

O.A. 4-7-92 047

FILED

SID J. WHITE

JAN 30 1992

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT
IN AND FOR THE STATE OF FLORIDA

IN RE: FORFEITURE OF 1985
FORD RANGER PICKUP TRUCK,
VIN #1FTBR10S7FUB74784,
FLORIDA LICENSE #802-DPU;
AND \$453 U.S. CURRENCY.

CASE NO. 78,456

PETITIONER'S REPLY BRIEF

ON PETITION FOR REVIEW OF A DECISION
OF THE FIRST DISTRICT COURT OF APPEAL

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ARGUMENT

I.

REPLY TO ARGUMENT CONCERNING
CONSTITUTIONAL CONSIDERATIONS RAISED IN
BRIEF OF AMICUS CURIAE FLORIDA
ASSOCIATION OF CRIMINAL DEFENSE LAWYERS.

The thrust of the argument advanced by Florida Association of Criminal Defense Lawyers in the section of their brief entitled "Constitutional Considerations", appears to be that the First District Court of Appeal, by reversing the trial court's finding that Section 932.703(2) violates due process and equal protection guarantees, avoided a determination of other constitutional issues stemming from Article I, Sections 2, 9, 17, 21, and 23 of the Florida Constitution along with Article X, Section 6a thereof. However, these issues were not presented to the trial judge nor were they raised by the parties in the First District Court of Appeal. Therefore, those issues should not be considered by this Court. Quick v. Leatherman, 96 So.2d 136 (Fla. 1957).

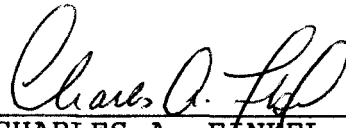
CONCLUSION

For the reasons set forth in Petitioner's previous brief this Honorable Court should reverse and remand the decision below with appropriate instructions.

Respectfully submitted,

ROBERT A. BUTTERWORTH
ATTORNEY GENERAL

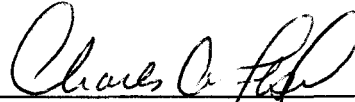
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to JOHN F. DANIEL, ESQUIRE, Daniel, Komarek & Martinec, Chartered, Post Office Box 2522, Panama City, Florida 32402, ROBERT AUGUSTUS HARPER, Chairman, 300 West Park Avenue, Post Office Box 10132, Tallahassee, Florida 32302, JAMES T. MILLER, 520 E. Bay Street, Room 407, Jacksonville, Florida 32202, GEORGE E. TRAGOS, Mangrove Bay, 1755 US 19 South, Suite 333, Clearwater, Florida 34624, ROBERT S. GRISCTI, Turner & Griscti, P.A., 204 W. University Avenue, Suite 6, Gainesville, Florida 32601, this 30th day of January, 1992.



CHARLES A. FINKEL
Assistant Attorney General

forfeiture.brf2/charlesf