

IN THE SUPREME COURT OF FLORIDA

WILLIAM WILLIAMS,

Petitioner,

v.

CASE NO. SC15-1417

STATE OF FLORIDA,

Respondent.

_____/

MOTION TO DISPENSE WITH ORAL ARGUMENT AND
PERMIT SUPPLEMENTAL BRIEFS IN LIEU OF ARGUMENT

Respondent, State of Florida, hereby requests that this Court dispense with oral argument in this matter and, if necessary, permit the parties to file supplemental briefs in lieu of argument. As grounds therefore, Respondent states as follows:

1 Petitioner seeks review of the decision of the Fifth District Court of Appeal in Williams v. State, 167 So. 3d 483 (Fla. 5th DCA 2015). There, the district court of appeal concluded that the State may impose misdemeanor criminal sanctions for refusing to submit to a breath test under the limited conditions required by Florida's implied consent statute.

2. In so holding, the district court rejected the Petitioner's position that a different result was mandated by the Supreme Court's 2013 decision in Missouri v. McNeely, 133 S.Ct. 1552 (2013).

3. As noted in the Respondent's Answer Brief on the Merits (at p. 32-33), the United States Supreme Court had already accepted

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review of three cases presenting this same issue, and the case was pending at the time the briefs were filed here.

4. On June 23, 2016, the United States Supreme Court issued its opinion in Birchfield v. North Dakota, 2016 WL 3434398 (June 23, 2016), a copy of which was provided to this Court as Supplemental Authority on June 27.

5. In Birchfield, the Supreme Court concluded that misdemeanor sanctions for failure to submit to a breath test are appropriate and that such breath tests are constitutional.

6. Respondent submits that Birchfield definitively resolved any questions presented by this case, and accordingly the oral argument scheduled for September 1 should be dispensed with.

7. Should this matter need to be addressed more fully, Respondent submits that supplemental briefing is appropriate.

Respectfully submitted,
PAMELA JO BONDI
ATTORNEY GENERAL

s/ Kristen L. Davenport
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COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above Motion has been furnished to Eric Latinsky and Aaron Delgado, counsel for Petitioner, 227 Seabreeze Boulevard, Daytona Beach, Florida 32118, by e-service to adelgado@communitylawfirm.com and elatinsky@communitylawfirm.com, this 11th day of July, 2016.

s/ Kristen L. Davenport
Kristen L. Davenport
Assistant Attorney General