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FILED
SID J. WHITE
AUG 18 1992
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

ROBERT LEE COON,
Petitioner,

vs.

Case No. 80,151

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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STATEMENT OF THE CASE AND FACTS

Respondent hereby adopts Petitioner's Statement of the Case and Facts.

SUMMARY OF THE ARGUMENT

This Court has accepted for review Johnson v. State, 589 So.2d 1370 (Fla. 1st DCA 1991). Petitioner's case was affirmed in the Second District Court of Appeal, but the opinion noted conflict with Johnson, supra. Petitioner has demonstrated an express conflict for purposes of jurisdiction.

ARGUMENT

ISSUE

WHETHER THIS COURT SHOULD ACCEPT
JURISDICTION BASED ON CONFLICT.

The Second District Court of Appeal in this case has noted conflict with Johnson, supra, which this Court has accepted for review. (Consolidated for review under Supreme Court Case Number 79,150 and 79,204). Petitioner has demonstrated an express conflict for purpose of jurisdiction. State v. Lofton, 534 So.2d 1148 (Fla. 1988).

CONCLUSION

Based on the foregoing **facts**, arguments, and citations of authority, Respondent requests this Honorable Court to accept jurisdiction and quash the decision of the **First** District Court of Appeal in Johnson, supra.

Respectfully submitted,

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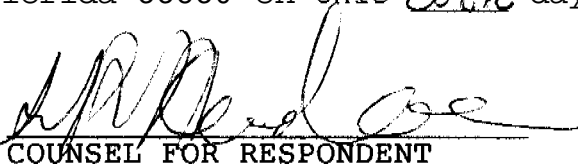


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Regular Mail to JULIUS AULISIO ESQ., Assistant Public Defender, Polk County Courthouse, P.O. Box 9000-Drawer PD, Bartow, Florida 33830 on this 30th day of July, 1992.



COUNSEL FOR RESPONDENT