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PRELIMINARY STATEMENT

Respondent, MELVIN MULLET, agrees with the Preliminary Statement set forth by the Petitioner herein.

STATEMENT OF CASE AND FACTS

Respondent, MELVIN MULLET, agrees with the Statement of Case and Facts filed by the Petitioner herein.

QUESTION PRESENTED

WHETHER THE CASE SUB JUDICE IS IN DIRECT CONFLICT WITH CARLTON V. STATE, 418 So.2d 449 (Fla. 5th DCA 1982).

ARGUMENT

There is no direct conflict in the above-entitled cause with the case of Carlton vs. State, 418 So.2d 449 (Fla. 5th DCA 1982), as the Carlton case involved a vehicle as opposed to a residence in the Mullet case, and the courts of the State of Florida have been very careful to give specific and particular attention to a citizen's right of privacy in his residence. Any reference to residence in the holding of the Carlton case is dicta.

CONCLUSION

Wherefore, the above-entitled cause is not in direct conflict with the case of Carlton vs. State, 418 So.2d 449 (Fla. 5th DCA 1982), and, therefore, this Court should not accept jurisdiction under the authority of Jollie vs. State, 405 So.2d 418 (Fla. 1981).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail to GARY WELCH, Assistant Attorney General, Park Trammell Building, 1313 Tampa Street, Suite 804, Tampa, FL 33602, on this the 19th day of January, 1984.

GINSBURG, BYRD, JONES & DAHLGAARD

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