>> WITH OUR FINAL CASE.
APOLOGIZE FOR THE DELAY IN THE
PROCEEDINGS.
OUR FINAL CASES THE STATE OF
FLORIDA VERSUS JOSE
MAISONET-MALDONADO.
COUNSEL FOR THE PETITIONER.
>> MISTER CHIEF JUSTICE AND MAY
IT PLEASE THE COURT.
THE QUESTION IN THIS CASE IS
AGGRAVATED FLEEING, HOT SEPARATE
OFFENSES THAT COULD BE
SEPARATELY PUNISHED UNDER THE
DOUBLE DEPUTY CLAUSE -- DOUBLE
JEOPARDY CAUSE.
THE ANSWER IS YES IN 775 BOOK
2174.
IT NOT ONLY PERMITS SENTENCING,
REQUIRES THE TOUCH DO SO.
THE SINGLE HOMICIDE AND ITS
PROGENY CONFLICT WITH PLAINTEXT
THE COURT WILL RECEIVE FROM
THEM.
I WILL MAKE 3 BROAD ARGUMENTS,
IN THE MARSH CASE, WE WANT TO
ADDRESS ANY OUTSTANDING
QUESTIONS THE COURT MAY HAVE.
NUMBER ONE, NUMBER 2, I WILL GET
INTO WHY THE LEGISLATURE IS SO
CLEARLY SPOKE IN THIS AREA AND
NUMBER 3 I WILL SAY A FEW WORDS
ABOUT THIS ISIS BECAUSE THAT
MIGHT BE WHAT THE CASE IS ABOUT.
THE FIRST POINT THE DEFENDANT
DOESN'T DISPUTE THE DOUBLE
JEOPARDY CLAUSE DOESN'T CREATE
ANY SUBSTANTIVE LIMITATION ON
THE POWER OF THE LEGISLATURE TO
DEFINE CRIMES AND FIX THEIR
PENALTIES.
ALL THE CLAWS THOSE IN THE
CONTEXT OF MULTIPLE PUNISHMENTS
ARISING FROM A SINGLE EPISODE IS
PREVENTED JUDGE OR PROSECUTOR
FROM IMPOSING A GREATER DEGREE
OF PENALTY THAN THAT AUTHORIZED
BY THE LEGISLATURE.
THE QUESTION IS WHAT IS, A
QUESTION OF STATUTORY
INTERPRETATION.

THAT TAKES ME TO THE SECOND POINT.
IT IS QUITE CLEARLY A DEFAULT RULE THAT APPLIES IN ALL CASES UNLESS THE LEGISLATURE HAS SPOKEN TO THE CONTRARY IN SUBSTANTIVE CRIMINAL ENACTMENT, THE DEFAULT LIZ 775-2174 WHICH SAYS A COUPLE THINGS OF NOTE.
IT ADOPTS AND CODIFIES THE SAME ELEMENTS TEST.
TWO OFFENSES, ONE WITH ELEMENTS A AND B, ONE WITH AND A AND SEE, THOSE ARE SEPARATE CRIMINAL OFFENSES THAT BY STATUTE HAVE TO BE SEPARATELY PUNISHED.
>> WE ARE TALKING ABOUT BLOCK BURGER, CAN YOU IDENTIFY A DIFFERENCE IF THERE IS ONE BETWEEN THE STATE OF MIND REQUIRED TO CONVICT THE DEFENDANT UNDER THE TWO OFFENSES IN THIS CASE.
>> THERE IS A RECKLESSNESS REQUIREMENT OF THE NUCLEAR HOMICIDE.
WHICH CERTAINLY GOES TO MENSREA AND THERE IS A WANTON DISREGARD STANDARD.
THOSE ARE PROBABLY SIMILAR BUT DISTINCT.
I'M NOT SURE THE STATUTE SETS OUT INTENTIONAL MENS REA BUT THOSE ARE THE DIFFERENCES BETWEEN THE TWO.
WE THINK WITH RESPECT TO THE SAME ELEMENTS AND ANALYSIS THE DIFFERING ELEMENTS WE HAVE IDENTIFIED OUR NUMBER ONE IN VEHICLE OR HOMICIDE YOU NEED A DESK FOR VEHICLE OR HOMICIDE.
YOU DO NOT NEED A DEATH FOR AGGRAVATED FLEEING OR LOOTING.
THAT IS A DIFFERENCE.
>> LET'S SAY WE AGREE THERE IS AN ELEMENT OF VEHICULAR HOMICIDE THAT IS NOT PRESENT.
CAN YOU DO THE INVERSE?
AS I READ THE STATUTE IT SAYS OFFENSES ARE SEPARATE IF EACH

OFFENSE REQUIRES PROOF OF AN ELEMENT THE OTHER DOES NOT SO I THINK YOU HAVE TO DO THAT FOR EACH OFFENSE.
>> FOR AGGRAVATED FLEEING OR LOOTING YOU GET ELEMENTS, A COUPLE OF THEM, A LAW ENFORCEMENT OFFICER, THOSE ELEMENTS ARE NOT SUBSUMED ON THE OTHER SIDE.
WE THINK THE DOUBLE JEOPARDY ANALYSIS IS AS SIMPLE AS THAT AT THAT IS WHY MY FRIEND ON THE OTHER SIDE HAS NOT PRESENTED AN ARGUMENT THAT BLOCK BURGER WOULD COMPEL IN THIS CASE.
IN ANY EVENT WE THINK THAT ARGUMENT HAS BEEN WAIVED AND WHAT IS BEFORE THE COURT IS SIMPLY THE QUESTION OF THE SINGLE HOMICIDE RULE AND ITS CONTINUING LIABILITY IN LIGHT OF THE STATUTE IN LIGHT OF CASES LIKE VALDES.
IF THERE ARE NO OTHER QUESTIONS ALONG THAT LINE OF ANALYSIS I WANT TO TALK ABOUT WHY WE THINK THIS STATUTE IS SO CLEARLY INCONSISTENT WITH THE IDEA OF SINGLE HOMICIDE RULES, SUBSECTION 4 ADOPTS THE TEST THAT IS REALLY SIGNIFICANT THAT COMES AFTER HAUSER THAT SHOULD HAVE INDICATED EVEN IF HAUSER WAS CORRECTLY DECIDED IN 1985, BY 1988 IT DOESN'T PROPERLY STATE THE LAW IN FLORIDA BECAUSE THERE ARE STATUTORY AMENDMENTS TO SUBSECTION 4 THAT DO TWO THINGS THAT ARE IMPORTANT, THE FIRST IS THE LEGISLATURE REJECTS THE IDEA OF APPLYING A RULE OF LENITY IN THIS CONTEXT.
THAT IS IMPORTANT BECAUSE THIS COURT CHARACTERIZED HAUSER AS BEING PRECISELY THAT, AND APPLICATION OF THE RULE SO THAT ALONE UNDERCUTS HAUSER IN THE LONG CYCLE.
THE SECOND THING IS THEY ADD THE

EXHAUSTIVE LIST OF THREE
EXCEPTIONS THAT WAS CALLED THE
ONLY THREE INSTANCES IN WHICH A
COURT COULD DEPART FROM
SUBSECTION 4.
THE LEGISLATURE IF IT WANTED TO
COULD HAVE INCLUDED A FOURTH
EXCEPTION FOR THE SINGLE
HOMICIDE RULE.
IT DIDN'T DO THAT BECAUSE THIS
IS AN EXHAUSTIVE LIST NOT
INTRODUCED BY LANGUAGE INCLUDING
BUT NOT LIMITED -- THE
EXCEPTIONS ARE IT IS AN
EXHAUSTIVE LIST AND THAT'S
ANOTHER INDICATION OF INTENSE
BUT DOESN'T WANT THE SINGLE
HOMICIDE RULE TO CONTINUE IN
THIS COURT'S JURISPRUDENCE.
THAT TAKES ME TO THE LAST POINT
WHICH IS ABOUT STARRY THIS ISIS
--DECISIS.
HE SAID IT MIGHT NOT BE ENOUGH
IN ALL CASES SIMPLY THAT THE
PETITIONER IS ABLE TO IDENTIFY
AN ERROR IN A PRIOR DECISION.
IF A DECISION IS CLEARLY
ERRONEOUS YOU ARE MORE LIKELY TO
RECEDE FROM IT.
WE THINK WE HAVE THAT FOR
REASONS WE SET OUT IN THE
BRIEFING ALONG WITH THE POINT
THE DEFENDANT HASN'T REALLY
ATTEMPTED TO DEFEND THE SINGLE
HOMICIDE RULE OVER THE PLANE
STATUTE.
IT MADE OTHER ARGUMENTS, MAYBE
THEY WILL TALK ABOUT LEGISLATIVE
ACQUIESCENCE BUT SEEMS THEIR
ARGUMENTS ARE BASED ON
STARRYDECISIS AND UNFAIRNESS
THAT YOU DON'T NEED TO CONSIDER.
THEY HAVEN'T DEEMED TO DEFEND
THE RATIONALE OF THE SINGLE
HOMICIDE RULE.
THE SECOND ISSUE IS THIS IS NOT
A CASE WHERE SOMEONE COMES TO
YOU WITH FOUNDATIONS FIRMLY
INTACT.
YOUR SUBSEQUENT DECISIONS

CHIPPED AWAY AT HAUSER.
VALDES IS A GREAT EXAMPLE, YOU SAID WE ARE NOT GOING TO BE INTERPRETING THIS STATUTE TO ENCOMPASS A PRIMARY EVIL TEST.
THAT IS SIGNIFICANT HERE BECAUSE YOU THINK OF HAUSER AS AN APPLICATION OF THE PRIMARY EVIL TEST.
TWO HOMICIDES PRESENTING THE SAME EVIL, THE TAKING OF A LIFE SO PERHAPS HAUSER'S APPLICATION OF THE WILL BE NO AFTER 2009, VALDES, THE COURT NO LONGER APPLIES THE TESTS TO THAT, ALREADY TAKES AWAY ONE OF THE UNDERPINNINGS OF HAUSER AND THE SECOND THING VALDES DOES IS REJECT THE NOTION IN HAUSER THAT THE STATUTE IS AN INTERPRETIVE GUIDE THE DOESN'T NEED TO BE FOLLOWED AND SOMEHOW THE COURT IN JETS JUDICIAL INTO ACTIONS -- INTUITIONS ABOUT INTENT.
THE STATUTE IS THE BEGINNING AND WE THINK THAT UNDERCUTS HAUSER AS WELL.
THE LAST THING I WILL SAY IS SOMETIMES THE COURT HAS SPOKEN IN TERMS OF THREE FACTORS.
I AM HAPPY TO TALK ABOUT ANY OF THOSE ELEMENTS AND IN THE COURT SAYS THE PRIMARY CONSIDERATION OF A CASE LIKE THIS IS WHERE YOUR PRIOR PRECEDENT HAS ENGENDERED A SUBSTANTIAL ALLIANCE INTEREST.
THE DEFENDANT HASN'T ATTEMPTED TO ARGUE THAT ANYONE IN HIS POSITION OR A SIMILAR POSITION WOULD HAVE RELIED ON THE SIGNAL HOMICIDE RULE WHEN DECIDING TO COMMIT THE ACTIONS HE TOOK AND THE EFFECT OF THIS CASE ARE GREAT EXAMPLE OF THAT.
IT DEFIES BELIEF TO THINK ABCA6 -- JOSE MAISONET-MALDONADO WOULD NOT HAVE FLED FROM POLICE AT HIGH SPEED OF 100 MILES AN HOUR AND CRASHED INTO A CAR HAD HE

KNOWN HE WOULD NOT GET THE
BENEFIT OF THE SINGLE HOMICIDE
RULE.
THAT'S NOT HOW REAL PEOPLE IN
THE REAL WORLD MAKE DECISIONS SO
YOU DON'T HAVE TO WORRY ABOUT
RELIANCE INTEREST IN A CASE LIKE
THIS.
WE THINK IN THIS CASE IT WAS AT
ITS LOWEST AND THAT.
WE ESTABLISH HAUSER IS
ERRONEOUS.
UNLESS THE COURT HAS NO FURTHER
QUESTIONS, MISTER CHIEF JUSTICE,
I WILL ROLL OVER MY REMAINING
TIME.
>> THANK YOU, COUNCIL.
WE WILL GO TO OPPOSING COUNSEL.
>> MAY IT PLEASE THE COURT, I AM
NANCY RYAN REPRESENTING THE
RESPONDENT.
ON THE MERIT THE STATE'S
ARGUMENT DOES FAIL ON
ACQUIESCENCE.
THE LEGISLATURE TWICE ADDRESS
THE DOUBLE DELIVERY
RAMIFICATIONS IN ITS RULE OF
CONSTRUCTION STATUTE IN 1983-88.
IN 1983 MISSOURI VERSUS HUNTER
WAS DECIDED, THAT WAS THE CASE
THAT SAID DOUBLE JEOPARDY IN THE
CONTEXT OF A SINGLE PROSECUTION
THAT RESULTED IN MULTIPLE
PUNISHMENTS.
IN THAT CONTEXT THERE IS NO
FAIRNESS RULING ASPECT, ONLY THE
QUESTION OF WHAT LEGISLATURE
ATTENDED AND THE RIGHT OF DOUBLE
JEOPARDY IN THE CONTEXT OF A
SINGLE PROSECUTION, THE INTEREST
IS LIMITED TO THE DEFENDANT NOT
GETTING PUNISHED MORE THAN THE
LEGISLATURE INTENDED.
THE TIMELINE IS INSTRUCTIVE.
IN MISSOURI VERSUS HUNTER, IN
1983 THE SAME YEAR THE
LEGISLATURE ENACTED 77502 ONE
SUB 4 A, THE COURT DECIDED
HAUSER IN 1987, THE COURT
DECIDED CAROL IN WHICH THIS

COURT SAID THE RULE OF LENITY
PERVADES DOUBLE JEOPARDY LAW AND
THE SAME AS A FLEET OF TURN SAID
NOT SO FAST, WE INTEND TO
DETERMINE THE QUESTION WHEN
THERE'S MORE THAN ONE DEFENSE
FOR ANALYTICAL PURPOSES.
IN 1993 THE STATE MADE THE SAME
ARGUMENT, IN CHAPMAN, IDENTICAL
TO HAUSER IN THAT THE SAME TWO
OFFENSES AND LEGAL QUESTIONS
WERE INVOLVED, THE STATE ARGUED
LEGISLATIVE INTENT -- AMENDMENTS
OF 1988 REPRESENTED A CLEAR
BREAK FROM HAUSER AND THIS COURT
UNANIMOUSLY SAID IT DID NOT
BELIEVE THAT.
THE LEGISLATURE HAS NOT SINCE
ENTERED THE ARENA.
>> LET ME ASK YOU THIS.
I LOOK AT THE TEXT OF THE
STATUTE AND I KNOW WHAT THE
COURT HAS SAID BEFORE BUT IT
SEEMS LIKE YOU ARE ASKING THE
LEGISLATURE TO DO THE EQUIVALENT
OF SAYING WE REALLY REALLY MEANT
WHAT WE ALREADY SAID AND I JUST
DON'T KNOW THAT THAT IS A
SENSIBLE POLICY FOR US TO ADOPT.
>> I REFER THE COURT TO
LEGISLATIVE LANGUAGE IN THAT
REGARD.
THE FIRST SENTENCE OF SUBSECTION
FOUR B IS WHAT THE COURT ALLUDED
TO.
THIS RAISES SOME AMBIGUITY.
THE COURT SAID WE INTEND ONE
OFFENSE PER ACT AND DEFINE
CRIMINAL OFFENSE, TWO
CONVICTIONS AND PUNISHMENTS FOR
THAT AND THE NEXT SECTION --
SENTENCE SAYS EXCEPTIONS TO THIS
RULE OF CONSTRUCTION OUR DEGREE
OF OFFENSE AND THE LIKE.
I SUBMIT TO YOU IF THE COURT
MEANT THE LIST TO BE EXHAUSTIVE
AS JEFFREY DESOUSA IS ARGUING
THEY WOULD HAVE SAID SO MORE
CLEARLY.
IF THEY MEANT THE LIST OF

EXCEPTIONS TO BE NON-EXHAUSTIVE
THAN IT WOULD HAVE SAID THAT AS
WELL.
THEY SAID NEITHER.
>> COUNSEL SAYS EXCEPTIONS TO
THIS RULE OF CONSTRUCTION ARE OR
COULD HAVE SAID EXCEPTIONS TO
THIS RULE INCLUDE.
THAT IS THE PURPOSEFUL
LEGISLATIVE CHOICE, ISN'T IT?
>> I DON'T THINK THE ART IS
DISTINCT FROM INCLUDE FOR THE
COURT TO DRAW A CONCLUSION FROM
THAT.
I THINK THE MODIFIER SHOULD COME
BEFORE EXCEPTIONS, THE ONLY
EXCEPTION, THE EXCLUSIVE LIST OF
EXCEPTIONS.
YOU THINK THEY WOULD HAVE DONE
SO MORE CLEARLY.
>> OF THE STATUTE SAID THE
EXCEPTIONS TO THIS RULE OF
CONSTRUCTION ARE A DIFFERENT
OUTCOME?
>> THAT WOULD STRENGTHEN THE
STATE'S ARGUMENT.
I THINK IT WOULD.
THIS COURT IN 2010 RESPONDED TO
A SIMILAR SITUATION.
THE DEFENDANT THAT SUMMER WAS A
DIRECT APPEAL IN A CAPITAL
MATTER.
THE DEFENDANT'S COUNSEL SEES ON
A PLURAL IN THE CAPITAL
SENTENCING STATUTE AND SAID THIS
MUST MEAN THE LEGISLATURE MEANT
FOR THERE TO BE MORE THAN ONE
AGGRAVATING FACTOR IN THE COURT
SAID THIS COURT HAS BEEN HOLDING
STATE WITH DIXON IN 1972 THAT
ONLY THING REGULATORS REQUIRED
FOR THAT ASPECT OF THE STATE
CAPITAL CASE AND THEY SAID WE
THINK AFTER 36 YEARS YOU CAN
REST EASY AND PRESUME THE
LEGISLATURE HAS ACQUIESCED IN
OUR INTERPRETATION OF THE
STATUTE.
I DO UNDERSTAND YOUR HESITATION
AND THAT THE LEGISLATURE CAME IN

IN 1988 AND SET A RULE, A LIST
OF EXCEPTIONS TO ITS RULE, BUT I
WOULD RELY ON THE ARGUMENT
ALREADY MADE IT ALSO ARGUMENT IN
THIS CASE IN THAT THE DISTRICT
COURT OF APPEAL DID NOT PASS ON
THE ISSUE OF THE STATE WHICH IS
WHETHER THE HAUSER LINE OF CASES
WOULD BE ABANDONED.
THERE IS NO NEED TO ABANDON THE
HAUSER LINE OF CASES, THEY ALL
SAY THE SAME THING EXCEPT IN THE
MCKINLEY CASE THAT CREATED A
LITTLE CONFUSION FOR A MINUTE IN
WHICH THE FIRST DCA PANEL HAD
NOT TAKEN INTO ACCOUNT THE CASE
FROM 1994 WHEN THEY SAID THE
SINGLE HOMICIDE RULE APPLIES AND
THE CASES WERE IN AGGRAVATING
FACTOR.
THERE IS NO DIFFICULTY IN
APPLYING THIS RULE.
THE LEGISLATURE IS WELL ABLE TO
ARTICULATE ITS INTERESTS WHEN IT
CARES TO.
IN 2001 THE COURT NARROWED THE
REACH OF THE BURGLARY STATUTE
AND CAME BACK THE SAME YEAR,
NEXT LEGISLATIVE SESSION, SAME
HAPPENED THE FOLLOWING YEAR,
NARROWED THE REACH OF THE DRUG
POSITION STATUTE AND IMMEDIATELY
SAID WE DID NOT INTEND -- THEY
ARE CAPABLE EXPRESSING INTEREST
WHEN THEY NEED TO.
THERE IS A REASON, THIS COURT
TALKED TO PARTIES THAT IT MUST
HAVE BEEN THE REASON FOR HAUSER.
I HAVE A FURTHER SUGGESTION, THE
DEGREE OF HOMICIDE AND VEHICULAR
HOMICIDE WHICH THE COURT WAS
DEALING WITH AT THAT TIME, WE
DIDN'T HAVE ALL THESE ADDITIONAL
OFFENSES BROUGHT INTO THE FOLD
WHERE CAUSING DEATH WAS AN
ADDITIONAL ELEMENT TO AN OFFENSE
LIKE THAT.
AT THE TIME IN HAUSER THIS COURT
WAS LOOKING AT FIRST-DEGREE
MURDER, MANSLAUGHTER, VEHICULAR

HOMICIDE.
WE THINK THE LEGISLATURE ONLY INTENDED ONE OF THOSE TO BE PULLED OFF THE SHELF.
GIVEN THE DEGREES OF MURDER AND LESSER STATUTORY OFFENSES, GIVEN ALL FOUR OF THOSE WERE DIFFERENT FROM EACH OTHER, THAT IS A REASONABLE SUPPOSITION.
THAT LEGISLATURE INTENDED ONE HOMICIDE OFFENSE TO BE USED IN EACH CASE.
I WOULD SUBMIT, IN THIS MATTER, THOSE REASONS, ARTICLE 5 SECTION 3, THE PRUDENTIAL REASONS, ARTICLE 5 SECTION III CONTEMPLATES THE DCAs WILL PASS UPON THE SAME QUESTION BROUGHT TO THIS COURT.
ARTICLE 5 SECTION 3 DOES NOT CONTEMPLATE A PARTY THAT IS IN FOR CHANGING THE LAW TO SWITCH UP THE QUESTIONS THE BOARD HAS CERTIFIED.
THE COURT BACK TO JUSTICE LAWSON'S QUESTION, THIS COURT HAS JURISDICTION, THEY DID PASS ON WHAT IS IMPORTANT, THE QUESTION THE STATE ASKS THE COURT TO INVALIDATE HAUSER, NOT THE SAME QUESTION.
FOR THAT REASON I ASK MY COURT TO BE GUIDED BY ITS EARLIER CASES WHERE IT HELD A DISCRETIONARY JURISDICTIONAL PROCESS.
IN ARTICLE 5 SECTION 3, I SUBMIT
--
>> I AM NOT FOLLOWING YOUR ARGUMENT.
THIS COURT HAS IN MANY CASES IN THE PAST REPHRASED CERTIFIED QUESTIONS FROM ONCE WE HAVE JURISDICTION BASED ON A CERTIFIED QUESTION, WE DECIDED THE CASE ON A DIFFERENT ISSUE BASED -- PROPERLY PRESENTED THAT WE BELIEVE IS THE MORE APPROPRIATE WAY TO RESOLVE THE CASE.

ONCE WE HAVE THAT JURISDICTION, WE CAN DEAL WITH THE CASE WITHIN THE FRAMEWORK OF THE APPELLATE PROCESS, THE USUAL RULES THAT APPLY.
YOU ARE ASKING US TO ADOPT A POSITION THAT HAS NOT GUIDED US IN THE PAST, WHAT AM I MISSING.
>> THERE IS NO CRISIS IN LOWER COURTS, DISTRICT COURT OF APPEAL CERTIFIED THE QUESTION, LOOKING AT THE MILITARY CONFUSION.
>> HOW DOES A CRISIS DETERMINE WHETHER WE EXERCISE JURISDICTION OR THE PARTICULAR WAY WE DECIDE A CASE, THAT'S NOT A FRAMEWORK WE DEAL WITH.
>> I AM SORRY, I DID NOT HEAR THE QUESTION.
THE INTERNET CONNECTION IS FADING IN AND OUT.
>> THE EXISTENCE OF A CRISIS HAS ANYTHING TO DO OR NONEXISTENCE OF A CRISIS WHICH YOU SUGGESTED HAS ANYTHING TO DO WITH HOW WE SHOULD DECIDE THIS CASE OR WHETHER WE SHOULD DECIDE THIS CASE.
>> THE FACT THERE ARE NO QUESTIONS IS REFLECTED IN THE FACT THE DIFFERENT QUESTION IS DISCUSSED BY THE DCA THAN THE QUESTION THAT IS RAISED.
THAT JURISDICTION IS IMPROVIDENTLY GRANTED, TO GO TO THE DCA AND ARGUE HAUSER IS NO GOOD IN HOFFMAN VERSUS JONES BUT THAT IS WHAT IT MEANT, BUT THE ATTORNEY GENERAL'S OFFICE INTO DISTRICT COURT OF APPEAL SAID DON'T YOU THINK THIS IS OUT OF WHACK AND THERE IS A PROBLEM HERE?
THEY DIDN'T REACH THAT QUESTION, IT REVERSED AND THIS COURT WILL DEAL WITH THE EXPANSION OF THE SINGLE HOMICIDE RULE AS IT SEEMS FIT.
I SUBMIT WHILE THIS COURT HAS JURISDICTION IT SHOULD NOT

EXERCISE IT BECAUSE OF THE
REASONS I HAVE GIVEN REGARDING
THE SPECIFIC MURDER,
MANSLAUGHTER AND VEHICULAR
HOMICIDE CASE LAW.
NO ONE IS WALKING AWAY FROM A
CASE WHERE SOMEONE IS KILLED
WITH A SLAP ON THE WRIST,
CRIMINAL PUNISHMENT CODE,
SCORESHEET CAUSED 240 POINTS FOR
EACH PERSON KILLED THE
TRANSLATES TO 15 YEARS IN
PRISON.
PARTICULAR HOMICIDE IS THE LEAST
OF THE MURDER OFFENSES BUT
CARRIES IN EFFECT A MINIMUM AND
MAXIMUM OF 15 YEARS IN PRISON.
I SUBMIT THE ONLY PROBLEM
REFLECTED BY THE BODY OF LAW
THAT APPLIES HAUSER REGULARLY
WITHOUT INCIDENT, THE ONLY
PROBLEM IS THE STATE ATTORNEY'S
OFFICES DO NOT APPRISE SURROGATE
COURTS THEY CAN ONLY GET ONE
CONVICTION.
THEY ARE CERTAINLY FREE TO TRY
THEIR HOMICIDE RELATED OFFENSES
IN THE ALTERNATIVE.
BUT THEN IT IS INCUMBENT ON
THOSE OFFICES TO MAKE SURE THERE
IS A NEW CIRCUIT JUDGE WHO IS
AWARE THAT ONLY ONE CONVICTION
CAN BE LEVELED FOR A HOMICIDE
RELATED OFFENSE.
AGAIN I ASK THIS COURT TO
DISMISS ITS JURISDICTION AND
FAILING THAT, BACK TO THE
MERITS, I DO THINK THE
LEGISLATURE HAS MADE IT CLEAR IT
WILL INTERVENE IF NECESSARY TO
DO SO AND A UNANIMOUS DECISION
IN CHAPMAN TO THE EFFECT THAT
HAUSER IS NOT OVERRULED BY THE
1988 AMENDMENTS HAD GOTTEN THEM
TO SAY SOMETHING HAD THEY
INTENDED TO DO SO.
I ASKED THE COURT TO RELEASE ITS
JURISDICTION.
HAS THE COURT FURTHER QUESTIONS?
I ASKED THE COURT TO DISMISS ITS

JURISDICTION.
>> THANK YOU.
REBUTTAL ARGUMENT?
>> I DON'T HAVE ANYTHING AFFIRMATIVELY TO ADD BUT I WANT TO ADDRESS ANY MOTIONS YOU MAY HAVE.
IF NOT, I THANK YOU FOR YOUR TIME THIS MORNING.
>> WE THANK YOU BOTH FOR YOUR ARGUMENTS.
THAT IS THE LAST CASE ON THE DOCKET TODAY, THE COURT WILL NOW BE IN RECESS UNTIL TOMORROW.