FILED
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APR 11 1991

CLERK, SUPREME COURT.

By Chief Deputy Plerk

IN THE SUPREME COURT OF FLORIDA

ISIAH N. FIELDS,

Petitioner,

v.

CASE NO. 77,660

STATE OF FLORIDA,

Appellee.

JURISDICTIONAL BRIEF OF RESPONDENT

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ARGUMENT

THIS COURT MAY EXERCISE JURISDICTION IN THESE CONSOLIDATED CASES.

The opinion of the Fifth District Court of Appeal cites Flowers v. State, 567 So.2d 1055 (Fla. 5th DCA 1990), and Walker v. State, 546 So.2d 764 (Fla. 5th DCA 1989), as controlling authority. Because the Flowers decision is now under review by this court this court may exercise jurisdiction to review the instant case as well. Jollie v. State, 405 So.2d 418 (Fla. 1981).

CONCLUSION

This court has jurisdiction to review the instant cases.

Respectfully submitted,

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COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to Michael S. Becker, Assistant Public Defender, 112-A Orange Ave., Daytona Beach, FL 32114, by interoffice delivery on this day of January, 1991.

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