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APR 19 1994

CLERK, SUPREME COURT

By \_\_\_\_\_

Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

CHARLIE BROWN, JR.,  
Petitioner,

vs.

Case No. 83511  
DCA Case No. 92-01476

STATE OF FLORIDA,  
Respondent.

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RESPONDENT'S BRIEF ON JURISDICTION

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ISSUE

THIS COURT SHOULD EXERCISE ITS  
DISCRETIONARY JURISDICTION IN THIS CASE  
BECAUSE THE DECISION OF THE FIRST DISTRICT  
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CONSTITUTIONS AND STATUTES

Florida Constitution  
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PROCEDURAL RULES

Florida Rules of Appellate Procedure  
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PRELIMINARY STATEMENT

The Petitioner in this cause seeks review of the decision of the First District Court of Appeal in Brown v. State, 19 Fla. L. Weekly D\_\_\_\_\_ (Fla. 1st DCA April 7, 1994)(opinion on motion for clarification), attached to Petitioner's brief as an appendix.

STATEMENT OF THE CASE AND FACTS

Respondent is in agreement with the Petitioner's statement of the case and facts.

SUMMARY OF THE ARGUMENT

Respondent agrees that this Court has jurisdiction to review the instant cause.

ARGUMENT

ISSUE

THIS COURT SHOULD EXERCISE ITS DISCRETIONARY JURISDICTION IN THIS CASE BECAUSE THE DECISION OF THE FIRST DISTRICT COURT OF APPEAL IN THIS CASE WAS BASED ON ROCK V. STATE, WHICH IS CURRENTLY PENDING IN THIS COURT.

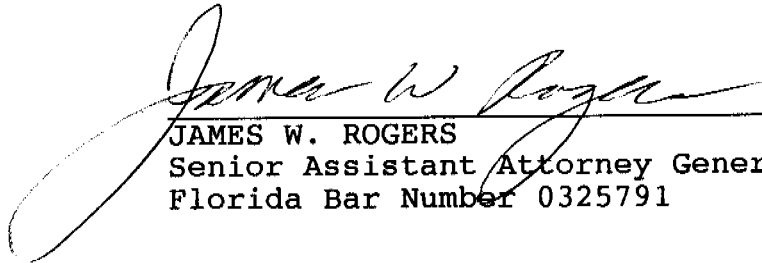
Respondent agrees that this Court has jurisdiction to grant review under Jollie v. State, 406 So. 2d 418 (Fla. 1981); Art. V, §3(b)(3), Fla. Const., and Rule 9.030(a)(2)(A)(i), Fla. R. App. P.


CONCLUSION

Respondent agrees that this Court has jurisdiction to review the instant cause.

Respectfully submitted,

ROBERT A. BUTTERWORTH  
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\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing RESPONDENT'S BRIEF ON JURISDICTION has been furnished by U.S. Mail to MR. P. DOUGLAS BRINKMEYER, Assistant Public Defender, Office of the Public Defender, Second Judicial Circuit of Florida, Leon County Courthouse, Fourth Floor North, 301 South Monroe Street, Tallahassee, Florida 32301, this 19<sup>th</sup> day of April, 1994.

  
BRADLEY R. BISCHOFF