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CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

PAUL R. COOK,

Petitioner,

v.

CASE NO. 81,098

STATE OF FLORIDA,

Respondent.

_____ /

RESPONDENT'S BRIEF ON JURISDICTION

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STATE OF FLORIDA,

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_____ /

RESPONDENT'S JURISDICTIONAL BRIEF

PRELIMINARY STATEMENT

Petitioner, PAUL R. COOK, Appellant below and the defendant in the trial court, will be referred to herein as "Petitioner." Respondent, the State of Florida, will be referred to herein as "the State."

STATEMENT OF THE CASE AND FACTS

There are no facts contained in the opinion of the First District Court of Appeal, which states as follows:

PER CURIAM.

AFFIRMED. State v. Tripp, 591 So.2d 1055 (Fla. 2d DCA 1991), rev. pending, Case No. 79,176 (Fla.); State v. Ro[d]gers, 540 So.2d 872 (Fla. 4th DCA 1989); Ford v. State. 572 So.2d 946 (Fla. 5th DCA 1990).

BOOTH, BARFIELD, and MINER, JJ.,
CONCUR.

Cook v. State, Case No. 92-54 (Fla. 1st DCA Dec. 16, 1992).
Petitioner's statement of the case improperly refers to facts and arguments on the merits which do not appear in the opinion below. See Fla.R.App.P. 9.120(d) (committee note) ("It is not appropriate to argue the merits of the substantive issues involved in the case or to discuss any matters not relevant to the threshold jurisdictional issue.").

ARGUMENT

ISSUE

WHETHER THIS COURT SHOULD ACCEPT
JURISDICTION OVER THIS CASE.

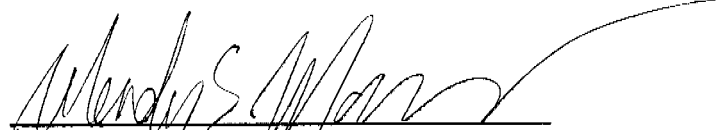
The State agrees that this Court has discretionary jurisdiction to review this case under Jollie v. State, 418 So.2d 405 (Fla. 1981).

CONCLUSION

Based on the foregoing legal authorities and arguments, Respondent agrees that this Honorable Court has discretionary jurisdiction over this case.

Respectfully submitted,

ROBERT A. BUTTERWORTH
ATTORNEY GENERAL



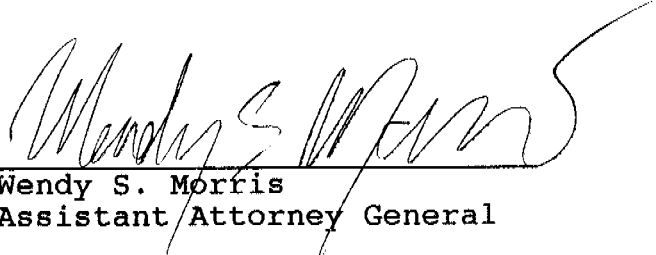
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COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Glenna Joyce Reeves, Assistant Public Defender, Second Judicial Circuit, Leon County Courthouse, Fourth Floor North, 301 South Monroe Street, Tallahassee, FL 32301, this 12th day of February, 1992.


Wendy S. Morris
Assistant Attorney General