

**IN THE SUPREME COURT OF FLORIDA**

**STATE OF FLORIDA,** :

Petitioner, :

v. :

**CASE NO. SC13-318**

**KERRICK VAN TEAMER,** :

Respondent. :

\_\_\_\_\_ /

**JURISDICTIONAL ANSWER BRIEF OF RESPONDENT**

NANCY A. DANIELS  
PUBLIC DEFENDER  
SECOND JUDICIAL CIRCUIT

**RICHARD M. SUMMA**  
ASSISTANT PUBLIC DEFENDER  
FLA. BAR NO. 0890588  
LEON COUNTY COURTHOUSE  
301 S. MONROE ST., SUITE 401  
TALLAHASSEE, FLORIDA 32301  
(850) 606-8514  
Richard.Summa@flpd2.com

COUNSEL FOR APPELLANT

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**PRELIMINARY STATEMENT**

This case is presented on discretionary review from the decision of the Florida First District Court of Appeal in Teamer v. State, 38 Fla. L. Weekly D336 (Fla. 1<sup>st</sup> DCA, Feb. 12, 2013). The trial proceedings were held in the Circuit Court for Escambia County, Judge Michael G. Allen, circuit judge, presiding.

## **STATEMENT OF THE CASE AND FACTS**

Respondent, Kerrick Van Teamer, accepts the Petitioner's statement of the case and facts.

## **SUMMARY OF ARGUMENT**

Due to the brevity of the argument, no summary is presented.

## **ARGUMENT**

### **ISSUE**

**Whether this Court has discretionary jurisdiction pursuant to a certified and direct conflict between decisions of two district court of appeals, and if so, whether this Court should exercise its discretion to accept jurisdiction and resolve the conflict?**

### **STANDARD OF REVIEW**

The determination of jurisdiction is a legal question. Jacobsen v. Ross Stores, 882 So. 2d 431 (Fla. 1<sup>st</sup> DCA 2004). Legal questions are determined *de novo*. Engle v. Liggett Group Inc., 945 So. 2d 1246, 1259 (Fla. 2006).

### **MERITS**

#### **A. Jurisdiction**

This Court certainly possesses the discretion to exercise jurisdiction of the case because the decision of the First District Court of Appeal expressly and directly conflicts with the decision of the Fourth District Court of Appeal in Aders v. State, 67 So. 3d 368 (Fla. 4<sup>th</sup> DCA 2011).

## B. Exercise of jurisdiction

Whether this Court should exercise jurisdiction and review the case is not as clear cut. Ordinarily, the expression of a clear conflict in the decisional law is a compelling basis for the exercise of jurisdiction. Uniformity in the law is usually a prime consideration. For that reason, Respondent can understand why the Court would accept the case for review. On the other hand, the conflict cases involve what Respondent considers a very rare set of factual circumstances. The undersigned knows of only two Florida cases where a police officer stopped a vehicle solely because of a discrepancy between the observed color and the color stated on motor vehicle records – the instant case and Aders. Because the precise set of circumstances giving rise to the conflict seem not to occur very frequently, this Court may consider that the need for further review is not very compelling.

## **CONCLUSION**

The Court possesses jurisdiction and may choose to exercise its jurisdiction to resolve a conflict in the case law. Given the unusual circumstances giving rise to the conflict, however, the Court may conclude that the resolution of the conflict is not a matter demanding immediate resolution.



**CERTIFICATE OF SERVICE**

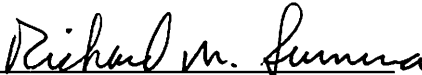
I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail to Jay Kubica, Office of the Attorney General, the Capitol, at [crimapptlh@myfloridalegal.com](mailto:crimapptlh@myfloridalegal.com), as agreed by the parties, and by U.S. Mail to Appellant, Mr. Kerrick Van Teamer, DOC # P12434, Santa Rosa Correctional Institution - Annex, 5850 E Milton Rd., Milton, FL 32583-7914, on this 5<sup>th</sup> day of March, 2013.

**CERTIFICATE OF FONT AND TYPE SIZE**

I hereby certify that this brief was typed using Times New Roman, 14 point.

Respectfully submitted,

NANCY A. DANIELS  
PUBLIC DEFENDER  
SECOND JUDICIAL CIRCUIT

  
**RICHARD M. SUMMA**  
Assistant Public Defender  
Fla. Bar No. 0890588  
Leon County Courthouse  
301 S. Monroe St., Suite 401  
Tallahassee, Florida 32301  
(850) 606-8514  
Richard.Summa@flpd2.com

COUNSEL FOR APPELLANT