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CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

GEORGE W. PARKS, JR.,
Petitioner,

v.

CASE NO.: 94,286

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, 708 So. 2d 617 (Fla. 5th DCA 1998), review of which is currently pending before this Court in case no.: 92,805.

CERTIFICATE OF TYPE SIZE AND STYLE

The type size and style used in this brief is 12 point Courier.

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.

ARGUMENT

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

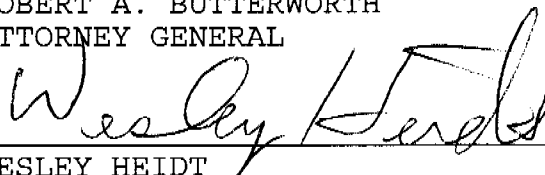
In Jollie v. State, 405 So. 2d 418 (Fla. 1981), this Court held that when a district court issues a decision where the controlling precedent is presently pending in this Court, there is "prima facie express conflict (which) allows this court to exercise its jurisdiction." Id. at 420. The decision of the Fifth District Court of Appeal in the instant case relied on Maddox v. State, 708 So. 2d 617 (Fla. 5th DCA 1998), which is currently pending review before this Court (Case no.: 92,805). This Court therefore has discretion to entertain the review sought by Petitioner.

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.

Respectfully submitted,

ROBERT A. BUTTERWORTH
ATTORNEY GENERAL

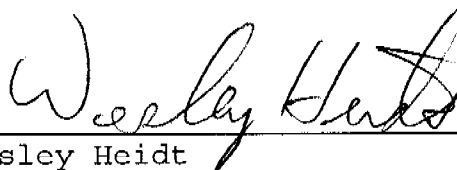


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CERTIFICATE OF SERVICE

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 M.A. Lucas, Assistant Public Defender, this 2nd day of December 1998.



Wesley Heidt
Counsel for Respondent