FILED
SID J. WHITE
MAR 27 1985
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

ROBERT GLEN FIKE, Petitioner,	)	
vs.	)	CASE NO. 66,024
STATE OF FLORIDA, Respondent.	)	

PETITIONER'S REPLY BRIEF ON THE MERITS

JAMES B. GIBSON
PUBLIC DEFENDER
SEVENTH JUDICIAL CIRCUIT

LUCINDA H. YOUNG
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ARGUMENT

AN INFORMATION WHICH ALLEGES, IN THE ALTERNATIVE, A FELONY OR A MISDEMEANOR, IS INSUFFICIENT TO INVOKE THE JURISDICTION OF THE CIRCUIT COURT.

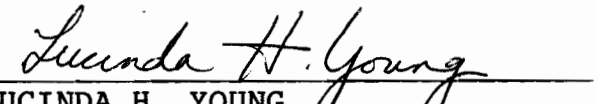
Petitioner is aware of this Court's recent decision in State v. Phillips, 10 FLW 110 (Fla. February 7, 1985), which lends support to the State's position. The Court, however, specifically limited its decision to the facts of that case. Additionally, the body of the information in the instant case, unlike that in Phillips, was contradictory in that it charged a felony or a misdemeanor in the alternative. This Court should not extend Phillips to the defect in the Petitioner's information.

CONCLUSION

BASED UPON the arguments and authorities presented herein and in the Petitioner's Initial Brief on the Merits, the Petitioner respectfully requests that this Honorable Court reverse the decision of the Fifth District Court of Appeal of the State of Florida.

Respectfully submitted,

JAMES B. GIBSON
PUBLIC DEFENDER
SEVENTH JUDICIAL CIRCUIT



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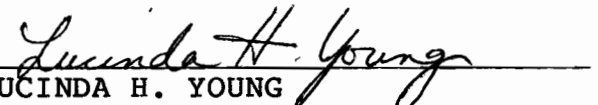
CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Honorable Jim Smith, Attorney General, 125 N. Ridgewood Avenue, Fourth Floor, Daytona Beach, Florida 32014; and mailed to Robert Glen Fike, Post Office Box 283, Candler, Florida 32624, on this 26th day of March, 1985.



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