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IN THE SUPREME COURT OF FLORIDA

CASE NO. SC13-1358

Lower Tribunal No. 3D10-2988

RONNIE RODRIGUEZ,

Petitioner,

vs.

THE STATE OF FLORIDA,

Respondent.

**ON PETITION FOR DISCRETIONARY JURISDICTION FROM
THE DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT**

BRIEF OF RESPONDENT ON JURISDICTION

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STATEMENT OF THE CASE AND FACTS

The history of the case is set out in the petitioner's jurisdictional brief and is hereby adopted.

SUMMARY OF ARGUMENT

This Court should decline to exercise its discretion to accept this case because conflict does not appear within the four corners of the lower court opinion.

ARGUMENT

I. THIS COURT SHOULD DENY DISCRETIONARY JURISDICTION BECAUSE EXPRESS AND DIRECT CONFLICT DOES NOT APPEAR WITHIN THE FOUR CORNERS OF THE LOWER COURT OPINION.

The decision of the Third District Court of Appeal in the instant case does not expressly and directly conflict with a decision of a district court of appeal or this Court, on the same question of law. Fla.R.App.P. 9.030(2)(iv).

In Aguilera v. Inservices, 905 So.2d 84, 101 (Fla. 2005), this Court stated:

We have repeatedly held that conflict between decisions must appear within the four corners of the majority decision.

CONCLUSION

Based on the foregoing, the State of Florida respectfully requests this Honorable Court to deny discretionary jurisdiction in the instant case.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the jurisdictional brief of respondent has been furnished by U.S. Mail to Ronnie Rodriguez, DC #B03219, Florida State Prison, 7819 N.W. 228th Street, Raiford, Florida 32026 this 13rd day of November, 2013.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this brief was computer generated using Courier New 12 point font.

Respectfully submitted,

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/s/ Jill D. Kramer
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