

IN THE SUPREME COURT OF THE STATE OF FLORIDA

CASE NO. SC12-538

JORGE L. DOMINGUEZ,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

RESPONDENT'S BRIEF ON JURISDICTION

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PRELIMINARY STATEMENT

Petitioner is the Defendant and Respondent is the prosecution. Petitioner was the Appellant and Respondent was the Appellee in the Fourth District Court of Appeal. In this brief, the parties shall be referred to as they appear before this Honorable Court except that Respondent may also be referred to as the State.

All emphasis in this brief is supplied by Respondent unless otherwise indicated.

STATEMENT OF THE CASE AND FACTS

Respondent does not agree with Petitioner's statement of the case and facts.

Given that Petitioner's claimed basis for jurisdiction is not authorized, the facts of this case are largely irrelevant. The only relevant fact is that the Fourth District did not certify a question of great public importance. See Dominguez v. State, 77 So. 3d 796 (Fla. 4th DCA 2011).

SUMMARY OF THE ARGUMENT

Petitioner's claimed basis for jurisdiction is not authorized.

ARGUMENT

POINT I

PETITIONER'S BELIEF THAT THE FOURTH DISTRICT'S OPINION PRESENTS A QUESTION OF GREAT PUBLIC IMPORTANCE IS NOT A BASIS FOR INVOKING THIS COURT'S DISCRETIONARY JURISDICTION.

Petitioner's belief that the Fourth District's opinion presents a question of great public importance is not a basis for invoking this Court's discretionary jurisdiction. Florida Rule of Appellate Procedure 9.030(a)(2)(A)(v) pertains to questions certified by the district courts to be of great public importance. The Fourth District did not certify a question to be of great public importance.

This Court should decline to exercise its discretionary jurisdiction. See Jenkins v. State, 385 So. 2d 1356, 1357 (Fla. 1980)(it was never intended that the district courts of appeal should be intermediate courts and the powers of the Florida Supreme Court to review decisions of the district courts of appeal are limited and strictly prescribed).

CONCLUSION

WHEREFORE, based on the foregoing arguments and the authorities cited therein, Respondent respectfully requests this Court DENY Petitioner's request for discretionary review over the instant cause.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
"Respondent's Brief on Jurisdiction" has been furnished by mail on
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/s James J. Carney

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CERTIFICATE OF TYPE SIZE AND STYLE

In accordance with Fla. R. App. P. 9.210, the undersigned
hereby certifies that the instant brief has been prepared with 12
point Courier New Type.

/s James J. Carney

James J. Carney