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Roy McDonald v. State of Florida

SC05-2141

>> PLEASE RISE.

HERE YE, HERE YE, HEAR YE.

SUPREME COURT OF FLORIDA IS
NOW IN SESSION.

ALL WHO HAVE CAUSE TO PLEA,
DRAW NEAR, GIVE ATTENTION,
AND YOU SHALL BE HEARD.

GOD SAVE THESE UNITED STATES,
THE GREAT STATE OF FLORIDA
AND THIS HONORABLE COURT.

>> GOOD MORNING.

>> GOOD MORNING.

>> LADIES AND GENTLEMEN, THE
FLORIDA SUPREME COURT.

PLEASE BE SEATED.

>> GOOD MORNING, FRIENDS,
AND WELCOME TO THE FIRST
CALENDAR FOR 2007.

THE NINETY-FIRST CASE ON THE
DOCKET -- FIRST CASE ON THE
DOCK FRT JANUARY IS ROY
McDONALD v. STATE OF
FLORIDA.

MR. KAEISER READY TO
PROCEED?

>> MAY IT PLEASE THE COURT
CLAYTON KAEISER FOR THE
PETITIONER ON THE CASE.

THE MAIN ISSUE IN THIS CASE
IS WHETHER OR NOT THE PRISON
RELEASE REOFFENDER STATUTE
AS INTERPRETED BY THIS COURT
IN THE CASE OF GRANT v.
STATE PROHIBITS A TRIAL
COURT FROM IMPOSING A
10-YEAR MINIMUM MANDATORY
SENTENCE CONCURRENT WITH THE
PRISONER RELEASE REOFFENDER
SENTENCE UNDER THE
10-20-LIFE STATUTE.

>> I HAVE JUST A PRACTICAL
QUESTION FROM THE POINT OF
YOUR CLIENT.

THE FOURTH DISTRICT'S
OPINION ALLOWS THE

IMPOSITION OF THE TEN-YEAR
MINIMUM MANDATORY CONCURRENT
WITH THE MINIMUM MANDATORY
LIFE.

YOU ARE ARGUING NOT TO THAT
SENTENCE WITH THE 10-YEAR
MINIMUM MANDATORY TO BE SET
ASIDE OR DO YOU WANT THE
LIFE SENTENCE TO BE SET
AHEAD.

>> I THINK WE WANT
EVERYTHING TO BE SET AICIDE.

>> RIGHT BUT I THINK IT'S A
PRACTICAL MATFER WE FOLLOWED
GRANT WOULDN'T THE 10-YEAR
MINIMUM MANDATORY BE OUT AND
YOUR CLIENT WOULD SIMPLY
HAVE A MINIMUM MANDATORY OF
LIFE?

>> YES.

>> SO I'M TRYING TO UNDER
THE SIGNIFICANCE FROM THE
POINT OF VIEW OF THE
DEFENDANT BECAUSE YOU ARE
ARGUING A LOT OF FUNDAMENTAL
FAIRNESS ISSUES HERE.

HOW IT REALLY HARMS YOUR
CLIENT.

IN TERMS OF THE SENTENCE
THAT HE RECEIVED ON THE MAIN
ISSUE THAT WE'RE HERE
BEFORE.

>> RIGHT.

IT'S -- I MEAN HE -- WHETHER
WE WIN OR LOSE, HE'S STILL
GOING TO HAVE A LIFE
SENTENCE.

IF WE WIN OR LOSE ON THAT
ISSUE.

AND I WAS THINKING ABOUT
THIS AS I WAS PREPARING THE
ARGUMENT IF I WIN MY CLIENT
STILL GETS A LIFE SENTENCE
BUT AT ANY RATE WE ARE IN
FRONT OF THE COURT AND IT IS
KIND OF I THINK AN IMPORTANT

--

>> DOES IT, WELL, TO
CONTINUE WITH THAT, DOES IT
HAVE ANY KIND OF PRACTICAL
EFFECT?

DO YOU GET TO, TO HAVE
ANYMORE GAME TIME OR
ANYTHING?

>> HE DOESN'T GET ANY GAIN
TIME UNDER THE PRISONER
RERELEASE OFFENDER STATUTE.
>> THAT'S THE CRUX OF THE
WHOLE ISSUE WHETHER OR NOT
YOU CAN BE SENTENCED TO LESS
MINIMUM MANDATORY BECAUSE
HE'S GOT THE HIGHEST MINIMUM
MANDATORY THAT HE COULD
POSSIBLY RECEIVE SO THAT WAS
A BIG PART OF MY ARGUMENT AS
FAR AS WHETHER OR NOT HE CAN
BE SENTENCED TO A LESSER
MINIMUM MANDATORY ANYWAY
BECAUSE IT REALLY AMOUNTS TO
A MEANINGLESS SENTENCE.
THAT'S A REALLY, YOU KNOW,
IF YOU WANT TO BOIL BY
ARGUMENT -- MY ARGUMENT DOWN
TO ONE SENTENCE THAT WOULD
BE IT.
IMPOSE A LESSER MINIMUM
MANDATORY IS MEANINGLESS.
HE ALREADY HAS THE HIGHEST

--

>> WHAT'S THE HARM.
YOU SAY IT'S MEANINGLESS BUT
WHAT'S THE HARM?
BASICALLY MOST TIMES WHEN
PEOPLE COME AND ARGUE ABOUT
REDUCTION IN SENTENCE OR
THIS IS AN ILLEGAL SENTENCE,
IT'S BECAUSE THEY ARE GOING
TO END UP SERVING MORE TIME.
BUT HERE, WHAT IS THE REAL
HARM?

>> WELL, AS FAR AS THE
SENTENCE GOES, IT -- AND ITS
IMPACT ON MY CLIENT, IT'S
PROBABLY NOT MUCH.
THE HARM I GUESS WOULD BE
JUST KIND OF CLUTTERING UP
SENTENCING HEARINGS AND
CLUTTERING UP A-- APPELLATE
RAILROADS WITH MORE AND MORE
MINIMUM MANDATORIES.
I THINK WITH THIS COURT IN
GRANT AS I UNDERSTAND THE
COURT'S OPINION IN GRANT
THERE'S ANOTHER CASE I
BELIEVE COTTON v. STATE.
YOU KNOW, REVIEWING THIS
STATUTE THE PRISON RERELEASE
REOFFENDER STATUTE, THE

COURT FOUND IT, QUOTE WHEN THE ACT IS PROPERLY VIEWED AS A MINIMUM MANDATORY STATUTE, ITS EFFECT IS TO ESTABLISH A SENTENCING FLOOR, AND I THINK THAT'S WHAT THE, THE PRISON RELEASE REOFFENDER STATUTE IS. IT SETS THE FLOOR FOR SENTENCE ANDING TO SENTENCE TO SOMEBODY LESS DOESN'T MAKE ANY SENSE.

I MEAN, HE'S ALREADY RECEIVED THE MOST HE COULD POSSIBLY GET. THE STATUTORY MAXIMUM WITH NO GAIN TIME ALLOWED, AND A COURT --

>> SO YOUR ARGUMENT REALLY IS THAT ANYTIME YOU GET A PRISONER RELEASEE REOFFENDER SENTENCE THAT YOU CANNOT IMPOSE ANY OTHER TYPE OF SENT SKPPBS NOT A HABITUAL OFFENDER WHICH WAS DEALT WITH IN THE OTHER CASE OR THE 10-20-LIFE.

>> WELL YOU COULD RECEIVE IT AS LONG AS ITS GREATER THAN, YOU KNOW, AS I WAS JUST ARGUING THE PRISONER RELEASE REOFFENDER SENTENCE SETS THE FLOOR.

FOR INSTANCE, THE EXAMPLE I WOULD COME UP WITH WOULD BE AN AGGRAVATED BATTERY CASE WHERE SOMEBODY QUALIFIES AS A PRISONER RELEASE REOFFENDER AND IS ALSO FOUND TO HAVE CAUSED GREAT BODILY ARM USE AGFOR EXAMPLE. IN THAT SIMP WITH -- FIRE ARM.

IN THAT CASE IT WOULD BE MAXIMUM 15 YEARS BUT UNDER 10-20-LIFE HE WOULD BE LOOKING AT 25 YEARS UP TO LIFE.

SO IN THAT CASE, THE PROPER WANT TO SENTENCE WOULD BE TO SENTENCE THE PERSON TO 25 YEARS MINIMUM MANDATORY UNDER THE 10-20-LIFE BECAUSE THE PRISON RELEASE

REOFFENDER WOULD SET THE FLOOR BUT SINCE THE OTHER 10-20-LIFE STATUTE ALLOWS FOR A HIGHER SENTENCE, THAT WOULD BE THE PROPER SENTENCE UNDER THIS COURT'S PRIOR RULING IN GRANT AND YOU KNOW UNDER THE STATUTE ITSELF. THE PRISON RELEASE REOFFENDER STATUTE ITSELF SAYS ANOTHER STATUTE ALLOWS FOR A GREATER SENTENCE, THAT'S THE STATUTE THAT SHOULD BE USED TO SENT THNS DEFENDANT.

>> BUT AT ANY RATE THE, THE PRISON RELEASE REOFFENDER STATUTE IS THE, IT ESTABLISHES A TRUE MINIMUM MANDATORY SENTANTS BECAUSE IT, THE STATUTE ITSELF TAKES AWAY ALL OF THE TRIAL COURT'S DISCRETION, THE STATUTE READS THE COURT MUST SENTENCE AS FOLLOWS: AND WHEN I REFUSED ALL THESE SENTENCISHIN' STATUTES, THERE WAS ONLY ONE OTHER STATUTE THAT I FOUND THAT HAD+++GBcNO CARRIERRINGCONNECT 115200ATORY READ IT IN LIGHT OF THIS COURT'S OWN PRIOR RULINGS, AND SPECIFICALLY, THE CASE OF PALMER v. STATE, WHICH ESTABLISHES THE SINGLE TRANSACTION RULE WHICH HOLDS THAT, YOU KNOW, THE MINIMUM MANDATORIES MUST BE CONCURRENT AS LONG AS THEY'RE ALL INCURRED IN THE SAME TRANSACTION, AND WHAT -- MY ARGUMENT IS IS THAT INTERPRETING THE 10-20-LIFE STATUTE, THIS COURT DIDN'T TAKE THE LEGISLATIVE LANGUAGE AS OVERRULING ITS OWN PRIOR DOCTRINES, OR ITS OWN PRIOR RULINGS AS FAR AS THE ISSUE OF CONSECUTIVE MINIMUM MANDATORIES GO, AND IN THIS CASE, I, I SUBMIT THAT IT'S THE SAME SITUATION AS FAR AS INTERPRETING GRANT v. STATE, WHICH IS THIS COURT'S PRIOR RULING ON THE

ISSUE OF WHETHER OR NOT THE PRISON RELEASE REOFFENDER STATUTE WOULD ALLOW FOR LESSER MINIMUM MANDATORIES Y. MEAN THE WHOLE POINT WITH GRANT, AND I THINK THIS COURT WAS RIGHT IN GRANT. THIS IS A TRUE MINIMUM MANDATORIES STATUTE. WHEN SOMEBODY GETS A MINIMUM MANDATORY IN THIS CASE, LIFE IN PRISON, IT'S JUST MEANINGLESS TO SOME LESSER MINIMUM MANDATORY BECAUSE THEY'VE ALREADY RECEIVED THE HIGHEST MINIMUM MANDATORY POSSIBLE.

>> FROM MY UNDERSTANDING, GRANT WAS BASED ON THE LANGUAGE OF THAT PARTICULAR STATUTE, NOT ON DOUBLE JEOPARDY CONCERN.

>> THAT'S RIGHT.

>> ISN'T THERE A DIFFERENCE HERE THAT THE LEGISLATIVE INTENT IS PRETTY CLEAR ABOUT WHAT THE LEGISLATURE INTENDED TO DO IN THIS STATUTE DIFFERENT FROM THE STATUTE IN GRANT?

>> WELL, THE LEGISLATURE IN ITS LANGUAGE DIDN'T SAY THAT THEY INTENDED TO OVERRULE GRANT OR TO OVERRULE THIS COURT'S INTERPRETATION, AND YOU KNOW I WAS GOING THROUGH THESE -- THE SENTENCING STATUTES AS I WAS PREPARING FOR THE ARGUMENT AND THERE WERE SEVERAL THAT WERE REENACTED THAT WOULD SPECIFICALLY STATE TATHAT WHILE THIS STATUTE IS DESIGNED TO DEAL WITH THE -- I THINK THERE WAS ONE THAT WHERE THERE WAS A SINGLE SUBJECT ON A CASE FROM ONE OF THE LOWER APPELLATE COURTS THAT HAD FOUND ONE OF THE SENTENCING STATUTES VIOLATED THE SINGLE SUBJECT RULE THAT FLORIDA CONSTITUTION, AND WHEN THE LEDGE SLACHER REENACTED THIS STATUTE IN

QUESTION THEY ACTUALLY PUT
THAT INTO THE LANGUAGE --
LANGUAGE, THE PREAMBLE
LANGUAGE OF THE STATUTE.
THAT DIDN'T HAPPEN IN THIS
CASE.

SO AS FAR AS THE LEGISLATIVE
INTENT GOES, I DON'T ACCEPT
THAT IT, IT CLEARLY
OVERRULES THIS COURT'S
INTERPRETATION OF PRISON
RELEASE REOFFENDER.

AND UNLESS THE COURT HAS ANY
FURTHER QUESTIONS, I'LL TURN
THE FLOOR OVER TO MY
COLLEAGUES.

>> THANK YOU.

KOURNL?

-- COUNSEL.

>> MAY IT PLEASE THE COURT,
MY NAME IS JOSEPH TRANGALLEY,
I REPRESENT THE STATE OF
FLORIDA, THE RESPOND IN THIS
MATTER.

JUSTICE ANSTEAD I WANT TO
APPALL JS FOR NOT STANDING
UP A MOMENT AGO FOR NO
OBJECTION.

YOU CAUGHT ME OFF GUARD.

[LAUGHTER]

>> CAN I ASK THE STATE --

>> YES.

>> SORT OF THE FLIPSIDE OF
THE QUESTION.

IT SEEMS THAT IF YOU TAKE
GRANT, WHAT WE WERE SAYING
IS UNDER THE PRISON ROENT
RELEASE -- RECENT RELEASEE
REOFFENDER, THOSE QUALIFYING
UNDER THAT STATUTE RECEIVE
THAT MAXIMUM PENALTY.

THE 10-20-LIFE WAS MEANT ON
ANOTHER SIDE SO THAT ANYONE
CARRYING A GUN TO AT LEAST
HAVE 10 YEARS, 20 YEARS,
LIFE.

WHY DOES THE STATE WANT TO
HAVE A SITUATION WHERE
SOMEONE GETS A MANDATORY
SENTENCE OF LIFE, AND THEN
ALSO THERE IS IMPOSED A
MINIMUM MANDATORY OF TEN
YEARS?

IT SEEMS THERE'S JUST NOT --

NOT THAT THAT'S CONFUSING,
THAT THAT'S A POTENTIAL FOR
SOMEONE TO ARGUE, WELL,
WE'VE GOT 10 AND WE'VE GOT
LIFE SO GIVE US THE 10 YEARS.
I DON'T -- SO EXPLAIN WHAT
THE REAL LIFE EFFECT OF THIS
CASE IS FOR THE STATE OF
FLORIDA AND FOR PRISONERS
THAT ARE SERVING SENTENCING
TIME BECAUSE OTHERWISE I
THINK THAT PEOPLE WATCHING
THIS ORAL ARGUMENT WILL BE
SCRATCHING THEIR HEADS AND
WONDERING WHAT WE ARE UP
HERE TALKING ABOUT.

>> YOUR HONOR, WE'RE NOT
ARGUING FOR ANY PARTICULAR
SENTENCE.

WE ARE ARGUING TO UPHOLD THE
DECISION OF THE FOURTH
DISTRICT COURT OF APPEAL,
WHICH THE STATE CONTENDS
PROPERLY INTERPRETED THE
10-20-LIFE STATUTE.

>> I UNDERSTAND THAT,
BECAUSE IT SEEMS TO ME IF
YOU READ SUBSECTION C OF THE,
OF THE PRR STATUTE, THAT IT
WAS -- NO, OF THE 10-20-LIFE
STATUTE, IT WOULD APPEAR TO
BE THE LEGISLATIVE INTENT
THAT IN ANY EVENT THAT AT
LEAST THE MINIMUM MANDATORY
OF THE 10-20-LIFE GOT
IMPOSED.

IT SEEMS IF YOU READ C THAT
IT'S A LITTLE CONFUSING
BECAUSE THEY START OUT BY
SAYING THAT IF THE MINIMUM
MANDATORY UNDER ANOTHER --
UNDER THIS STATUTE EXCEEDS
THE MINIMUM MANDATORY UNDER
ANOTHER STATUTE THAT YOU AT
LEAST MUST IMPOSE THIS
MINIMUM MANDATORY AND THEN
THEY GO ON WITH THE SECOND
SENT SKPPBS SAYS BUT IF THE
SENTENCE IMPOSED ANOTHER
SECTION IS HIGHER, YOU ALSO
NEED TO IMPOSE THIS.

>> CORRECT.

>>> I WOULD THINK IF WE WENT
BACK TO THOSE IN LEGISLATIVE

-- THEY WOULD SAY WE WANTED THE HIGHEST OF THE SENTENCES TO BE IMPOSED BECAUSE THAT WOULD MAKE SENSE AND ITS RRTS CONSISTENT WITH GRANT THAT WE HAVE HARSHNESS IN SENTENCING, WE WANT THE MACK MM.

WE DON'T WANT TO HAVE CONFUSION IN SENTANTSING.

>> I WOULD SUBMIT, YOUR HONOR, THAT AND I NOTICED THAT IN THE STATUTE AND THE ONLY THING I CAN EQUATE IT TO IS SOME PARTS OF THE OLD TESTAMENT WHERE IT SAYS YOU MUST DO THIS AND IN THE IN THE NEXT PARAGRAPH YOU MUST DO THIS AND IT SAYS ESSENTIALLY THE SAME THING. THE LEGISLATURE WAS ABSOLUTELY CLEAR IN ITS DESIRE THAT UNDER 10-20-LIFE, THESE MEN MM SENTENCES BE IMPOSED IN EITHER EVENT SO

--

>> BUT WHAT IT IS -- IS THERE ANY EFFECT WITH THE DEPARTMENT OF CORRECTIONS, SOMEONE'S GOT A PRR SENTENCE THAT HADS LIFE MANDATORY LIFE SENT SKPPBS THEY DON'T HAVE THIS 10-YEAR MINIMUM MANDATORY IMPOSED UNDER 10-20-LIFE AND SOMEONE ELSE HAS IT IMPOSED, ARE THEY JUST -- FOLLOWING UP WITH JUSTICE CONVINCED WAS ASKING ON IT TO YOUR -- OPPONENT, IS THERE SOMETHING WE'RE MISSING AS TO HOW THIS WOULD IN THE REAL WORLD AFFECT THIS MAN'S TIME SERVED, THE CONDITIONS OF HIS, SOMETHING THAT WE'RE MISSING?

>> I DON'T BELIEVE SO.

I BELIEVE UNDER THE EITHER ONE OF THESE ALIFE SENTENCE IMPOSED IN FLORIDA UNDER THE CURRENT LAW IS LIFE.

NOW WITHOUT GAIN TIME OR WITHOUT ANY TIME OFF OR ANY OF THOSE OTHER THINGS.

THERE ARE RULES WITHIN THE

DEPARTMENT OF CORRECTIONS OF WHICH I AM NOT SURE.

THAT MAY OR MAY NOT HAVE SOME EFFECT.

BUT OUR, OUR POINT IN THIS CASE FOR BEING HERE BEFORE THIS COURT IS SIMPLY TO UPHOLD THE DECISION OF THE FOURTH DISTRICT COURT OF APPEAL WITH WHAT WE CAN CONTEND IS A PROPER INTERPRETATION OF THE 10-20-LIFE STATUTE.

WE KEEP GETTING SIDETRACKED BECAUSE WE KEEP GOING BACK TO GRANT, AND GRANT TALKED ABOUT THE INTERPLAY, AND THAT'S THE WORD USE SAID IN GRANT, THE INTERPLAY BETWEEN THE PRR STATUTE AND THE HABITUAL FELONY OFFENDER STATUTE.

THAT'S FINE.

THAT, THAT'S A DECISION THAT DEALS WITH THOSE TWO STATUTES.

TODAY, WE ARE DEALING WITH A DIFFERENT STATUTE.

WE ARE TALKING ABOUT THE INTERPLAY BETWEEN THE PRR STATUTE AND THE 10-20-LIFE STATUTE.

>> YEAH, IN THIS SITUATION, I, IS IT CONCEIVABLE THAT A PERSON CAN BE CHARGED WITH VARIOUS COUNTS OF A CRIME, AND FOR ONE OF THE COUNTS RECEIVE A LIFE SENTENCE? AND FOR ANOTHER COUNT, RECEIVE A PRR SENTENCE? AND ANOTHER COUNT, RECEIVE A 10-20-LIFE SENTENCE?

YOU HAVE VARIOUS COUNTS --

>> YES, THAT COULD HAPPEN.

>> AND IN THAT INSTANCE, WOULD IT BE CONCEIVABLE THAT, THAT THE ONES THAT DEALT WITH THE OTHER COUNTS, OTHER THAN THE 10-20-LIFE WOULD BE REVERSED ON APPEAL?

AND YOU WOULD BE LEFT WITH THIS MINIMUM MANDATORY?

>> ABSOLUTELY, AND THAT, THAT IS ENTIRELY POSSIBLE

DEPENDING ON THE NATURE OF THE CHARGE, THE FACTS OF THE CASE, AND THE VERDICT FORM. SO THAT COULD HAPPEN.

THERE ARE ANY NUMBER OF THINGS THAT COULD --

>> BECAUSE I'M TRYING TO FIGURE OUT WHAT THE LEGISLATOR'S INTENT SEEMS TO ME --

>> I THOUGHT --

>> PERHAPS THAT'S CONCEIVABLE.

>> I TOOK THE TIME TO LOOK UP THE LEGISLATIVE HISTORY ON THIS, AND THE ONE THING THAT COMES THROUGH LOUD AND CLEAR IS MINIMUM MANDATORY SENTENCES AND FIREARMS CASES.

AND THAT STARTS OUT RIGHT AT THE BEGINNING AND GOES ALL THE WAY THROUGH.

AGAIN, MY POINT TO THIS COURT IS WE ARE TALKING NOT ABOUT THE FACTS OF GRANT.

GRANT, IT IS TRUE, HAS SOMETIMES BEEN APPLIED TO THIS SITUATION WITH THE FOURTH DISTRICT SAID IS, GRANT SHOULD NOT HAVE BEEN APPLIED TO THIS SITUATION.

THIS IS A DIFFERENT STATUTE. THE STATUTORY LANGUAGE AS THEY SAID IN THEIR DECISION COULD NOT HAVE BEEN MORE CLEAR, AND THEREFORE, THEY BASED THEIR DECISION ON THOSE FACTS.

I WOULD ASK THIS COURT TO AFFIRM THE FOURTH DISTRICT COURT OF APPEAL, AND --

>> WHAT ABOUT, WHAT ABOUT YOUR OPPONENT'S ARGUMENT THAT REALLY WHAT WE WERE SEEING IN GRANT IS THAT THE PRR STATUTE REALLY IS THE FLOOR AND THAT YOU THEN IMPOSE ANY OTHER -- EXCUSE ME -- SENTENCING SCHEME THAT WOULD MAKE IT A HIGHER SENTENCE AND NOT IMPOSE A SENTENCING SCHEME THAT IS LESS?

>> WELL, THAT'S FINE, BUT THE SPECIFIC LANGUAGE OF THE SPECIFIC OF 10-20-LIFE AS THE FOURTH DCA POINTED OUT, EXPRESSES OVER THE LANGUAGE GENERAL OF THE PRR STATUTE SO WHAT WE'RE SAYING IS YES, YOU CAN IMPOSE A PRR SENTENCE, BUT BECAUSE OF THE SPECIFIC LANGUAGE OF 10-20-LIFE, YOU MUST ALSO IMPOSE THE MINIMUM SENTENCE UNDER THE 10-20-LIFE STATUTE, WHICH REQUIRES IT.

>> BUT THEN, OF COURSE, THE ONLY WAY IT REALLY BECOMES EFFECTIVE IS IF UNDER SAY JUSTICE WELLS' SCENARIO, THE PRR SENTENCE IS REVERSED ON PEAL.

>> ABSOLUTELY.

THAT COULD BE ONE OF THE WAYS, YES, BUT WE'RE, WE'RE TALKING HERE ABOUT VERY, VERY CLEAR STATUTORY LANGUAGE.

WE INTERPRET THE LAWS. PEOPLE ACROSS THE STREET MAKE THE LAWS, AND THEY MADE THIS ONE VERY CLEAR, AND WE ASKED THIS COURT TO UPHOLD THE DECISION OF THE FOURTH DISTRICT COURT OF APPEAL.

THANK YOU.

>> UNLESS THE COURT HAS ANY FURTHER QUESTIONS, I'LL WAIVE MY REBUTTAL.

>> THANK YOU VERY MUCH. TAKE THE CASE UNDER ADVISEMENT.