

IN THE SUPREME COURT OF FLORIDA

EDDIE JOE RICHARDSON,

Petitioner,

v.

CASE NO. SC12-165

STATE OF FLORIDA,

Respondent.

ON DISCRETIONARY REVIEW FROM
THE FIFTH DISTRICT COURT OF APPEAL

JURISDICTIONAL BRIEF OF RESPONDENT

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TABLE OF AUTHORITIES

CASES:

Richardson v. State,
76 So. 3d 1078 (Fla. 5th DCA 2011) 1

Reaves v. State,
485 So. 2d 829 (Fla. 1986) 3

OTHER:

Art. V, § 3(b)(3), Fla. Const 3

STATEMENT OF THE CASE AND FACTS

The facts of this case were set forth in the opinion below, as follows:

The order denying Richardson's motion to correct sentence, filed pursuant to Florida Rule of Criminal Procedure 3.800(a), is affirmed. This is Richardson's fourteenth pro se appearance before this Court, and he presents in his appeal a non-meritorious claim that was already adjudicated adversely to him.

On October 26, 2011, this Court ordered Richardson to show cause why he should not be denied further access to this Court to attack his Brevard County judgment and sentence in Case No. 05-1989-CF-10618-A. Having carefully considered Richardson's response, we conclude that he has provided no valid reason to be allowed continued pro se access to this Court. We hold that he is abusing the judicial process by filing frivolous motions and appeals, and that he should be barred from further pro se filings.

We prohibit Eddie Joe Richardson from filing with this Court any further pro se pleadings concerning Brevard County Case No. 05-1989-CF-10618-A. The Clerk of this Court is directed not to accept any further pro se filings concerning this case from Eddie Joe Richardson, and any further pleadings will be summarily rejected by the Clerk unless filed by a member in good standing of The Florida Bar. The Clerk is further directed to forward a certified copy of this opinion to the appropriate institution for consideration of available disciplinary procedures. See § 944.279(1), Fla. Stat. (2010). Rehearing will not be entertained.

Richardson v. State, 76 So. 3d 1078 (Fla. 5th DCA 2011)
(citations omitted).

SUMMARY OF ARGUMENT

The district court's decision does not conflict with any other Florida case. This Court should not exercise its jurisdiction here.

ARGUMENT

THE LOWER COURT'S DECISION DOES NOT CONFLICT
WITH OTHER FLORIDA CASES.

This Court has jurisdiction under article V, section (3)(b)(3) of the Florida Constitution where a decision of a district court "expressly and directly conflicts" with a decision of this Court or another district court. This Court has repeatedly held that such conflict must be express and direct, that is, "it must appear within the four corners of the majority decision." *Reaves v. State*, 485 So. 2d 829, 830 (Fla. 1986).

Here, the Petitioner contends that the lower court's rejection of the merits of his claim conflicts with a case from the Fourth District Court of Appeal. However, the lower court *did not address* the merits of his claim, but instead rejected his claim as successive. There is no express and direct conflict, and there is no basis for this Court to exercise jurisdiction here.

CONCLUSION

Based on the arguments and authorities presented herein, the Respondent respectfully requests this Honorable Court decline to exercise jurisdiction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above Jurisdictional Brief has been furnished by U.S. mail to pro se Petitioner Eddie Joe Richardson, DOC #071018, Okaloosa Correctional Institution, 3189 Colonel Greg Malloy Road, Crestview, Florida 32539-6708, this 21st day of February, 2012.

CERTIFICATE OF COMPLIANCE

The undersigned counsel certifies that this brief was typed using 12 point Courier New, a font that is not proportionately spaced.

Kristen L. Davenport
Assistant Attorney General