

IN THE SUPREME COURT OF FLORIDA

EDWIN ROMAN,

PETITIONER,

V.

CASE NO: SC16-2148

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, in this case a forty-year sentence imposed on a man who committed sexual battery at age seventeen, is not a de facto life sentence which entitles him to a second resentencing. Nevertheless, the State acknowledges that the length of the sentence imposed in this case is similar to Kelsey's forty-five-year sentence and, in light of this Court's analysis, can offer no other reasons why its provisions should not apply in this case.

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WHEREFORE, Respondent submits that this Court should rule accordingly.

Respectfully Submitted,

PAMELA JO BONDI

ATTORNEY GENERAL

s/ Cerese Crawford Taylor

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COUNSEL FOR APPELLEE

CERTIFICATE OF SERVICE

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

s/ Cerese Crawford Taylor

COUNSEL FOR RESPONDENT