

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT

CMI Inc of Kentucky, :
 :
 Petitioner, :
 :
 Vs. : **CASE NO. 2D08-3043**
 :
 Kyle R. Woods et.al., and The State :
 of Florida, :
 :
 Respondents. :
 _____/

MOTION TO DISMISS

Kyle R. Woods, et al., by and through their under attorney, and files this Motion to Dismiss, in support of said motion would show:

1. The Petitioner is seeking a review of an Order of the Circuit Court entered in its appellate capacity, rendered on May 20, 2008. (Appendix D, Pages 25 – 27).
2. The Petition for Writ of Certiorari was filed with this Court on June 20, 2008, which is 31 days after the Circuit Court rendered its order.
3. This Petition was not timely filed. See Rule 9.100(c).
4. The 30 day time frame to file a Petition for Certiorari is jurisdictional. *Fleet Services Corp. v. Reise*, 775 So.2d 383 (2d DCA 2000).

WHEREFORE the Respondents request that this Court Dismiss the
Petition for Writ of Certiorari.

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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 Cliff Ramey, Assistant State Attorney, State Attorney's
Office, 2071 Ringling Blvd., Sarasota, FL 34237 and Michael S. Taaffe,
Esquire, PO Box 49948, Sarasota, FL 34230 on this _____ day of June,
2008.

Robert N. Harrison