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IN THE SUPREME COURT OF FLORIDA

CASE NO. SC13-820

RONALD ALAN KNIGHT,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

REPLY BRIEF OF APPELLANT

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INTRODUCTION

Appellant Ronald Knight submits this Reply Brief in response to the State's Answer Brief. Mr. Knight will not reply to every factual assertion, issue, or argument raised by the State and does not abandon or concede any issues and/or claims not specifically addressed herein. Mr. Knight expressly relies on the arguments made in the Initial Brief for any claims and/or issues that are only partially addressed or not addressed at all in this Reply.

Statement of the Case and Facts

The State argues that "[o]n January 3, 1995, as a result of Knight's intimidation of multiple witnesses to the point where those witnesses would no longer cooperate, the State enter[ed] a nolle prosequi, before the jury was selected and sworn before the trial commenced." (PCR. 1063-68.) Counsel would note that the statement of the case and facts is not intended to be argument. Although there was testimony at the evidentiary hearing that supported this statement, the contemporary support and opposition to the State theory was memorialized in the transcripts and records of the 1994 case which the State has continually marginalized, taking the position that "Knight has not pointed to a rule or case law that has defined the court records and transcripts from a nolle prossesd case against the defendant as "discovery" for a subsequent prosecution of the same underlying crime." Answer at 62. Ironically, the State's argument regarding witness

intimidation is itself based on representations of state actors contained in the transcripts of the nolle prossed case.

ARGUMENT I: Ineffective Assistance of Counsel at Penalty Phase

The State asserts that nothing was added in postconviction, where defense trial expert psychiatrist Dr. Abbey Strauss failed to change the clinical diagnosis and opinion he voiced at trial—that Mr. Knight suffered from a paranoid disorder. The State also notes that defense postconviction psychologist Dr. Philip Harvey made no diagnosis, but the State's Answer affirms that Dr. Harvey's review of the Williams affidavit confirmed his impression that Mr. Knight had been exposed to extremely traumatic experiences. Answer at 30. Although the lower court found Dr. Lipman's testimony not to be credible, the court based its finding on the fact that Dr. Lipman relied on his interview with Tim Pearson about the amount of substances that he shared with Mr. Knight, which the lower court also found to be incredible. Dr. Lipman also conducted a second interview with Mr. Knight in the county jail where Mr. Knight confirmed portions of Pearson's statements. Pearson's testimony about substance abuse at the time of the offense was contradicted by Dain Brennault's testimony, with the lower court accepting Brennault's account. The lower court found that Pearson would have been unavailable at trial and in addition found that Brennault's testimony was more credible, without comparing Brennault's previous statements and testimony to what he said at the evidentiary hearing.

What the State fails to mention is that Dr. Strauss testified at the evidentiary hearing that he now believes that Mr. Knight suffers from a major mental disorder and that he meets the criteria for both mental health statutory mitigating circumstances. (PCRT. 819-30, 846-47.) However, even the State concedes that Dr. Strauss's opinion was strengthened by his postconviction review of the Keith Williams affidavit concerning the sexual abuse and violence Mr. Knight suffered at Eckerd, which was consistent with Gregory Otto's report. Answer at 29.

The lower court gave little weight to Fennell's testimony about terrible conditions at Eckerd during the many years that he was employed there, and the lower court failed to take into account the school records showing that Knight was in attendance there from 1983-1984. The experts reviewed records showing that Ronald Alan Knight, a white male with a birthdate of June 26, 1968, was a student at Eckerd Youth Development Center during the period December 6, 1983 – December 20, 1984. The Answer refers to Mr. Knight's grades at Eckerd, based on documents reviewed by the experts which specifically identify a time period that he was at Eckerd even as it offers the observation that Knight's time at Eckerd is undocumented. Witness Zebedee Fennell testified that he recalled a Ronald Knight who was African-American. Fennell also testified that there was a Caucasian Ronald Knight at Eckerd, but he could not identify Mr. Knight in open court as that person.

The State's Answer minimizes the impact of the trauma Mr. Knight suffered, which was detailed in the Williams affidavit and found by Dr. Strauss, by again relying on Eckerd school records for the proposition that "[i]n the time-frame before the Williams affidavit and then after, Knight was performing in the average range at school and on the cognitive tests." Answer at 30.

The Eighth Amendment requires consideration of the "character and record of the individual offender and the circumstances of the particular offense as constitutionally indispensible part of the process of inflicting the penalty of death." *Lockett v Ohio*, 438 U.S. 586, 601 (1978) (citing *Woodson v North Carolina*, 428 U.S. at 304)). As the Eleventh Circuit Court of Appeals recently explained:

> In the penalty phase of a trial, "[t]he major requirement . . . is that the sentence be individualized by focusing on the particularized characteristics of the individual." Therefore, "[i]t is unreasonable to discount to irrelevance the evidence of [a defendant's] abusive childhood." Background and character evidence "is relevant because of the belief, long held by this society, that defendants who commit criminal acts that are attributable to a disadvantaged background . . . may be less culpable than defendants who have no such excuse."

Cooper v. Sec'y, Dept. of Corr., 646 F.3d 1328, 1354 (11th Cir. 2011) (internal citations omitted). The facts presented at the postconviction hearing were not cumulative and in fact revealed a much more detailed and intimate portrait of Mr. Knight than was heard at trial by the lower court at the penalty phase. The additional

circumstances of the defendant's background and family history are directly relevant and must be considered for mitigation. *See, e.g., Spaziano v. Florida*, 468 U.S. 447, 460 (1984); *Zant v. Stephens*, 462 U.S. 862, 879 (1983); *Eddings v. Oklahoma*, 455 U.S. 104, 110-12 (1984). Mr. Knight's assertions below that penalty phase counsel Jose Sosa was ineffective for failing to adequately investigate and present mitigation of: (1) childhood trauma; (2) substance abuse; and psychological problems were not refuted by the record below at the evidentiary hearing. *See* Answer at 12.

ARGUMENT II: Trial Court's Re-Appointment of CCRC South Was Error

The State's Answer conflates multiple events with the simple phrase "CCRC was then appointed as stand-by counsel and such was granted." Answer at 38. In point of fact, CCRC maintained a standing objection to being assigned as standby counsel throughout the proceedings. Knight did not "merely vacillate" on accepting CCRC. Answer at 39. Rather, he objected to the re-appointment. *See McKaskle v. Wiggins*, 465 U.S. 168 (1984).

Mr. Knight consistently claimed that CCRC-South should be dismissed as counsel because he had a conflict with CCRC-South, and undersigned counsel in particular. After signing a request to again accept CCRC as counsel he almost immediately rescinded the request and asked for a hearing, where he again indicated that he did not want CCRC as counsel for the scheduled evidentiary hearing, and

objected on the record to the reappointment. The Florida Statutes set up a baseline for determining potential conflicts of interest and the performance of assigned counsel by the circuit courts in capital postconviction cases "to ensure that the capital defendant is receiving quality representation." Fla. Stat. § 27.711(12). The statute continues that the court should "receive and evaluate allegations that are made regarding the performance of assigned counsel" and even outlines some of the areas of inquiry, such as misconduct, failure to meet CLE requirements or failure to file appropriate motions in a timely manner. *Id*.

This was the basis for the lower court's inquiries when Mr. Knight insisted that there was a conflict of interest and that he wanted CCRC replaced. The statutory language is based in part on the rule of *Nelson v. State*, 274 So. 2d 256, 258-59 (Fla. 4th DCA 1973) (trial court's inquiry is whether there is "reasonable cause to believe that the court appointed attorney is not rendering effective assistance to the defendant"). *See also Hardwick v. State*, 521 So. 2d 1071 (Fla. 1988).

Mr. Knight's claim of a conflict due to misconduct or ineffective assistance could have resulted in the discharge of CCRC counsel. The State repeats what the lower court advised when refusing to appoint substitute counsel: "[W]hat Knight could not have as an indigent defendant, is counsel of his choice in his postconviction litigation where an evidentiary hearing was set." Answer at 43. The only choices left

to Mr. Knight were to go *pro se* for purposes of his hearing, likely with CCRC as standby counsel, to accept CCRC as counsel, or to dismiss his postconviction proceedings and CCRC counsel. None of these "choices" was satisfactory.

The mechanics of attorney inquiry are clouded by issues of attorney/client privilege and the system's reluctance to approve the appointment of substitute counsel, except in circumstances when withdrawal of counsel is approved by the lower court or when the client dismisses his own postconviction proceedings *See* Fla. R. Crim. P. 3.851(b)(3) and Fla. R. Crim. P. 3.851(i). The bias against replacing counsel will only be increased by the recent adoption by this Court of Fla. R. Crim. P. 3.851(b)(6), to become effective on January 1, 2015, which states in pertinent part:

> A defendant who has been sentenced to death may not represent himself or herself in a capital postconviction proceeding in state court. The only bases for a defendant to seek to dismiss postconviction counsel in state court shall be pursuant to statute due to actual conflict or subdivision (i) of this rule.

In Re: Amendments to the Florida Rules of Judicial Administration; The Florida Rules of Criminal Procedure; and the Florida Rule of Appellate Procedure – Capital Postconviction Rules, __ So. 3d __ (Fla. July 3, 2014) (No. SC13-2381). Thus, *pro se* representation is to be completely eliminated unless the death sentenced prisoner decides to waive postconviction review.

At present, if an actual conflict is found by the circuit court, a defendant is not required under Rule 3.851 to accept any substitute counsel, whether such counsel is another CCRC office, registry counsel or a private attorney. There is an implicit right to self-representation in state postconviction which has been affirmed in cases like Mr. Knight's, where counsel has first been discharged by the defendant, although no conflict or misconduct is found, then re-appointed by the court as stand-by counsel with the defendant then allowed to represent himself. *See McDonald v. State*, 952 So. 2d 484 (Fla. 2006). *Compare McKenzie v. State*, 29 So. 3d 272 (Fla. 2010).

This Court has now acquiesced in the elimination of any opportunity for self-representation in state postconviction by a death sentenced defendant, apparently holding that there is no federal constitutional right to self-representation or to attorney representation under the Sixth Amendment. As of January 1, 2015, Florida's statutory right to representation for indigent death sentenced inmates will be further limited under Rule 3.851 to preclude self-representation. In *Murray v. Giarratano*, 492 U.S. 1, 10 (1989), a *pro se* capital defendant in Virginia filed a §1983 petition in federal district court (which CCRC counsel would have been prohibited from doing in Florida) seeking the creation of an appointment system for state postconviction representation for indigent Virginia death row inmates. The United States Supreme Court reversed and remanded an *en banc* Fourth Circuit

Court of Appeals holding that Virginia was constitutionally required to provide attorneys to represent death row inmates in state collateral proceedings:

> State collateral proceedings are not constitutionally required as an adjunct to the state criminal proceedings and serve a different and more limited purpose than either the trial or appeal . . . We therefore decline to read either the Eighth Amendment or the Due process Clause to require yet another distinction between the rights of capital case defendants and those in noncapital cases.

Id. Florida's new rule appears to construct yet another obstacle to death sentenced postconviction prisoners, as opposed to non-capital prisoners who wish to proceed *pro se* in postconviction.

Florida made a decision when it created a statutory system for capital postconviction representation that cured the problem identified in *Giarratano*: that prisoners seeking judicial relief from their sentence in state court proceedings were not constitutionally entitled to counsel. *See also Pennsylvania v. Finley*, 481 U.S. 551 (1987). Counsel does not argue with the proposition that eliminating self-representation may be more efficient for this Court and Florida postconviction litigators at CCRC and elsewhere, but *Giarratano* does not support the new rule eliminating *pro se* postconviction litigation. If death row inmates in Florida under the statutory system of representation cannot represent themselves, they will

structurally have an additional impediment to meaningful access to the courts not imposed upon non-capital defendants under Rule 3.850 who are proceeding *pro se*.

As noted *supra*, Rule 3.851(i) concerns circumstances where the defendant "seeks both to dismiss pending postconviction proceedongs and to discharge collateral counsel." In other words, the prisoner/defendant is seeking to fire counsel and to drop "all pending postconviction proceedings." If the defendant is competent to proceed and is found by the court to be "knowingly, freely and voluntarily" requesting the dismissal of proceedings and the discharge of collateral counsel, the circuit court "shall" enter an order allowing same. Even under those extreme circumstances the discharged counsel still has the duty under the rule to (1) file a notice seeking review of the lower court's decision in the Florida Supreme Court; and (2) serving an initial brief with the Florida Supreme Court. However, the defendant is allowed under the rule to represent himself before the Florida Supreme Court to the extent that the rule states that "[b]oth the defendant and the state may serve responsive briefs." This limited self-representation offered in this Court under the rule is in facial conflict with new Rule 3.851 (b)(6), to the extent that a defendant under 3.851(i) is allowed a measure of self-representation.

The State denies that the Supreme Court's opinion in *Indiana v. Edwards*, 554 U.S. 164 (2008) has any instant application here, because Mr. Knight was not trying

to waive his right to counsel. Answer at 44. In that opinion, the Court notes that the question in *Edwards* "concerns a mental illness related limitation on the scope of the self-representation right." *Id.* at 171.

Although the State has used the testimony of psychiatrist Dr. Abbey Strauss to support its position that there was nothing new in his postconviction testimony, in point of fact, Dr. Strauss opined that it was now his opinion that Mr. Knight's paranoid disorder was only part of the story, that Mr. Knight suffers from a major mental disorder. (PCRT. 856-47.) As counsel detailed in the Initial Brief,

> Dr. Strauss testified that Knight suffers from a "strong sense of paranoia" which could be exacerbated by drug use. PCRT. 811. According to Dr. Strauss, Knight also has indications of "grandiosity," which manifests as unrealistic thinking and an inability to understand consequences. PCRT. 813. Additionally, Dr. Strauss testified that the combination of paranoia and grandiosity could lead to an inability to trust counsel, and poor decision-making with respect to Mr. Knight's waiver of counsel at the guilt phase of his trial and his waiver of a guilt phase and penalty phase jury. PCRT. 814-15.
>
> Dr. Strauss testified that in postconviction he had reviewed for the first time an affidavit from Keith Williams, a friend of Mr. Knight, whose affidavit stated that Knight had been sexually molested at the Okeechobee Boys' School when he was a teenager and had a testicle amputated as a result of the attack. He opined that the affidavit supported and supplemented his opinion at trial that Mr. Knight was suffering from an unspecified paranoid disorder at the time of the crime and that the statutory mental health mitigating factors were present at the time of the offense. PCRT. 819-30.
>
> Dr. Strauss also opined that the Williams Affidavit was consistent with a report authored by Gregory Otto, a licensed social

> worker, who had interviewed Knight prior to his trial. PCRT. 820-21. Dr. Strauss testified that he now believed that Knight had a "major mental disorder" and that he would recommend exploring the possibility of a diagnosis of post-traumatic stress disorder (PTSD), given the information contained in the Williams Affidavit. PCRT. 846-47. Dr. Strauss testified that when he tried to interview Mr. Knight in 1998 concerning trauma, Mr. Knight refused to cooperate, which Dr. Strauss attributed to his diagnosed paranoia. He stated that Mr. Knight's lack of cooperation was "not inconsistent with what we see in this type of personality psychopathology cluster" PCRT. 848-49.

Initial Brief at 4-6. Dr. Strauss's finding that Mr. Knight suffers from a major mental disorder means that his actions at trial and in postconviction have not been immune from its influence. Dr. Strauss opined that Mr. Knight's lack of cooperation with his own evaluation was based on his diagnosis of paranoia. In that regard, the Supreme Court's conclusions in *Edwards* are on point:

> We consequently conclude that the Constitution permits judges to take realistic account of the particular defendant's mental capacities by asking whether a defendant who seeks to conduct his own defense at trial is mentally competent to do so. That is to say, the Constitution permits States to insist upon representation by counsel for those competent enough to stand trial under *Dusky* but who still suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves."

Indiana v. Edwards at 178. When the lower court required Mr. Knight, a person diagnosed with a major mental disorder, to make the kind of Hobson's choice that he faced by being forced to go *pro se*, to drop his appeals or to remain with CCRC, no realistic account was taken of his circumstances. He was unable to articulate a

conflict sufficient to obtain replacement counsel or even to have his objection on the record to continuing with CCRC counsel honored by the lower court.

ARGUMENT III: Speedy Trial and Double Jeopardy

The State claims that "Knight has not pled or alleged facts supporting a claim of a violation of constitutional speedy trial." Answer at 45, 53. Appellant will rely on the argument in the Initial Brief.

ARGUMENT IV: Trial Court's Failure to Conduct *Richardson* Hearing Deprived Mr. Knight of Due Process

The State claims that Mr. Knight failed to identify any specific document that he did not receive in public records, and that the issue of the trial court's failure to conduct a *Richardson* hearing when Attorneys Sosa and Perry were discharged should be procedurally barred. Answer at 65. In fact, the Initial Brief pointed to Knight's specific proffered testimony as to what materials he did not receive in discovery at trial. In addition, the trial record, where Knight represented himself at the guilt phase, supports his postconviction testimony as to what he did and did not have:

> [Knight] testified that he never received all the statements made by Dain Brennault, information that he needed to impeach Brennault at the trial based on the different accounts he later learned his multiple statements contained about the crime. He also testified that he did not recall getting any reports from the Medical Examiner or Medical Examiner investigator, Wayne J. Arbaczawsky, whose report he also learned later, during postconviction,

> contradicted the State's theory of the case. PCRT. 1598-1600; 1639.

Initial Brief at 70.

Mr. Knight conducted the cross-examination of Dain Brennault at the guilt/innocence phase of the trial. Although Mr. Knight attempted to impeach Brennault in areas concerning his testimony about the facts of the crime, the number of stops, and where the shooting took place, there was no use of the medical examiner investigator's report that supports Mr. Knight's account of the shooting during the examination. He used only those statements and depositions of Brennault that he had received in discovery for this purpose, with the assistance of standby counsel Jose Sosa. The Initial Brief explained this in some detail:

> Brennault testified as a witness for the state at Mr. Knight's trial on March 11, 1998. R. 1096-1191. Knight cross-examined him at 1149-1187. Prior to cross, Mr. Knight had stand-by counsel Jose Sosa give Mr. Brennault copies of some of his prior statements and depositions. R. 1152. Per the record Knight had discovery copies of some of Dain's statements at this point, including (1) a May 9, 1994 statement to Detective Smith; (2) an August 4, 1994 or 1995 statement (the transcript varies as to the date), also to Detective Smith; (3) a March 20, 1997 state attorney deposition after plea agreement, and; (4) the statement Dain made on December 19, 1997 at Tim Pearson's bond hearing. Dain was also provided with a copy of his February 4, 1998 deposition, with Ronald Knight asking the questions, which according to the trial record was actually on March 4, 1998 the week before trial. R. 1187.
>
> At trial on cross Dain testified that Timmy (Pearson) had the gun in the car. R. 1156. He testified that there <u>were</u> two stops after Miami Subs. R. 1160. He testified that he did not remember the weapon being

brought out at the first stop. R. 1162. He also testified that he didn't remember if Pearson fired the weapon at first stop, but that if his prior deposition says so, he agreed that's what he said at the time. R. 1162. He admitted that all were smoking marijuana. R. 1164. He stated that "Its hard to remember, it's five years now, I'm just trying to help everybody out." R. 1168.

There is no indication from the record that Mr. Knight had available through discovery Brennault's statements of 5/12/95 to the P.B.C.S.O. and 5/15/95 to Detective Van Houton or the 8/29/96 Deposition in the Meehan case. They were not used by Knight during the trial or at the pre-trial deposition. This is important because Mr. Knight contended at trial, in several of his pro se pleadings entered while representing himself, in letters to Judge Garrison, and in his proffered testimony at the evidentiary hearing, that the State failed to provide him with material evidence in pre-trial discovery. Specifically, Knight testified on proffer that he never received all the multiple statements and depositions of Dain Brennault or a crime scene report authored by medical examiner investigator Wayne Arbaczawsky in which the investigator opined that the victim had been killed at a separate location before the body was dumped at the location where it was found. (PCRT.1637-40). These suppressed documents, in Mr. Knight's view, supported an alternate account of the crime in which Mr. Knight was not the shooter, an account that he himself testified about at his trial. PCRT. 1639.

If Knight had obtained these items prior to trial in discovery, Knight testified that he could have used them to impeach Dain Brennault's testimony and the State's theory of the crime: that Knight was the shooter and instigator of the killing. Knight's proffer about not having Wayne Arbaczawsky's ME investigator crime scene report or the Dain Brennault statements where Dain described a gun being fired at "the first stop" thus potentially inculpating someone other than Ronald Knight as the perpetrator can be found at PCRT. 1639-40.

As previously noted, Brennault testified at the deposition on March 20, 1997 that both he, Knight and Pearson all handled the murder weapon at an initial stop where Pearson shot the gun twice, and then made a second stop where the victim's body was dumped, which

> contradicted his trial testimony and supported Knight's. (PCRT. 1639). The medical examiner investigator's report and the missing Dain Brennault statement/deposition were also noted by Mr. Knight at PCRT. 1674-75 in a October 10, 2012 hearing following the completion of the evidentiary hearing. See PCRT. 1658-96. The subject of the hearing was Mr. Knight's then pending *pro se* motion to discharge CCRC and to obtain conflict-free counsel for purposes of filing a post-hearing memorandum of law.

Initial Brief at 75-78. Thus, despite the lower court's finding, which was an abuse of discretion upon which the State relied, the trial record and the postconviction record support the fact that Mr. Knight was not solely seeking the transcripts of the hearings associated with the nolle prossed 1994 case, but also specifically identified items he never received in discovery. *See* Answer at 66. These included the Medical Examiner Investigator Report dated July 9, 1993, which contained Wayne J. Arbaczawsky's finding that "[m]y initial impression of this scene was that the deceased was dumped from a vehicle, bleeding on the roadway, and rolled down the canal embankment."[1] And, as noted *supra* in the citation to the Initial Brief, Mr. Knight also testified that he was not provided with copies of the Dain Brennault statements dated May 12 1995 to the Palm Beach County Sheriff's Office, May 15,

[1] By separate motion today counsel is requesting that the record be supplemented with a copy of this report which Mr. Knight has consistently claimed that he never received in discovery and would have used at trial if it had been in his possession, for the purpose of impeaching the State's theory of the case. The motion also requests that the August 29, 1996 deposition of Dain Brennault be included in the record on appeal.

1995 to Detective Van Houton, and an August 29, 1996 Deposition in the Meehan case which Dain is questioned about the Kunkel case at pages 56-69.

As to the State's argument that any complaint is meritless about the years of litigation over the records that the State now admits were co-mingled in the Meehan and Kunkel case files, including the documents that Mr. Knight testified that he did not have at trial, counsel can only repeat what was said in the Initial Brief, namely that the slow dribble of material that continued into the evidentiary hearing itself was in and of itself prejudicial to Mr. Knight's postconviction case. *See* Answer at 68-69. Many years of the postconviction process involved Mr. Knight's attempt to get copies of the transcripts of the proceedings of the 1994 case that was nolle prossed, documents and notes that counsel was repeatedly told did not exist. Despite the history of such representations, on the final day of the evidentiary hearing, Assistant State Attorney Slater produced in open court an original copy of the transcript of the August 26, 1994 hearing from the state attorney files that had never been produced to the defense. The transcript was signed by original court reporter Brooks. The original signed transcript was entered into evidence as State's Ex. 5 and was also filed with the clerk's office. (PCRT. 1567-68). The State should not be heard to complain in these circumstances. This action represents the pattern and practice of action by the state attorney office during the proceedings at trial and in

postconviction that served to prejudice Mr. Knight's development of his case at trial and in postconviction, whether he was representing himself or counseled.

ARGUMENT V: Mr. Knight's Waivers of Jury at the Guilt and Penalty Phases and Waiver of Guilt Phase Counsel Were Not Knowing, Intelligent, and Voluntary

Appellant will rely on the argument in the Initial Brief and the argument in the Reply to State's Response to Petition for Writ of Habeas Corpus in Case No.SC14-567, which is filed simultaneously with this Reply Brief.

ARGUMENT VI: Florida's Lethal Injection Scheme is Unconstitutional

Appellant will rely on the argument in the Initial Brief.

CONCLUSION AND RELIEF SOUGHT

For the reasons stated herein and in his Initial Brief, Ronald Alan Knight respectfully urges this Court to reverse the lower court, grant a new trial and/or penalty phase proceeding, and grant such other relief as the Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF FONT

I HEREBY CERTIFY that the foregoing Initial Brief has been reproduced in 14 Times New Roman type, pursuant to Rule 9.100 (l), Florida Rules of Appellate Procedure.

/s/ William M. Hennis III
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Litigation Director CCRC-South

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been provided by electronic service to Leslie Campbell at leslie.campbell@myfloridalegal.com, this 21st day of July 2014.

/s/ William M. Hennis III
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