

**FILED**

SID J. WHITE

MAY 11 1994

IN THE SUPREME COURT OF FLORIDA

CLERK, SUPREME COURT  
By \_\_\_\_\_  
Chief Deputy Clerk

DARYL SHAWN GUILFORD,  
Petitioner,

v.

CASE NO.: 83,500

STATE OF FLORIDA,  
Respondent.

DCA Case Nos.: 92-1389, 92-2045  
92-2240, 92-2796

ON DISCRETIONARY REVIEW FROM  
THE FIFTH DISTRICT COURT OF APPEAL

RESPONDENT'S BRIEF ON JURISDICTION

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POINT ON APPEAL

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SUMMARY OF ARGUMENT

The District Court of Appeal in this case followed the law set out in a case which this Court is already reviewing. Therefore, the Court also has jurisdiction over this case.

POINT OF LAW

THIS COURT HAS JURISDICTION SINCE  
THE DISTRICT COURT'S OPINION WAS  
MADE IN RELIANCE UPON A CASE WHICH  
IS CURRENTLY UNDER REVIEW.


As stated by the petitioner, the holding in this case was made in express reliance upon the case State v. Carder, 625 So. 2d 966 (Fla. 5th DCA 1993). Carder is currently under review by this Court; therefore, this Court can take jurisdiction over this case. Jollie v. State, 405 So. 2d 418 (Fla. 1981).

CONCLUSION

Based on the arguments and authorities presented above, the State agrees that this Court can accept jurisdiction over this case.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above Jurisdictional Brief has been furnished by delivery to Kenneth Witts, attorney for the petitioner, Assistant Public Defender, 112 Orange Avenue, Suite A, Daytona Beach, Florida 32114, this 9<sup>th</sup> day of May 1994.

  
\_\_\_\_\_  
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