

IN THE SUPREME COURT OF FLORIDA

WILLIAM THOMAS ZEIGLER, JR.

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Case No. SC16-1498

**RESPONSE TO MOTION FOR REHEARING**

The State of Florida, by and through the undersigned Assistant Attorney General, replies to Appellant's Motion for Rehearing. The State argues that the motion should be denied for the following reasons:

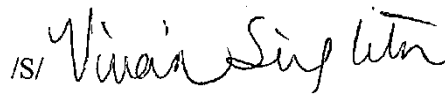
1. To the extent that the basis for the motion can be determined, it is improper in that the motion constitutes an attempt to re-argue the case. *Florida Rule of Appellate Procedure* 9.330(a); *Whipple v. State*, 431 So. 2d 1011 (Fla. 2d DCA 1983). The motion for rehearing does nothing more than quarrel with this Court's decision, which is not the purpose of a motion for rehearing. *Department of Revenue v. Leadership Housing, Inc.*, 322 So. 2d 7, 9 (Fla. 1975); *Elliott v. Elliott*, 648 So. 2d 137 (Fla. 4th DCA 1994); *Parker v. Baker*, 499 So. 2d 843 (Fla. 2d DCA 1986).

2. A party cannot present arguments in a motion for rehearing that have not been presented to the Court in appellate briefs or oral argument. *Sag Harbour Marine, Inc. v. Fickett*, 484 So. 2d 1250 (Fla. 1st DCA 1986).

WHEREFORE, the State respectfully requests that the motion for rehearing be denied.

Respectfully submitted,

PAMELA JO BONDI  
ATTORNEY GENERAL

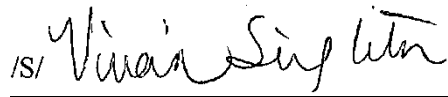
A handwritten signature in cursive script that reads "Vivian Singleton". To the left of the signature is a small, handwritten "151". The signature is written over a horizontal line.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic transmission via e-portal to: Javier Peral, II, Esq., Hogan Lovells US LLP, javier.peral@hoganlovells.com, 600 Brickell Ave., Suite 2700, Miami, Florida 33131; John Houston Pope, Esq., Epstein Becker & Green, P.C.,

jhpope@ebglaw.com, 250 Park Ave., New York, New York 10177; Dennis H. Tracey, III, Esq., email: dennis.tracey@hoganlovells.com, David R. Michaeli, Esq., email: david.michaeli@hoganlovells.com, Hogan & Hartson, L.L.P., 875 Third Ave., New York, New York 10017 on this 17th day of May 2017.

A handwritten signature in cursive script that reads "Vivian Singleton". To the left of the signature, there is a small, faint mark that appears to be "18/".

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VIVIAN SINGLETON  
ASSISTANT ATTORNEY GENERAL