

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL
CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA, CASE NO. 2005 CA 11734 NC

Petitioner,
vs.

CAROLE MAE BJORKLAND ET. AL.,

Respondent.

**ORDER GRANTING MOTION TO DISMISS PETITION FOR WRIT
OF CERTIORARI AND ORDER DISMISSING PETITION FOR
WRIT OF CERTIORARI**

This matter is before the court on Petitioner's Petition for Writ of Certiorari filed on December 2, 2005, and Respondent's Motion to Dismiss Petition for Writ of Certiorari filed on December 6, 2005. The court has carefully considered the Petition, the Motion, reviewed the court file, and is otherwise duly advised in the premises.

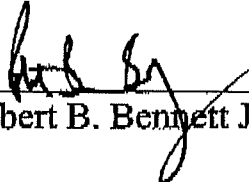
Respondent's Motion to Dismiss is granted. Petitioner's Petition was filed on December 2, 2005, seeking review of the county court's order rendered on November 2, 2005. The State's appeal is properly brought pursuant to Fla. R. App. P. 9.140(c)(2) and § 924.07(1)(h), which requires filing of a notice of appeal within fifteen days of the order to be reviewed. See Fla. R. App. P. 9.140(3). See also State v. Ratner, 902 So. 2d 267, 269

(Fla. 4th DCA) (observing that provisions of section 924.07(2) are not unconstitutional as to appeal of non-final orders from county court to circuit court), rev. granted, No. SC05-1007, SC05-1009, (Fla. 2005).

Therefore, it is **ORDERED** and **ADJUDGED**:

The Respondent's Motion to Dismiss Petition for Writ of Certiorari is granted, and the Petition for Writ of Certiorari is dismissed.

DONE and **ORDERED** in chambers in Sarasota, Sarasota County, Florida, on this 9 day of December, 2005.



Robert B. Bennett Jr., Circuit Judge.

Copies furnished to:

Jason M. Miller. Assistant State Attorney

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IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

Case No. 2005 CA 11434
LT No. 2004 CT 014406 SC

vs.

CAROL MAE BJORKLAND, et al.,
Defendant.

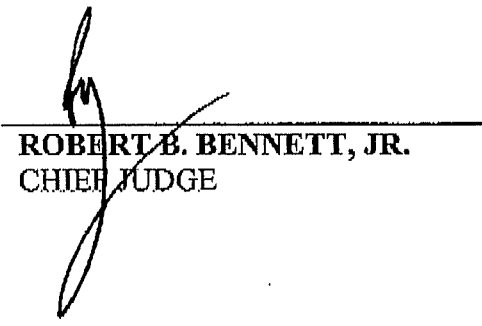
**ORDER TRANSFERRING CASE AND DIRECTING CLERK
TO ASSIGN CASE TO THE FELONY DIVISION AND REASSIGNING CASE TO THE
CHIEF JUDGE**

THIS CAUSE is before the Civil Division and upon review of the court file, it is apparent that this is a proceeding, matter or action pertaining to Criminal Traffic Appeal case and should be assigned to the Felony Division. The case is reassigned to the Chief Judge.

Therefore, it is

ORDERED AND ADJUDGED that this case is assigned to Robert B. Bennett, Chief Judge. The clerk shall show this case as assigned to the Felony Division on CourtView.

DONE AND ORDERED this 8th day of December, 2005.



ROBERT B. BENNETT, JR.
CHIEF JUDGE

Copies To:

Judge Kimberly Bonner
Judge Becky Titus

Jason Miller, Esquire
State Attorney's Office
2071 Ringling Boulevard
Sarasota, Florida 34237

Robert N. Harrison, Esquire
825 South Tamiami Trail
Suite 2
Venice, Florida 34285