

SUPREME COURT OF FLORIDA

2013 AUG 23 PM 2:07  
CLERK OF THE COURT

BY

SERGIO THOMPSON

APPELLANT

DOCKET NO.

VS

SC 13-1421

STATE OF FLORIDA

LOT NO.: 2008CF013625MB

APPELEE

CASE NO.: 4D12-2627

BRIEF ON JURISDICTION

FLORIDA SUPREME COURT

INVOKING DISCRETIONARY JURISDICTION

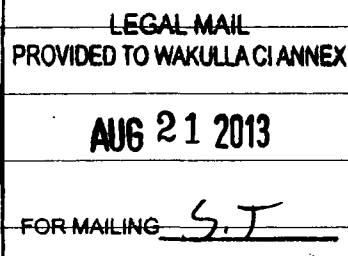
SERGIO THOMPSON

WAKULLA ANNEX

110 METALEUCA DRIVE

CRAWFORDVILLE, FL

32327



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- (3). ARTICLE V, SECTION 3(b)(1) OF THE  
FLORIDA CONSTITUTION

## STATEMENT OF CASE AND FACTS

HAVING BEEN TRIED AND FOUND GUILTY OF (1) ONE COUNT OF SECOND DEGREE MURDER WITH A FIREARM AND SENTENCE TO THE TERM OF 50 years.

THE APPELLANT APPEALED HIS CONVICTION TO THE DISTRICT COURT OF APPEAL, THE FOURTH DISTRICT, IN WHICH WAS AFFIRMED.

THE APPELLANT FILED A POST-CONVICTION PETITION TO THE DISTRICT COURT OF APPEAL FOR THE FOURTH DISTRICT, WHICH WAS DENIED ON THE MERITS ON JUNE 18 2013.

## ARGUMENT

THE FLORIDA SUPREME COURT HAS JURISDICTION PURSUANT TO ARTICLE V, SECTION 3(6)(4), ARTICLE V, SECTION 3(6)(3), AND ARTICLE V, SECTION 3(6)(1) OF THE FLORIDA CONSTITUTION.

THIS COURT HAS JURISDICTION AS A MATTER OF LAW TO ENSURE FAIRNESS AND EQUAL PROTECTION OF ALL CONSTITUTIONAL RIGHTS.

IN ADDITION THIS COURT HAS JURISDICTION TO REVIEW DECISIONS OF THE DISTRICT COURTS OF APPEAL THAT ARE EXPRESSLY AND DIRECTLY IN CONFLICT WITH A DECISION OF ANOTHER DISTRICT COURT OF APPEAL OR OF THE SUPREME COURT ON THE SAME QUESTION OF LAW.

## APPENDIX

(1). FOURTH DISTRICT COURT OF APPEAL  
ORDER DENING APPELLANTS PETITION  
ON THE MERITS.

(2). JUDGMENT

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO: 2008CF013625AMB  
OBTS NUMBER:

DIV: X

STATE OF FLORIDA

[ ] COMMUNITY CONTROL VIOLATOR

v.

[ ] PROBATION VIOLATOR

SERGIO LAMONT THOMPSON, B/M, 07/30/1985, [REDACTED]

**JUDGMENT**

The above defendant, being personally before this Court represented by ELIZABETH C. RAMSEY, APD (attorney)

<input checked="" type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
---	---	--

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
1	SECOND DEGREE MURDER WITH A FIREARM (a lesser included offense as contained in the Indictment)	782.04(2), 775.087(1), and 775.087(2)(a)3	LIFE

☒ and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

☐ and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch.794), lewd and lascivious conduct (ch.800), or murder (s.782.04), aggravated battery (s.784.045), burglary, (s.810.02) carjacking (s.812.133), or home invasion robbery (s.812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.

☐ and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

SENTENCE

STAYED

☐ The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on ☐ probation and/or ☐ Community Control under the supervision of the Dept. Of Corrections (conditions of probation set forth in separate order).

SENTENCE

DEFERRED

☐ The Court hereby defers imposition of sentence until \_\_\_\_\_.

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 30 day of April, 2010.

  
CIRCUIT COURT JUDGE

**FILED**  
Clerk Criminal Department

APR 30 2010

SHARON R. BOCK  
Clerk & Comptroller  
Palm Beach County

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM  
BEACH, FL 33401**

June 18, 2013

**CASE NO.: 4D12-2627**

**L.T. No.: 2008CF013625AMB**

**SERGIO THOMPSON**

**v. STATE OF FLORIDA**

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**Appellant / Petitioner(s)**

**Appellee / Respondent(s)**

**BY ORDER OF THE COURT:**

ORDERED that the petition, as amended, is hereby denied on the merits.

WARNER, STEVENSON and CONNER, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

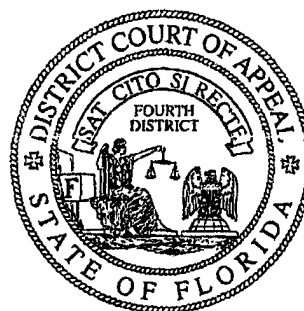
cc: Attorney General-W.P.B.      Laura Fisher

Sergio Thompson

dl

*Marilyn Beuttenmuller*

**MARILYN BEUTTENMULLER, Clerk**  
Fourth District Court of Appeal





CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY  
OF THE FOREGOING HAS BEEN FURNISHED  
TO THE FOLLOWING VIA MAIL DELIVERY  
ON THIS \_\_\_\_\_ DAY OF AUGUST 2013.

OFFICE OF THE ATTORNEY GENERAL  
CRIMINAL APPEAL DIVISION