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FILED
SID J. WHITE
APR 5 1991
CLERK, SUPREME COURT
By _____
Deputy Clerk

IN THE SUPREME COURT
STATE OF FLORIDA

HECTOR TRINIDAD,

Petitioner

v.

Case No. 77,579

STATE OF FLORIDA,

Respondent

_____ /

Discretionary Review of Decision of
the District Court of Appeal,
Second District of Florida

BRIEF OF RESPONDENT ON JURISDICTION

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SUMMARY OF THE ARGUMENT

This Court has jurisdiction to review the instant case, but should decline to exercise discretionary jurisdiction in the interest of conserving limited judicial resources.

ARGUMENT

ISSUE

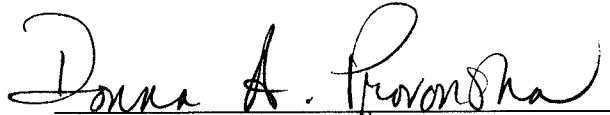
WHETHER THE DECISION IN TRINIDAD
CONFLICTS WITH OTHER DISTRICT COURTS OF
APPEAL AND THE FLORIDA SUPREME COURT ON
THE ISSUE OF ALLOWING GUIDELINE DEPARTURES
ON VIOLATION OF COMMUNITY CONTROL CASES. (As
Stated by Petitioner.)

The district court in the instant case cited Williams v. State, 559 So.2d 680 (Fla. 2d DCA 1990) for the proposition that a departure sentence can properly be imposed based on multiple violations of probation. Williams is currently pending in this Honorable Court as Williams, et al. v. State, No. 75,919 (Fla., oral argument held March 7, 1991). Therefore, this Court has jurisdiction. Respondent submits, however, that this Court should decline to accept jurisdiction in this case in the interest of conserving valuable limited judicial resources.

CONCLUSION

Based upon the foregoing arguments and citations of authority, Respondent respectfully requests this Honorable Court to refuse to exercise discretionary jurisdiction to review this case.

Respectfully submitted,

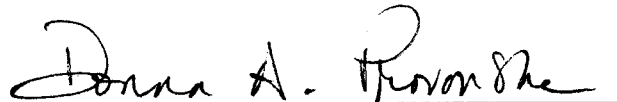


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to MEGAN OLSON, Assistant Public Defender, P.O. Box 9000-Drawer PD, Bartow, Florida 33830, this 3rd day of April, 1991.



OF COUNSEL FOR RESPONDENT