

IN THE SUPREME COURT OF FLORIDA

**FILED**

SID J. WHITE

**MAY 18 1995**

CLERK, SUPREME COURT

By *[Signature]*  
Chief Deputy Clerk

STATE OF FLORIDA,

Petitioner,

vs.

JOHNNY BOOTH,

Respondent.

CASE NO. 85,661

ON DISCRETIONARY REVIEW FROM  
THE DISTRICT COURT OF APPEAL, FIFTH DISTRICT

RESPONDENT'S JURISDICTIONAL BRIEF

JAMES B. GIBSON  
PUBLIC DEFENDER  
SEVENTH JUDICIAL CIRCUIT

NANCY RYAN  
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COUNSEL FOR RESPONDENT

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TABLE OF CITATIONS

CASES CITED:

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638 So. 2d 116 (Fla. 5th DCA 1994),  
no. 83,951 (Fla. November 23, 1994)

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SUMMARY OF ARGUMENT

The Respondent acknowledges that pursuant to the rule of Jollie v. State,<sup>1</sup> this court has jurisdiction to accept this case.

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<sup>1</sup>Jollie v. State, 405 So. 2d 418 (Fla. 1981).

ARGUMENT

THE DISTRICT COURT'S DECISION IS  
"PAIRED FOR REVIEW" WITH ANOTHER  
DECISION CURRENTLY PENDING REVIEW IN  
THIS COURT.


This court has accepted jurisdiction of Thompson v. State, 638 So. 2d 116 (Fla. 5th DCA 1994), no. 83,951 (Fla. November 23, 1994). This case is factually indistinguishable from Thompson. The Respondent in this case acknowledges that pursuant to Jollie v. State, 405 So. 2d 418 (Fla. 1981), this case is "paired for review" with Thompson.

CONCLUSION

The respondent acknowledges that this court has jurisdiction to accept review of this case.

Respectfully submitted,


JAMES B. GIBSON  
PUBLIC DEFENDER

  
\_\_\_\_\_  
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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing has been served on Robert A. Butterworth, Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118, by way of his basket at the Fifth District Court of Appeal and mailed to Mr. Johnny Booth, No. B 352983 BA 44B, Brooksville Drug Treatment Center, 16415 Springhill Drive, Brooksville, FL 34601-0099 this 16th day of May, 1995.

  
\_\_\_\_\_  
NANCY RYAN  
ASSISTANT PUBLIC DEFENDER