

IN THE SUPREME COURT OF FLORIDA

65139  
**FILED**

SID J. WHITE

APR 19 1984

CLERK, SUPREME COURT

By [Signature]  
Chief Deputy Clerk

STATE OF FLORIDA,

Petitioner,

vs.

CASE NO. AV-237

DEPARTMENT OF HEALTH AND  
REHABILITATIVE SERVICES,  
ex rel, M.H., a juvenile,

Respondent.

\_\_\_\_\_ /

PETITIONER'S BRIEF ON JURISDICTION

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STATEMENT OF THE CASE AND FACTS

The facts are taken from the Florida First District Court of Appeal's opinion, found in the Appendix.

M.H., a juvenile, was declared a dependant child by the appropriate court because of her truancy and placed under the supervision of the Department of Health and Rehabilitative Services and required to attend school and abide by a curfew. Subsequently, M.H. ran away from home and was absent from school for several days.

Upon a motion by the prosecuting authorities, the court found M.H. in contempt, withheld adjudication of delinquency, and placed her in community control with the condition that she attend school and abide by the curfew. When M.H. failed to abide by the curfew, the court entered an order revoking her community control status, adjudicating her delinquent, and committing her to the Department of Health and Rehabilitative Services for an unspecified period of time.

The state contended in the Florida First District Court of Appeal that this case was controlled by A.O. v. State, 433 So.2d 23 (Fla. 3rd DCA 1983), review pending, No. 63,974 (Fla. July 18, 1983), which the Florida First District Court of Appeal found to conflict with J.M.J. v. State, 389 So.2d 1208 (Fla. 1st DCA 1980).

The panel in this case followed its earlier precedent and rejected the authority of A.O. v. State. The trial court's order finding M.H. delinquent was reversed.

ISSUE

CONFLICT JURISDICTION EXISTS  
BETWEEN THIS CASE AND A.O. v.  
STATE, 433 So.2d 23 (Fla. 3rd  
DCA 1983), WHICH IS PRESENTLY  
PENDING IN THIS COURT.

The State contends, and the Florida First District Court of Appeal agrees, that conflict exists between this case and A.O. v. State, 433 So.2d 23 (Fla. 3rd DCA 1983), review pending in this Court, Case Number 63,974 (Fla. July 18, 1983).

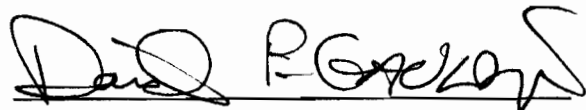
This Court should except this case pending resolution of the conflict in A.O. v. State and J.M.J. v. State, 389 So.2d 1208 (Fla. 1st DCA 1980).

CONCLUSION

Based on the foregoing arguments and authorities, this Court should accept conflict jurisdiction in this case and stay the proceedings in the lower courts until this court determines the conflict existing in A.O. v. State and J.M.J. v. State, supra.

Respectfully submitted,

JIM SMITH  
ATTORNEY GENERAL



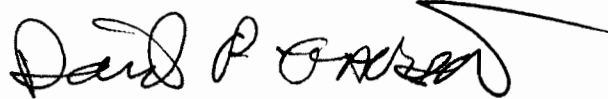
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Brief has been forwarded to Maureen L. McGill, Post Office Box 12836, Pensacola, Florida 32576, by U.S. Mail, this 17th day of April, 1984.



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