

IN THE SUPREME COURT OF FLORIDA

**FILED** 095  
SID J. WHITE  
JUN 10 1990

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

ALFONZO EDWARDS,

Petitioner,

v.

CASE NO. 93,000

STATE OF FLORIDA,

Respondent.

\_\_\_\_\_ /

BRIEF OF RESPONDENT ON JURISDICTION

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STATEMENT OF THE CASE AND FACTS

Petitioner's sentence was affirmed on appeal based on the precedent of Maddox v. State, 23 Fla. L. Weekly D720 (Fla. 5th DCA March 13, 1998).

SUMMARY OF ARGUMENT

Since the decision of the Fifth District Court of Appeal relies on a case currently pending in this court, this Court has jurisdiction to accept the appeal. Respondent requests the instant case be consolidated with Maddox v. State, Case Number 92,805.

ARGUMENT

THIS COURT HAS THE DISCRETION  
TO ACCEPT JURISDICTION IN THE  
INSTANT CASE.

In Jollie v. State, 405 So. 2d 418 (Fla. 1981), this Court held that when a district court issues a decision where the controlling precedent is presently pending in this Court, there is "prima facie express conflict (which) allows this court to exercise its jurisdiction." Id. at 420. The decision of the Fifth District Court of Appeal in the instant case relied on Maddox v. State, 23 Fla. L. Weekly D720 (Fla. 5th DCA March 13, 1998), which is currently pending review before this Court. This Court therefore has discretion to entertain the review sought by Petitioner.


Respondent respectfully requests this Court consolidate the instant case with Maddox v. State, Case Number 92,805.

CONCLUSION

Based on the arguments and authorities presented herein, the State respectfully requests this honorable Court accept jurisdiction in this case pursuant to the holding in Jollie and consolidate the instant appeal with Maddox v. State, Case Number 92,805.

Respectfully submitted,

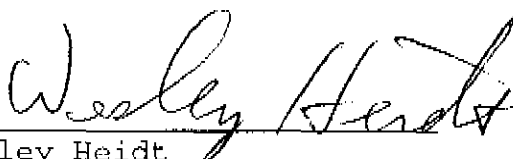
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Brief of Respondent on Jurisdiction has been furnished by delivery via the basket of the Public Defender at the Fifth District Court of Appeal to Brynn Newton, Assistant Public Defender, this 8<sup>th</sup> day of June 1998.

  
Wesley Heidt  
Counsel for Respondent

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL THE TIME EXPIRES  
TO FILE REHEARING MOTION, AND,  
IF FILED, DISPOSED OF.

ALFONSO EDWARDS,

Appellant,

CASE NO. 97-0478

97-222  
BN

v.

STATE OF FLORIDA,

Appellee.

RECEIVED

APR 9 1998

Opinion filed April 9, 1998

Appeal from the Circuit Court  
for Sumter County,  
Hale R. Stancil, Judge.

PUBLIC DEFENDER'S OFFICE  
7th CIR. APP. DIV.

James B. Gibson, Public Defender, and Brynn  
Newton, Assistant Public Defender,  
Daytona Beach, for Appellant.

Robert A. Butterworth, Attorney General, Tallahassee,  
and Robin A. Compton, Assistant Attorney General,  
Daytona Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Maddox v. State, No. 96-3590 (Fla. 5th DCA March 13, 1998).

GRIFFIN, C.J., GOSHORN and ANTOON, JJ., concur.