

IN THE SUPREME COURT OF FLORIDA

RAYMOND EUGENE JOHNSON, )  
Petitioner, )  
v. )  
STATE OF FLORIDA, )  
Respondent. )

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**FILED**  
Case No. 66, 819  
J. WHITE  
OCT 10 1965  
CLERK, SUPREME COURT  
By \_\_\_\_\_  
Chief Deputy Clerk

DISCRETIONARY REVIEW OF DECISION OF  
THE DISTRICT COURT OF APPEAL  
SECOND DISTRICT OF FLORIDA

BRIEF OF RESPONDENT ON MERITS

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SUMMARY OF THE ARGUMENT

This case is controlled by the recent decision of this court State v. Ramsey, \_\_\_ So.2d \_\_\_ (Supreme Court #64,776)[10 F.L.W. 369]. The decision of the Second District Court of Appeal should be approved.

STATEMENT OF CASE AND FACTS

Respondent accepts petitioner's statement of the case and facts as a substantially accurate account of the proceedings below.

ARGUMENT

THE TRIAL COURT DID NOT ERR IN DENYING  
PETITIONER'S MOTION FOR JUDGMENT OF  
ACQUITTAL WITH RESPECT TO THE  
CHARGE OF ESCAPE.

This case is controlled by State v. Ramsey, \_\_\_ So.2d \_\_\_, (Supreme Court #64,776)[10 F.L.W. 369]. In reaching its decision in this case, the Second District Court of Appeal relied upon State v. Akers, 367 So.2d 700 (Fla. 2d DCA 1979). This court approved the Akers decision in Ramsey. The trial court did not err in denying petitioner's motion for judgment of acquittal and the decision of the Second District Court of Appeal should be approved.

CONCLUSION

For the above reasons and authorities, the respondent respectfully requests this Honorable Court affirm the judgment and sentence for escape and approve the decision of the Second District Court of Appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by regular U. S. Mail to Joseph Eugene Perrin, Assistant Public Defender, Hall of Justice Building, 455 North Broadway, Bartow, Florida 33830-3798 this 9<sup>th</sup> day of October, 1985.

*Theda James Davis*  
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