

**FILED**

SID J. WHITE

APR 24 1995

IN THE SUPREME COURT OF THE STATE OF FLORIDA

CLERK, SUPREME COURT  
By *[Signature]*  
Chief Deputy Clerk

CASE NO.

85,297

**WILLIE B. HARRIS,**

Petitioner,

vs.

**STATE OF FLORIDA,**

Respondent.

RESPONDENT'S BRIEF ON JURISDICTION

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INVOKED SINCE THE OPINION IN HARRIS V.  
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PRELIMINARY STATEMENT

Petitioner was the Defendant and Respondent was the prosecution in the Criminal Division of the Circuit Court of the Nineteenth Judicial Circuit, in and for Martin County, Florida. Petitioner was the appellant, and Respondent was the appellee in the Fourth District Court of Appeal. In this brief, the parties will be referred to as the Defendant and the State.

In this brief, the symbol "A" will be used to denote the appendix attached hereto.

STATEMENT OF THE CASE AND FACTS

The State accepts Petitioner's Statement of the Case and Facts as set forth in his brief on jurisdiction for purposes of this Court's decision on whether to accept or decline jurisdiction in this case.

SUMMARY OF THE ARGUMENT

The Respondent does not oppose this Court's exercise of jurisdiction in the instant case to resolve conflict between the districts.

ARGUMENT

THIS COURT'S JURISDICTION IS PROPERLY INVOKED SINCE THE OPINION IN HARRIS V. STATE CONFLICTS WITH THE OPINION OF THE FIRST DISTRICT IN JOHNSON V. STATE, 525 SO. 2D 964 (FLA. 1ST DCA 1988).

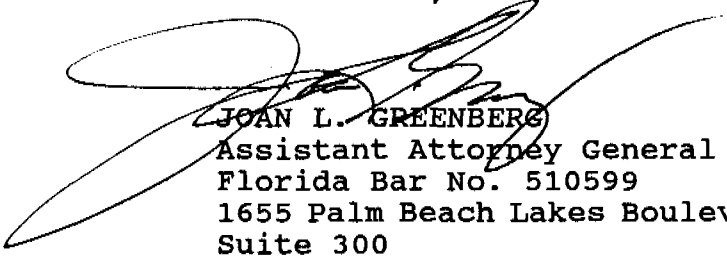
The Respondent does not oppose this Court's exercising its jurisdiction to resolve conflict between districts where the Fourth District Court in the instant case and the First District Court in Johnson v. State, 525 So. 2d 964 (Fla. 1st DCA 1988), have expressed conflicting views regarding the scoring of pre-1972 Florida felony convictions.

CONCLUSION

Based on the foregoing argument and citation of authority, the State respectfully submits that this Court's jurisdiction has properly been invoked.

Respectfully submitted,

ROBERT A. BUTTERWORTH  
Attorney General  
Tallahassee, Florida

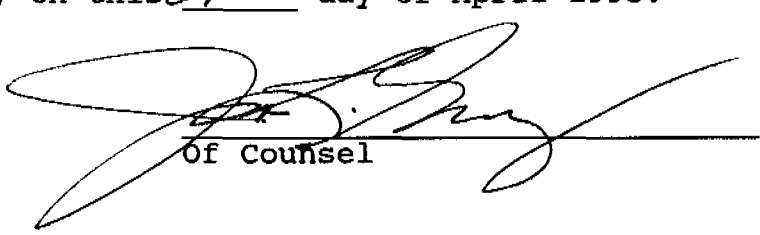


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Respondent's Brief on Jurisdiction has been furnished to CHERRY GRANT, Assistant Public Defender, Criminal Justice Building/6th Floor, 421 3rd Street, West Palm Beach, Florida 33401, on this 21<sup>st</sup> day of April 1995.



Of Counsel

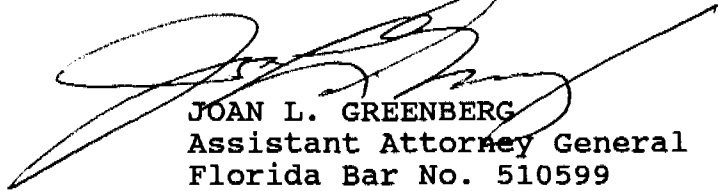


WHEREFORE, the Respondent requests that this Court accept its Brief on Jurisdiction as timely filed.

Respectfully submitted,

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Counsel for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Accept Brief as Timely Filed has been furnished by courier to CHERRY GRANT, Assistant Public Defender, Criminal Justice Building/6th Floor, 421 3rd Street, West Palm Beach, Florida 33401, on this 21st day of April 1995.



Of Counsel