

IN THE SUPREME COURT OF FLORIDA
CASE NO. 67,859

THE STATE OF FLORIDA,)
 Respondent,)
vs.)
LEROY PEARSON,)
 Petitioner)
_____)

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NOTICE OF ADOPTION

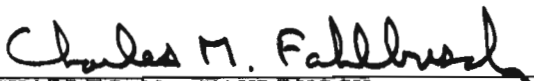
The Petitioner, THE STATE OF FLORIDA, through its undersigned attorneys, in view of the order of this court of November 14, 1985 ordering this case to be considered jointly with Tamer v. State, hereby adopts the brief and notice of supplemental authority filed in that action, copies of which are attached hereto as exhibits "A" and "B", respectively in this action.

In addition to the arguments made therein, Petitioner would point out that, prior to State v. Dodd, 419 So.2d 333 (Fla. 1982), the position of Florida Courts was generally, that the exclusionary rule did not apply to probation violation hearings. See Croteau v. State, 334 So.2d 577 (Fla. 1976); Huppertz v. State, 399 So.2d 992 (Fla. 3d DCA 1981); aff'd, 419 So.2d 336 (Fla. 1982); Latham v. State, 360 So.2d 127 (Fla. 1st DCA 1978); Owens v. State, 354 So.2d 118 (Fla. 3d DCA 1978); Shipp v. State, 349 So.2d 690 (Fla. 4th DCA 1977). This was also the position of the Florida Courts in interpreting the Florida Constitution of 1885 (Section 22), which was almost identical to the Fourth Amendment of the United States Constitution. Brill v. State, 32 So.2d 607 (Fla. 1947); State v. Shelby, 97 So.2d 631 (Fla. 1st DCA 1957).

WHEREFORE, the Petitioner notifies all interested parties of the adoption of the brief and notice of supplemental authority filed in Tamer v. State, Case No. 66,711, as its pleadings in this action.

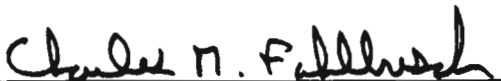
Respectfully submitted,

JIM SMITH
Attorney General


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Assistant Attorney General
Department of Legal Affairs
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Miami, Florida 33128
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF ADOPTION was furnished by mail to MEL BLACK, Esquire, 3050 Biscayne Boulevard, Miami, Florida, 33137, on this 12th day of December, 1985.


CHARLES M. FAHLBUSCH
Assistant Attorney General

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