

Supreme Court of Florida

THURSDAY, AUGUST 27, 2009

CASE NO.: SC09-839

Lower Tribunal No(s): CR83-5401

DAVID EUGENE JOHNSTON

vs.

STATE OF FLORIDA

Appellant(s)

Appellee(s)

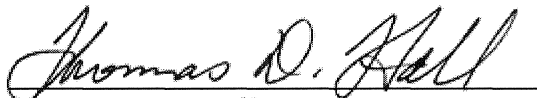
By order entered May 21, 2009, this Court temporarily relinquished jurisdiction to the circuit court for ninety days for the purpose of conducting DNA testing on certain items of evidence pursuant to Florida Rule of Criminal Procedure 3.853 and section 925.11, Florida Statutes. DNA testing has taken place, the appellant has, pursuant to Florida Rule of Criminal Procedure 3.851, filed a successive motion for postconviction relief relating to matters arising out of the conduct of the DNA testing, and the trial court has entered a final order pursuant to the relinquishment denying relief on the rule 3.853 motion and on the successive rule 3.851 motion for postconviction relief. Jurisdiction has returned to this Court and the supplemental record of the relinquishment proceedings was filed in this Court on August 24, 2009.

The appellant shall have thirty days from the date of this order in which to file a supplemental initial brief on the merits. The Appellee shall have twenty days thereafter to file a supplemental answer brief on the merits. The appellant shall have ten days thereafter in which to file any reply brief on the merits. Supplemental briefs shall be limited to those issues addressed by the August 3, 2009, final order of the trial court on relinquishment.

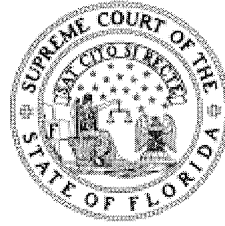
Per this Court's Administrative Order in Re: Mandatory Submission of Electronic Copies of Documents, AOSC04-84, dated September 13, 2004, counsel are directed to transmit a copy of all briefs in an electronic format as required by the provisions of that order. Filing of the above briefs at this Court shall be by transmitting the brief via e-mail to the following address: warrant@flcourts.org. Counsel shall transmit the signed original brief and seven copies to this court as soon as possible after filing via e-mail.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



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Served:

D. TODD DOSS
KENNETH S. NUNNELLEY