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**FILED**  
SID J. WHITE  
JUL 7 1995  
CLERK, SUPREME COURT  
By \_\_\_\_\_  
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA,  
Petitioner,  
versus  
ROY PHANEUF,  
Respondent.

CASE NO. 85,921  
DCA-5 NO. 95-1580

APPEAL FROM THE CIRCUIT COURT  
IN AND FOR VOLUSIA COUNTY  
AND THE FIFTH DISTRICT COURT OF APPEAL

RESPONDENT'S BRIEF ON JURISDICTION

JAMES B. GIBSON, PUBLIC DEFENDER  
SEVENTH JUDICIAL CIRCUIT

✓  
BRYNN NEWTON  
ASSISTANT PUBLIC DEFENDER  
Florida Bar Number 175150  
112-A Orange Avenue  
Daytona Beach, Florida 32114-4310  
904-252-3367

ATTORNEY FOR RESPONDENT

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CASE CITED:

Jollie v. State,  
405 So. 2d 418 (Fla. 1981)

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SUMMARY OF ARGUMENT

Respondent agrees with Petitioner that this Honorable Court has jurisdiction to review the District Court's decision in this cause

ISSUE

WHETHER THE DECISION OF THE FIFTH  
DISTRICT COURT OF APPEAL MAY BE  
REVIEWED BY THE SUPREME COURT.

Respondent agrees that it is within this Honorable Court's  
discretion to accept jurisdiction of this cause, pursuant to Jollie  
v. State, 405 So. 2d 418 (Fla. 1981).

CONCLUSION

For the reasons expressed herein, Respondent agrees that grounds exist for this Honorable Court to exercise its discretionary jurisdiction and grant review of the Fifth District Court of Appeal's decision in this cause.

Respectfully submitted,

JAMES B. GIBSON, PUBLIC DEFENDER  
SEVENTH JUDICIAL CIRCUIT



BRYNN NEWTON  
ASSISTANT PUBLIC DEFENDER  
Florida Bar Number 175150  
112-A Orange Avenue  
Daytona Beach, Florida 32114-4310  
904-252-3367

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished to the Honorable Robert Butterworth, Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118, by delivery to his basket at the Fifth District Court of Appeal; and by mail to Mr. Roy Phaneuf, P. O. Box 158 - M/B 974, Lowell, Florida 32663-0158, this 5th day of July, 1995.



ATTORNEY