

# Supreme Court of Florida

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No. SC94991

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**GABRIEL JOCK KENON,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[July 13, 2000]

PER CURIAM.

We have for review Kenon v. State, 724 So. 2d 716 (Fla. 5th DCA 1999), a decision of the Fifth District Court of Appeal citing as controlling authority its opinion in Maddox v. State, 708 So. 2d 617 (Fla. 5th DCA 1998), approved in part, disapproved in part, 25 Fla. L. Weekly S367 (Fla. May 11, 2000). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981). Because the parties have not adequately briefed the merits of the alleged sentencing errors in this case, we quash the decision below and remand for

the district court's consideration in light of our opinion in Maddox.<sup>1</sup>

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

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

Application for Review of the Decision of the District Court of Appeal -  
Direct Conflict

Fifth District - Case No. 5D97-3558

(Orange County)

James B. Gibson, Public Defender, and Anne Moorman Reeves, Assistant Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Belle B. Schumann and Wesley Heidt, Assistant Attorneys General, Daytona Beach, Florida,

for Respondent

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<sup>1</sup>We decline to address the other issues raised by Kenon that are not the basis of our jurisdiction. See, e.g., Wood v. State, 750 So. 2d 592, 595 n.3 (Fla. 1999); McMullen v. State, 714 So. 2d 368, 373 (Fla. 1998).