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CLERK, SUPREME COURT

By 
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IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA,

:

Petitioner,

:

vs.

:

Case No. 77,416

ALVIN GEORGE STENSON,

:

Respondent.

:

_____ :

DISCRETIONARY REVIEW OF DECISION OF THE
DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

ANSWER BRIEF OF RESPONDENT ON THE MERITS

JAMES MARION MOORMAN
PUBLIC DEFENDER
TENTH JUDICIAL CIRCUIT
FLORIDA BAR NO. 0143265

DEBORAH K. BRUECKHEIMER
ASSISTANT PUBLIC DEFENDER

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF THE CASE AND FACTS

Respondent accepts Petitioner's Statement of the Case and
Facts.

SUMMARY OF THE ARGUMENT

This Court has recently decided the issue sub judice.

ARGUMENT

ISSUE I

WHEN A DOUBLE JEOPARDY VIOLATION IS ALLEGED BASED ON THE CRIMES OF SALE AND POSSESSION (OR POSSESSION WITH INTENT TO SELL) OF THE SAME QUANTUM OF CONTRABAND AND THE CRIMES OCCURRED AFTER THE EFFECTIVE DATE OF SECTION 775.021, FLORIDA STATUTES (SUPP. 1988), IS IT IMPROPER TO CONVICT AND SENTENCE FOR BOTH CRIMES?

Respondent recognizes this Court's recent decisions in State v. McCloud, Case No. 75,975 (Fla. Feb. 28, 1991) [16 F.L.W. S194]; and State v. V.A.A., Case No. 75,902 (Fla. Feb. 28, 1991) [16 F.L.W. S194].

CONCLUSION


Respondent acknowledges that this case should be handled in accordance with this Court's decisions in McCloud, supra; and V.A.A., supra.

CERTIFICATE OF SERVICE

I certify that a copy has been mailed to Robert Butterworth, Suite 700, 2002 N. Lois Ave., Tampa, FL 33607, (813) 873-4730, on this 12th day of March, 1991.

Respectfully submitted,

JAMES MARION MOORMAN
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