

IN THE SUPREME COURT OF FLORIDA

FILED

AUG 9 1983

RICHARD L. WHITE

CLERK OF THE SUPREME COURT

Chief Deputy Clerk

HOLLIS JONES,)
)
Petitioner,)
)
vs.)
)
STATE OF FLORIDA,)
)
Respondent.)
_____)

Case No. 64,042

PETITIONER'S JURISIDCTION BRIEF

RICHARD L. JORANDBY
Public Defender
Fifteenth Judicial Cricuit

GARY CALDWELL
Assistant Public Defender
224 Datura Street/13th Floor
West Palm Beach, FL. 33401
(305)837-2150

Counsel For Petitioner.

TABLE OF CONTENTS

	<u>PAGE</u>
TABLE OF CONTENTS	i
AUTHORITIES CITED	ii
PRELIMINARY STATEMENT	1
STATEMENT OF THE CASE AND THE FACTS	2
ARGUMENT	
THIS COURT HAS JURISDICTION TO HEAR THIS CAUSE.	3
CONCLUSION	4
CERTIFICATE OF SERVICE	4

AUTHORITIES CITED

	<u>PAGE</u>
<u>J.P.W. v. State</u> , case 63,981 of this Court.	2,3
<u>State v. G.P.</u> , 429 So.2d 786 (Fla. 3DCA, 1983), review pending case 63,613 of this Court.	2
Article V, Section 3(b)(3), Florida Constitution (1980 Amendment).	3

PRELIMINARY STATEMENT

The Petitioner was the Respondent in the Fourth District Court of Appeal and the Respondent was the Petitioner in that Court. In the brief, the parties will be referred to as they appear before this Honorable Court.

STATEMENT OF THE CASE AND THE FACTS

The State of Florida appealed to the Fourth District Court of Appeal an order dismissing an affidavit of violation of probation. The Court of Appeal treated the appeal as a petition for common law certiorari and granted the writ, reversing the order of dismissal. Appendix 1. In its order it noted that its ruling conflicted with that in State v. G.P., 429 So.2d 786 (Fla. 3 DCA, 1983), rev. pending as case 63,613 of this Court. The Court of Appeal subsequently denied Petitioner's motion for rehearing and for rehearing en banc. Appendix 2. Petitioner thereafter filed the instant cause in this Court.

ARGUMENT

THIS COURT HAS JURISDICTION TO
HEAR THIS CAUSE.

This Court has jurisdiction to review a decision of a district court of appeal which "expressly and directly conflicts with that of another district court of appeal." Article V, Section 3(b)(3), Florida Constitution (1980 amendment).

The district court of appeal in this case specifically and expressly noted that the instant decision conflicted with that in State v. G.P. 429 So.2d 786 (Fla. 3DCA, 1983), review pending as case 63,613 of this Court.

It is especially appropriate that this Court take jurisdiction over this cause since the exact issue now presented is now pending in this Court in G.P. and in J.P.W. v. State, case 63,981 of this Court: the issue here, as in G.P. and in J.P.W., is whether the State may seek certiorari of an otherwise nonappealable final order.

CONCLUSION

This Court may and should review the decision of the district court of appeal in the exercise of its certiorari jurisdiction.

Respectfully submitted,

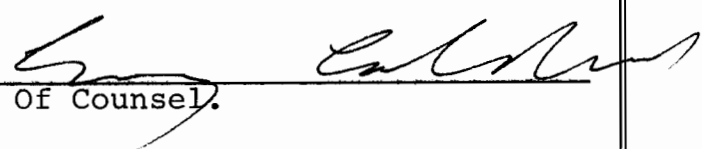
RICHARD L. JORANDBY
Public Defender
15th Judicial Circuit of Florida
224 Datura Street/13th Floor
West Palm Beach, FL. 33401
(305)837-2150

BY: 

GARY CALDWELL
Assistant Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Stewart Bellus, Assistant Attorney General, 111 Georgia Avenue, West Palm Beach, Florida, by courier, this 8th day of August, 1983.


Of Counsel.