

IN THE SUPREME COURT OF FLORIDA

CHRISTOPHER ALLEN,

CASE NO. SC07-763

Petitioners,

L.T. Case No. 4D04-4972

vs.

STATE OF FLORIDA,

Respondent.

ON DISCRETIONARY REVIEW FROM THE FOURTH DISTRICT COURT OF APPEAL

RESPONDENT'S BRIEF ON JURISDICTION

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PRELIMINARY STATEMENT

The respondent, State of Florida, was the prosecution in the trial court and the appellee before the Fourth District Court of Appeal. The respondent will be referred to herein as "the State." The petitioner, Christopher Allen, was the defendant in the trial court and the appellant before the Fourth District Court of Appeal. The petitioner will be referred to as "respondent."

STATEMENT OF THE CASE AND FACTS

For purposes of this brief, the State accepts petitioner's statement of the case and facts.

SUMMARY ARGUMENT

The State does not contest this Court's authority over the instant case.

ARGUMENT

**THE RESPONDENT DOES NOT CONTEST THIS COURT'S AUTHORITY
OVER THE DECISION OF THE DISTRICT COURT**

In light of this Court's decision in Jollie v. State, 405 So. 2d 418 (Fla. 1981), this State does not contest this Court's authority over the District Court's decision in this case.

CONCLUSION

WHEREFORE based on the foregoing arguments and authorities cited herein, the State respectfully requests this Honorable Court enter an order it deems appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this brief has been furnished via courier to: JOHN M. CONWAY, Assistant Public Defender, 421 Third Street, 6th Floor, West Palm Beach, FL 33401 on May 9, 2007.

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this brief has been prepared with Courier New 12 point type and complies with the font requirements of Rule 9.210.

Of Counsel