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IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA, )  
Petitioner, )  
v. ) CASE NO: 65,358  
T. L. J., A CHILD, )  
Respondent. )  
\_\_\_\_\_ )

STATEMENT OF THE CASE AND FACTS

Respondent adopts the Statement of the Case and Facts as provided in the Petitioner's Jurisdictional Brief.

ARGUMENT

THE COURT HAS DISCRETIONARY JURISDICTION.

Respondent concedes that the Second District's opinion in the case sub judice is in direct conflict with the Third District's opinion in L.S. v. State, No. 83-2076 (Fla. 3d DCA March 13, 1984).

However, Respondent would agree with the Second District's holding, stated both in Bennett v. State, 438 So.2d 1034 (Fla. 2d DCA 1983) and in the case at bar, that this issue has been resolved by State v. Waters, 436 So.2d 66 (Fla. 1983). Therefore, judicial economy would best be served by refraining from exercising jurisdiction in the instant case.

CONCLUSION

Whereas the issue was previously resolved, Respondent submits that this Court should refrain from exercising its discretionary jurisdiction in the case sub judice.

Respectfully submitted,

JERRY HILL  
PUBLIC DEFENDER  
TENTH JUDICIAL CIRCUIT

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by mail to the Office of the Attorney General, Park Trammell Building, 1313 Tampa Street, 8th Floor, Tampa, Florida and to the Respondent, T. L. J., 11808 East Bay Road, Gibsonton, Florida 33535, this 19th day of June, 1984.

Amelia G. Brown  
Amelia G. Brown