

IN THE SUPREME COURT OF FLORIDA

AMER ALI EJAK,

PETITIONER,

V.

CASE NO: SC16-2061

STATE OF FLORIDA,

RESPONDENT.

_____/

RESPONSE TO ORDER TO SHOW CAUSE

Respondent, State of Florida, (hereinafter the State), files its response to this Court's December 29, 2016, Order to Show Cause and in support thereof states:

1. This Court has ordered the State to show cause, "why in light of Kelsey v. State, 2016 WL 7159099 (Fla. Dec. 8, 2016)), this Court should not exercise jurisdiction in this case, summarily quash the decision being reviewed, and remand this case to the district court with instructions to further remand for resentencing. . . ."

2. As it did below, the State continues to argue that a sentence like Petitioner's is supported by the facts surrounding his involvement with the murder. The trial court made clear that it believed Petitioner to have exhibited "irreparable corruption." The court found the heinous nature of the murder- by a slow strangulation, its capricious motive and the lack of remorse exhibited following the crime to support a life sentence under Miller. Nevertheless, in light of this Court's analysis in Kelsey, Petitioner can

RECEIVED, 01/13/2017 06:08:26 PM, Clerk, Supreme Court

offer no other reasons why its provisions should not apply in this case.

WHEREFORE, Respondent submits that this Court should rule accordingly.

Respectfully Submitted,

PAMELA JO BONDI

ATTORNEY GENERAL

s/ Cerese Crawford Taylor

CERESE CRAWFORD TAYLOR

Assistant Attorney General

Florida Bar No. 990760

3507 E. Frontage Rd #200

Tampa, Florida 33607

Telephone: (813)287-7900

Facsimile: (813)281-5500

COUNSEL FOR APPELLEE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Maureen Surber, Esq., via the Florida Courts eFiling Portal this 13th day of January, 2017.

s/ Cerese Crawford Taylor

COUNSEL FOR RESPONDENT