

SUPREME COURT OF FLORIDA

State v. Robbins

863 So. 2d 168 (Fla. 2003) · No. No. SC02-2583 · Decided September 18, 2003

SUMMARY

The Supreme Court of Florida dismissed review after determining that jurisdiction had been improvidently granted in a case involving the speedy-trial treatment of misdemeanor charges consolidated with felony charges. Justice Wells dissented, arguing that the court should answer the certified question and apply Florida Rule of Criminal Procedure 3.191(f) according to its plain language.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Anstead, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.; Wells, J.
JURISDICTION	Florida
DECIDED	September 18, 2003
DOCKET	No. SC02-2583
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Supreme Court of Florida accepted review of a decision of the Fifth District Court of Appeal but later determined that jurisdiction had been improvidently granted and dismissed review.
PRECEDENTIAL VALUE	Published jurisdictional disposition; no merits holding on the certified speedy-trial question.
PARTIES	State of Florida v. Jason Ray Robbins

TOPICS

- speedy trial
- appellate jurisdiction
- criminal procedure
- statutory interpretation
- separation of powers

PRACTICE AREAS

- criminal procedure
- appellate jurisdiction
- speedy trial
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida had jurisdiction to review the Fifth District's decision and certified question.
2. Whether review should be dismissed because jurisdiction had been improvidently granted.

HOLDINGS

1. The Supreme Court of Florida determined that jurisdiction had been improvidently granted and dismissed review of the cause.

KEY QUOTATIONS

“WHEN AN INFORMATION CHARGING A DEFENDANT WITH BOTH MISDEMEANOR AND FELONY CHARGES IS FILED AFTER THE EXPIRATION OF THE SPEEDY TRIAL PERIOD FOR MISDEMEANORS, MUST THE MISDEMEANOR COUNTS BE DISMISSED?” (168)

“When a felony and a misdemeanor are consolidated for disposition in circuit court, the misdemeanor shall be governed by the same time period applicable to the felony.” (169)

FACTUAL BACKGROUND

The record involved an information charging Jason Ray Robbins with both misdemeanor and felony offenses. The information was allegedly filed after expiration of the speedy-trial period applicable to the misdemeanor charges. The Fifth District certified whether the misdemeanor counts were required to be dismissed under Florida's speedy-trial rule.

PROCEDURAL HISTORY

The Fifth District Court of Appeal certified a question of great public importance concerning whether misdemeanor counts must be dismissed when charged after expiration of the misdemeanor speedy-trial period in an information also charging felony offenses. The Supreme Court of Florida initially accepted review under article V, section 3(b)(4), of the Florida Constitution, then dismissed review after concluding that jurisdiction had been improvidently granted. Justice Wells dissented, arguing that the certified question should be answered on the merits.

DISPOSITION

dismissed

CASES CITED

- State v. Robbins, 830 So. 2d 866 (Fla. 5th DCA 2002)
- Alvarez v. State, 791 So. 2d 574 (Fla. 4th DCA 2001)
- Livingston v. State, 564 So. 2d 612 (Fla. 1st DCA 1990)
- Reed v. State, 649 So. 2d 227, 229 (Fla. 1995)
- Genden v. Fuller, 648 So. 2d 1183 (Fla. 1994)

