

IN THE DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

D.P., :  
Petitioner, :  
vs. : Case No. 2D16-1627  
STATE OF FLORIDA, :  
Respondent. :  
\_\_\_\_\_ :

NOTICE TO INVOKE DISCRETIONARY JURISDICTION

Notice is hereby given that D.P., the Petitioner, invokes the discretionary jurisdiction of the Supreme Court of Florida to review the decision of this court rendered on April 7, 2017. The decision expressly and directly conflicts with a decision of another district court of appeal or of the Florida Supreme Court on the same question of law. The conflict jurisdiction stated in Florida Rule of Appellate Procedure 9.030(2)(A)(iv) applies because the per curiam affirmed opinion referenced a case that is pending in the Florida Supreme Court. See Persaud v. State, 838 So. 2d 529, 532 (Fla. 2003) (stating that no discernible conflict exists "in an opinion containing only a citation to other case law unless one of the cases cited as controlling authority is pending before this Court, or has been reversed on appeal or review, or receded from by this Court or unless the citation explicitly notes a contrary holding of another district court or of this Court." (quoting Florida Star v. B.J.F., 530 So. 2d 286, 288 (Fla. 1988))).

RECEIVED 04/20/2017 FLORIDA SUPREME COURT  
RECEIVED, 4/20/2017 2:27 PM, Clerk, Second District Court of Appeal

CERTIFICATE OF SERVICE

I certify that a copy has been e-mailed to the Office of the Attorney General at CrimappTPA@myfloridalegal.com, on this 20th day of April, 2017.

Respectfully submitted,

/s/ Joanna Beth Conner

HOWARD L. "REX" DIMMIG, II  
Public Defender  
Tenth Judicial Circuit  
(863) 534-4200

Joanna Beth Conner  
Assistant Public Defender  
Florida Bar Number: 0935646  
P. O. Box 9000 - Drawer PD  
Bartow, FL 33831  
appealfilings@pd10.state.fl.us  
jconner@pd10.org  
jstevens@pd10.org

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

D.P.,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D16-1627
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed April 7, 2017.

Appeal from the Circuit Court for Lee  
County; Alane Laboda, Judge.

Howard L. Dimmig, II, Public Defender, and  
Joanna B. Conner, Assistant Public  
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Caroline Johnson Levine,  
Assistant Attorney General, Tampa, for  
Appellee.

PER CURIAM.

Affirmed. See Doe v. State, 41 Fla. L. Weekly D2220 (Fla. 2d DCA Sept.  
28, 2016).

WALLACE, KHOUZAM, and BADALAMENTI, JJ., Concur.

SECOND DISTRICT COURT OF APPEAL OF FLORIDA  
P.O. BOX 327  
LAKELAND, FLORIDA 33802-0327  
(863) 499-2290

April 20, 2017

Re:

D.P.  
v.  
In Re: Involuntary Commitment  
Appeal No.: 2D16-1627  
Trial Court No.: 16-MH-284  
Trial Court Judge:

Florida Supreme Court  
Attn: Clerk's Office

Attached is a certified copy of the notice invoking the discretionary jurisdiction of the Supreme Court, pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

\_\_\_ The filing fee prescribed by Section 25.241(3), Florida Statutes, was paid through the portal.

\_\_\_ The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and is attached.

\_\_\_ The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.

\_\_\_ Petitioner/Appellant has been previously determined insolvent by the circuit court or our court in the underlying case.

\_\_\_ Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's motion to proceed without payment of costs in this case.

No filing fee is required because:

- \_\_\_ Summary Appeal, pursuant to rule 9.141
- \_\_\_ From the Unemployment Appeals Commission
- \_\_\_ A Habeas Corpus proceeding
- \_\_\_ A Juvenile case
- ☒ Other: Not Required

If there are any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

Mary Elizabeth Kuenzel  
Clerk

By: Joshua Dannelley

MK: jd

cc: Joanna B. Conner, A. P. D.  
Caroline Johnson Levine, A.A.G.  
Attorney General