

Rudy Davis

From: WILLIAMS ANTHONY TROY (05963122)
Sent Date: Tuesday, December 10, 2019 9:05 AM
To: ruddavis@yahoo.com
Subject: FLORIDA OPPOSITION TO REHEARING MOTION

12-9-19. Rudy, This is an exact copy of the letter I just received from the Attorney General's office in Florida. They are asking the appellate court to deny my motion and not give a reason for why they are affirming my unlawful conviction. They know that there is no justification to uphold the conviction and would not be able to write an opinion that would remotely make sense on how you can convict someone of Grand Theft of a House when it was a foreclosure proceeding and protecting a homeowner from foreclosure and there was no theft involved. Please post this on the website so that the people can see just how wicked these people are that they don't want to even give a reason as to why they are affirming the unlawful conviction in Florida. I will see a copy of the actual motion when I get a chance to make copies.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

ANTHONY WILLIAMS

Appellant,

vs.

Case No. 4D18-2359

STATE OF FLORIDA,

Appellee.

RESPONSE IN OPPOSITION TO APPELLANT'S
PRO SE MOTION FOR REHEARING

COMES NOW Appellee, State of Florida ("the State"), by and through undersigned counsel, and files this Response in Opposition to Appellant's Pro Se Motion for Rehearing, filed on or about December 3, 2019, with regard to this Court's per curiam affirmance issued on November 14, 2019. In further support, the State asserts, as follows:

The Florida Rules of Appellant Procedure state that "[a] motion for rehearing shall state with particularity the points of law or fact that, in the opinion of the movant, the court has overlooked or misapprehended in its decision." Fla. R. App. P. 9.330(a). A motion for rehearing should only be filed in limited circumstances and should be the exception to the norm. *Lawyers Title Ins. Corp v. Reitzes*, 631 So. 2d 1100 (Fla. 4th DCA 1993). It should not be used as a last resort to persuade the court to change its mind. *Id.*

This Court has long held that "[a]n issue not raised previously cannot be raised for the first time in a motion for rehearing." *Dobbs v. State*, 230 So. 3d 475, 476 (Fla. 4th DCA 2017)(citing *Ayer v. Bush*, 775 So. 2d 368, 370 (Fla. 4th DCA 2000); *Fiesta Fashions, Inc. v. Capin*, 450 So. 2d 1128, 1129 (Fla. 1st DCA 1984)).

To the extent that Appellant is attempting to raise new issues on rehearing, Appellant's motion is improper and should be denied. See Fla. R. App. P. 9.330(a) ("A motion for rehearing...shall not present issues not previously raised in the proceeding."). See also *Ayer v. Bush*, 775 So. 2d 368, 370 (Fla. 4th DCA 2000)(citation omitted)("It is a rather fundamental principal of appellate practice and procedure that matters not argued in the briefs may not be raised for the first time on a motion for rehearing."); *Gonzalez v. State*, 208 So. 3d 143, 149 (Fla. 3d DCA 2016)("[A] new issue raised for the first time in a motion for rehearing is improper under Rule 9.330, and this Court will not entertain this new argument on rehearing."); *Cleveland v. State*, 887 So. 2d 362, 364 (Fla. 5th DCA

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2004)("No new ground or position may be assumed in a petition for rehearing....This court need not entertain new argument or consider additional authority cited in support thereof.")

Further, contrary to Appellant's assertion, a written opinion is not needed and will not ensure supreme court review. Further, "[o]n a number of occasions our Supreme Court has indicated that THERE IS NO FUNDAMENTAL RIGHT TO AN APPELLATE OPINION. See, e.g., R.J. Reynolds Tobacco Co. v. Kenyon, 882 So. 2d 986 (Fla. 2004); Sch. Bd. of Pinellas County v. Dist. Court of Appeal, 467 So. 2d 985 (Fla. 1985). Nothing contained in rule 9.141(b)(2)(D), Florida Rules of Appellate Procedure, changes that in the least." Davis v. State, 982 So. 2d 1246, 1248 (Fla. 5th DCA 2008)(emphasis added).

WHEREFORE, Appellee, the State of Florida, respectfully requests this court DENY Appellant's Motion for Rehearing and Requesting Written Opinion.

Respectfully submitted,

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CERTIFICATE OF TYPEFACE COMPLIANCE AND SERVICE

I HEREBY CERTIFY (1) that the foregoing has been prepared in Times New Roman font, 14 point, and double spaced, and (2) that a true and accurate copy of the foregoing was served through U.S. Mail to Anthony Williams, #05963-122, FDC Honolulu, Federal Detention Center, PO Box 30080, Honolulu, HI 96820 on December 4, 2019.