

047
FILED

SID J. WHITE

JAN 24 1992

CLERK, SUPREME COURT.

By *M*
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

STEVEN SALZMAN,

Petitioner,

v.

CASE NO. 79,219

STATE OF FLORIDA,

Respondent.

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

BRIEF OF RESPONDENT ON JURISDICTION

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WHETHER THIS COURT SHOULD GRANT DISCRETIONARY
CONFLICT JURISDICTION TO REVIEW THE INSTANT CASE
WHERE THE SECOND DISTRICT COURT OF APPEAL
EXPRESSLY RECOGNIZES CONFLICT BETWEEN FIFTH
DISTRICT COURT OF APPEAL AND THE INSTANT ISSUE IS
CURRENTLY PENDING REVIEW IN THIS COURT IN CAMP V.
STATE, 579 SO.2D 763 (FLA. 5TH DCA 1991),
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ARGUMENT

ISSUE I

WHETHER THIS COURT SHOULD GRANT DISCRETIONARY CONFLICT JURISDICTION TO REVIEW THE INSTANT CASE WHERE THE SECOND DISTRICT COURT OF APPEAL EXPRESSLY RECOGNIZES CONFLICT BETWEEN FIFTH DISTRICT COURT OF APPEAL AND THE INSTANT ISSUE IS CURRENTLY PENDING REVIEW IN THIS COURT IN CAMP V. STATE, 579 SO.2D 763 (FLA. 5TH DCA 1991), JURISDICTION ACCEPTED, NO. 78,085 (FLA. OCT. 15, 1991)?

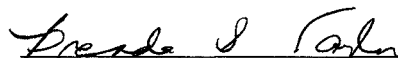
The State acknowledges that the Second District Court of appeal has expressed direct conflict with the Fifth District Court of Appeal's decision in State v. Camp, 579 So.2d 763 (Fla. 5th DCA 1991), jurisdiction accepted, No. 78,085 (Fla. Oct. 15, 1991). Therefore, this Court has jurisdiction in the instant appeal.

CONCLUSION

Based upon the foregoing facts, arguments and authorities,
the judgment and sentence should be affirmed.

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 TIMOTHY A. HICKEY,
Assistant Public Defender, P. O. Box 9000 Drawer PD, Bartow,
Florida 33830, on this 22nd day of January, 1992.



OF COUNSEL FOR RESPONDENT