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FILED  
SID J. WHITE  
OCT 27 1989  
CLERK, SUPREME COURT  
By \_\_\_\_\_  
Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

MICHAEL BOWENS, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 ROBERT W. TYSON, JR. )  
 )  
 Judge, Et. Al., )  
 )  
 Appellee. )  
 )  
 \_\_\_\_\_ )

Case No. 74,370

DCA Case No. 89-0606

PETITIONER'S REPLY BRIEF

ALAN H. SCHREIBER  
Public Defender  
17th Judicial Circuit

STEVEN MICHAELSON  
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Counsel for Petitioner/Defendant

REPLY

In essence, Respondent's answer brief complains that Fla. R. Crim. Pro. 3.166(b)(6) is not the rule the State would like it to be -- because it imposes real penalties for the State's failure to charge defendants expeditiously. The State would rather a rule that provides a "kinder and gentler" reminder when it fails to vigorously pursue a case. It is certainly the province of this Court to rewrite the Rule if it chooses to do so. But if this is what the State seeks, it should do so through appropriate channels.

CONCLUSION

For the reasons stated in this and Petitioner's initial brief, this Court should reverse the lower court's judgement and free Petitioner pending trial.

Respectfully submitted,

ALAN H. SCHREIBER  
Public Defender  
17 Judicial Circuit



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Petitioner's Initial Brief have been furnished by hand to the Honorable Robert W. Tyson, Jr., Room 910, Broward County Courthouse, Fort Lauderdale, Florida and to the Office of the State Attorney, Room 600, Broward County Courthouse, Fort Lauderdale, Florida, and by U.S. Mail to the Honorable Nick Navarro, Sheriff of Broward County, and to the Department of Legal Affairs, 125 N. Frigewood Avenue, Fourth Floor, Daytona Beach, Florida 32114, this day 26<sup>th</sup> of October, 1989.

  
STEVEN MICHAELSON