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SID J. WHITE

MAY 11 1992

CLERK, SUPREME COURT

By \_\_\_\_\_  
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 THE MERITS

ROBERT A. BUTTERWORTH  
ATTORNEY GENERAL

BRENDA S. TAYLOR  
Assistant Attorney General  
Florida Bar No. 0778079  
2002 North Lois Avenue, Suite 700  
Tampa, Florida 33607-2366  
(813) 873-4739

COUNSEL FOR RESPONDENT

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SUMMARY OF THE ARGUMENT

Petitioner's two convictions for dealing in stolen property cannot be reversed because the trial court withheld adjudication. Furthermore Appellant's sentence of three years probation was imposed pursuant to the two charges of forgery and two charges of uttering a forged instrument along with the dealing in stolen property charges. Therefore any decision of this Court adverse to Petitioner does not have a practical affect on Petitioner's sentence.

ARGUMENT

ISSUE

WHETHER PETITIONER'S SENTENCE OF THREE YEARS PROBATION WILL BE AFFECTED BY ANY DECISION OF THIS COURT ADVERSE TO PETITIONER.

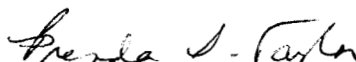
The State recognizes this Court's recent decision in State v. Camp, 17 FLW S230 [Opinion filed April 9, 1992] in which this Court held contra to the Second District ruling that personally cashing stolen checks does not constitute dealing in stolen property. However the State asserts that in the instant case a reversal of Petitioner's conviction for dealing in stolen property will not have an impact upon Appellant's sentence. Petitioner plead guilty to two charges of forgery and two charges of uttering a forged instrument along with his no contest plea to the two charges of dealing in stolen property. The trial court withheld adjudication on all counts and placed Petitioner on three years probation. (R. 22, 23, 53). Accordingly Petitioner's two convictions for dealing in stolen property cannot be reversed because the trial court withheld adjudication. Furthermore Appellant's sentence of three years probation was imposed pursuant to the two charges of forgery and two charges of uttering a forged instrument along with the dealing in stolen property charges. Therefore any decision of this Court adverse to Petitioner does not have a practical affect on Petitioner's sentence.

CONCLUSION

Based on the foregoing arguments and citations of authority, the appellee respectfully requests that this Honorable Court affirm the judgment and sentence of the trial court.

Respectfully submitted,


ROBERT A. BUTTERWORTH  
ATTORNEY GENERAL

  
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BRENDA S. TAYLOR  
Assistant Attorney General  
Florida Bar No. 0778097  
2002 N. Lois Avenue, Suite 700  
Tampa, Florida 33607-2366  
(813) 873-4739

OF COUNSEL FOR RESPONDENT

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, this 7<sup>th</sup> day of May, 1992.

  
\_\_\_\_\_  
OF COUNSEL FOR RESPONDENT