

IN THE SUPREME COURT OF FLORIDA

JAMES DICK,
Petitioner,

v.

Case No. 80,219

STATE OF FLORIDA,
Respondent.

BRIEF OF RESPONDENT ON JURISDICTION

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State v. Tripp1,2
591 So.2d 1055 (Fla. 2d DCA 1991)

SUMMARY OF THE ARGUMENT

This Court should not accept jurisdiction *of* this case since the certified question presented in State v. Tripp, 591 So.2d 1055 (Fla. 2d DCA 1991), is not an issue in this case.

ARGUMENT

TH S COURT SHOULD NOT EXERCISE ITS
DISCRETIONARY JURISDICTION IN THIS CASE SINCE
THERE IS NO ISSUE HERE OF CREDIT FOR TIME
SERVED

This Court should **not** accept jurisdiction of this case because the issue of credit for time served following a revocation of probation which was certified in State v. Tripp, *infra*, is not an issue in this **case**. This case involved only the **legality of** the imposition of a probationary term on one offense **after** a term of incarceration on another offense. The question certified in Tripp, however, concerns whether a defendant is entitled to credit for time served on one offense upon revocation of the probation imposed on another offense that was subsequent to the first offense.

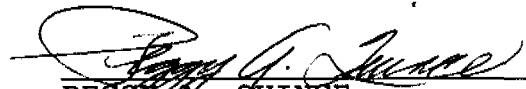
Even if that issue should arise in the future on this case, it is not ripe **presently** since no revocation of probation has **taken place**. Should **revocation of** probation occurs in the future does not make this a justiciable issue in this case at this time. Since the issue **presented in Tripp is** not properly **before** the courts in this case, this Court should not **accept** jurisdiction.

CONCLUSION

Based on **the** argument presented above Respondent submits this Court should not exercise its discretionary jurisdiction in this **case**.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Brief of **Appellee On Jurisdiction has** been furnished by U.S. Mail, postage prepaid, to Jennifer Y. Fogle, Assistant Public Defender, P.O. Box 9000-Drawer PD, Bartow, Florida **33830**, this 24th day of August, 1992.



Of Counsel for Respondent