

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT**

DALE NORMAN,

Appellant,

v.

Case No. 4D12-3525

L.T. No.: 562012-MM-000530

STATE OF FLORIDA,

Appellee.

APPELLEE’S MOTION FOR CLARIFICATION

Pursuant to Florida Rule of Appellate Procedure 9.330(a), Appellee, State of Florida, moves for clarification of this Court’s January 8, 2013 and December 4, 2012 orders. In further support, Appellee states:

1. On October 5, 2012, this Court ordered Appellant to file a brief memorandum, not to exceed (5) pages, along with an accompanying appendix, addressing whether this Court should exercise its discretion to review the order appearing to invoke the discretionary jurisdiction of this Court. This Court further ordered that the State “shall have 10 days thereafter to file a response, also limited to five (5) pages (original, plus one copy).”

2. On December 4, 2012, this Court issued an order vacating this Court’s October 5, 2012. This Court also directed the Appellant to show cause why the

case should not be dismissed for lack of jurisdiction.

3. On January 8, 2013, after considering Appellant's response, this Court issued an order denying Appellee's motion to dismiss the appeal for lack of jurisdiction and ruled that the State's motion to compel production of an appendix and to extend time provide a response was moot.

4. Currently, given that this Court vacated its October 5, 2012 order, which permitted the State to file a response, and that this Court denied Appellee's motion to dismiss this appeal and ruled that the State's motion to compel and extend time to provide a response is moot, it appears that the State is not required and/or permitted to file a response as to whether this Court should exercise its discretion to review the order in question.

WHEREFORE, the State respectfully moves this Court for clarification of this Court's January 8, 2013 and December 4, 2012 orders with regard to the State's current obligations and duties in this appeal, if any.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail to: Eric J. Friday, Esq., at familylaw@fletcherandphillips.com and efriday@fletcherandphillips.com on December ____, 2013.

CYNTHIA L. COMRAS
Assistant Attorney General