

IN THE SUPREME COURT OF FLORIDA

**FILED**

S/D J. WHITE

APR 23 1984

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

GREGORY A. MASKE,  
FRANCIS ALAN PLOEGERT,  
and GARY ANDREW UECKER,

Petitioner,

v.

Case No. 82-2276

STATE OF FLORIDA,

Respondent.

RESPONDENT'S BRIEF ON JURISDICTION

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STATEMENT OF THE CASE AND FACTS

Respondent adopts the Statement of the case and facts as provided in the Petitioner's Jurisdictional Brief.

ARGUMENT

THIS COURT HAS DISCRETIONARY JURISDICTION.

Respondent concedes that the Second District's opinion in the case sub judice is in direct conflict with the Fourth District's opinion in State v. Bussey, 444 So.2d 63, (Fla. 4th DCA 1984). However, this court has already accepted jurisdiction on Growden v. State, Florida Supreme Court No. 64-407, a case originating out of the Second District and containing the same issue. As such, Respondent submits that judicial economy would best be served by resolving Growden and refraining from exercising jurisdiction in the case sub judice.

CONCLUSION

Whereas this court has the identical issue pending before it, Respondent submits that this court should refrain from exercising it's discretionary jurisdiction in the case sub judice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail to Amelia G. Brown, Assistant Public Defender, Courthouse Annex, Second Floor, Tampa, FL 33602, on this 18th day of April, 1984.



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OF COUNSEL FOR RESPONDENT