

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

JAMES DESMOND BOOTH,

Appellant,

v.

Case No. 5D14-1500

STATE OF FLORIDA,

Appellee.

_____/

OBJECTION TO MOTION TO RELINQUISH JURISDICTION

COMES NOW the Appellee, State of Florida, and files this response to Appellant's motion to relinquish, stating as follows:

1. The State originally assented to the motion to relinquish, believing it to be a simple matter which might avoid a later claim of ineffectiveness of trial counsel.

2. Upon detailed review of the motion, the issue appears to involve the attorney for the witness who is the subject of the Giglio claim. Said attorney heard from his client that another witness, Deputy Betz, was present during two conversations between the witness and the prosecutor in the case. Allegedly, there were promises made which were not fulfilled; thus, if true, the allegations tend to show a violation of a separate plea agreement. Noteworthy is that fact that the proposed deal, "two years of

probation," (See Exhibit B to the motion, at page 5) would accurately describe the "promise" that the witness was "going home" and that she would "see her kids." There is no indication as to when the sworn statements from the attorney and the witness were received by counsel, and there appears to be no suggestion of deficient performance below.

3. Consequently, this matter appears to involve a plea agreement in another case and better described in this case as possibly newly discovered evidence which was never considered by the trial court and is not an issue raised in this appeal.

WHEREFORE, the State objects to the motion.

Respectfully submitted,

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s/ *Carmen F. Corrente*
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COUNSEL FOR APPELLEE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing objection to motion to relinquish jurisdiction in case number 5D14-1500 has been furnished by E-Mail to Valarie Linnen, Attorney for Appellant, P.O. Box 330339, Atlantic Beach, FL 32233, at vlinnen@live.com this 28th day of January 2015.

s/ Carmen F. Corrente
CARMEN F. CORRENTE
ASSISTANT ATTORNEY GENERAL