visiting privileges and visit with his parents. His inability and/or refusal to abide by the rules is what costs him his visiting privileges and the misguided belief that somehow his behavioral issues will be overlooked while on death watch is delusional.

Dr. Krop testified and stated in his report that Mr. Gill had recounted how he had earned his way off of Q-wing and that this wing is utilized for inmates that have behavioral and/or psychiatric issues. PCT. 35. Mr. Gill then reportedly had a parental visit scheduled, but the visit was then cancelled after he was caught making alcohol and he was returned to Q-wing after trying to stab an officer through his cell gate. This demonstrates that Mr. Gill is capable of earning the visiting privilege that he says he is willing to die for, yet he cannot or will not follow the rules of DOC. This thought process is completely irrational and delusional or maybe that stated desire is not to be taken at face value. Mr. Gill’s erratic behavior is obvious.

Mr. Gill indicated as well to Dr. Krop that he had moved to have the undersigned removed from the above-captioned case. His main complaint appeared to be a lack of contact, although Mr. Gill stated he had refused all visits from undersigned counsel

except the first one, had revoked the releases for medical record and files, and had called his mother and father to instruct them to not cooperate with undersigned counsel. Mr. Gill clearly has continued his history of being uncooperative with counsel and discharging them, both in this case and the prior murder case in Alachua County.

All of the foregoing facts are indicative of Mr. Gill's inability to understand and function in an effective attorney-client relationship and exercise his Sixth Amendment right to an attorney. Mr. Gill has consistently failed to demonstrate an ability to disclose pertinent facts to counsel, failed to demonstrate an ability to relate to counsel in a trusting and communicative fashion, and has failed to demonstrate an ability to comprehend his attorney's instructions and advice. Furthermore, Mr. Gill has failed to demonstrate the ability to make decisions after receiving advice from his attorney, and failed to be able to maintain a collaborative relationship with counsel and help plan legal strategy.

Unfortunately, Dr. Krop, nor Dr. Cooke because he was incapable of doing so, never specifically discussed the legal issues and procedures facing Mr. Gill with him. For instance, neither doctor ever discussed the concept of Florida capital post-conviction procedures with Mr. Gill or the issue of procedural bar with him and there has not been any indication of

a rational understanding of those legal concepts by Mr. Gill. Nor has there been any discussion during the psychiatric evaluations that Mr. Gill would be waiving his ability to proceed in federal habeas as well, much less any indication of a rational understanding of that by Mr. Gill. The circuit court simply asked about some of these concepts in conclusory terms.

CONCLUSION AND RELIEF SOUGHT

Discharged counsel requests that this Court vacate the trial court's ruling regarding Mr. Gill's competency, the discharge of undersigned counsel, and the waiver of his postconviction proceedings and remand for a constitutionally adequate proceeding to be conducted with a fully informed determination of competency, discharge of undersigned counsel, and waiver of postconviction proceedings be conducted.

CERTIFICATE OF FONT

This is to certify that the Initial Brief of Appellant has been reproduced in a 12 point Courier type, a font that is not proportionately spaced.

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I HEREBY CERTIFY that a true copy of the foregoing initial brief has been furnished by United States Mail, first class postage prepaid, to Stephen White, Office of the Attorney

General, The Capitol, PL-01, Tallahassee, FL 32399-1050 this 21st day of December 2011.

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