

IN THE  
SUPREME COURT OF FLORIDA  
CASE NO. 67,482

PALM BEACH NEWSPAPERS, INC., SCRIPPS-HOWARD  
BROADCASTING COMPANY, THE MIAMI HERALD PUBLISHING  
COMPANY, and THE NEWS AND SUN SENTINEL COMPANY,

Petitioners,

v.

THE STATE OF FLORIDA,

Respondent.

FILED

SEP 28 1955

OCT 28 1955

CLERK, SUPREME COURT

Clerk

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RESPONDENT'S BRIEF ON JURISDICTION

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## STATEMENT OF THE CASE AND THE FACTS

For the purposes of jurisdiction only, the Respondent accepts the Petitioner's Statement of the Case and Facts.

## SUMMARY

The Respondent agrees with the Petitioner that the Supreme Court has discretionary jurisdiction over this case pursuant to Article V, Section 3(b)(3) of the Florida Constitution and Florida Rules of Appellate Procedure 9.030(a)(2)(A)(iv) for the reason that the decision in this case expressly and directly conflicts with the decision in Short v. Gaylord Broadcasting Company, 462 So.2d 591 (Fla. 2nd DCA 1985).

## ARGUMENT

In the Circuit Court Order that gave rise to this proceeding, the Honorable Marvin Mounts, Jr., ruled that it was clear that he was bound by the Second District's decision in Short v. Gaylord. The State petitioned for a Rule of Common Law Certiorari which was issued in a per curiam opinion titled State of Florida v. John S. Freund, John Trent, Palm Beach Newspapers, Inc., Scripps-Howard Broadcasting Company, Miami Herald Publishing Company, and The Fort Lauderdale News and Sun Sentinel, 473 So.2d 274 (Fla. 4th DCA 1985). The per curiam issuance of the writ cited the en banc decision in Palm Beach Newspapers, Inc., v. Burk, 471 So.2d. 571 (Fla. 4th DCA 1985), as controlling, and wrote that the Burk decision "takes the opposite view from Short and... must govern the case at bar."

CONCLUSION

For this reason, this Court has discretionary jurisdiction to review the decision from the Fourth District Court of Appeal. The present case raises issues which are of great public importance. The issues in this case were raised on a different basis than those involved in Palm Beach Newspapers, Inc., v. Burk, 471 So.2d. 571 (Fla. 4th DCA 1985), now on appeal in Supreme Court Case Number 67,352 and The Miami Herald Publishing Company, v. Hagler, 471 So.2d 1344 (Fla. 4th DCA 1985), review sought as Supreme Court Case Number 67, 479. The State therefore respectfully requests that this Court exercise its discretionary jurisdiction to review this case.

Respectfully submitted this 23 day of October, 1985.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the within Respondent's Brief has been forwarded to Donald M. Middlebrooks, Esquire, 4000 Southeast Financial Center, Miami, Florida 33131-2398, Richard J. Ovelmen, Esquire, One Herald Plaza, Miami, FL 33102, Sanford Bohrer, Esquire, 4900 Southeast Financial Center, Miami, FL 33131, Janice Sharpstein, Esquire, Penthouse One, 3043 Grand Avenue, Coconut Grove, FL 33133, Ray Ferrero, Jr., Esquire, P. O. Box 14604, Ft. Lauderdale, FL 33302, and L. Martin Reeder, Jr., 1200 North Bridge Centre 1, West Palm Beach, FL 33401-4307, by mail this 23 day of October, 1985.

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