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SID J. WHITE

JUN 14 1995

IN THE SUPREME COURT OF FLORIDA

CLERK, SUPREME COURT  
By \_\_\_\_\_  
Chief Deputy Clerk

STATE OF FLORIDA, :  
 :  
 Petitioner, :  
 :  
 vs. :  
 :  
 CHRISTOPHER WILLIAMS, :  
 :  
 Respondent. :  
 :  
 \_\_\_\_\_ :

Case No. 94-00570

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

BRIEF OF RESPONDENT ON JURISDICTION

JAMES MARION MOORMAN  
PUBLIC DEFENDER  
TENTH JUDICIAL CIRCUIT

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STATEMENT OF THE CASE AND FACTS

The Respondent accepts the Petitioner's statement of the case and facts subject to the following addition.

On April 15, 1994, community control was revoked in this case and Mr. Williams was sentenced to three years imprisonment.<sup>1</sup> (Please see Appendix).

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<sup>1</sup> Undersigned Counsel was unaware of Respondent's violation of community control or imprisonment for this violation while pursuing Mr. William's appeal.

SUMMARY OF THE ARGUMENT

Respondent was found in violation of his community control and was imprisoned subsequent to filing his notice of appeal, but before the Second District Court of Appeal decided his case and ordered resentencing. The issue of the propriety of the Second District Court of Appeal's decision to reverse the imposition of a sentence of two years community control is moot.

## ARGUMENT

The State of Florida seeks to invoke discretionary jurisdiction of this Court to review the decision of the Second District Court of Appeal in Christopher Williams v. State, 20 Fla. L. Weekly D621 (Fla. 2d DCA March 10, 1995). The court in Mr. William's case held that he received an upward departure sentence of an excessive term of community control which required reversal for lack of written reasons for departure, despite the existence of a plea bargain.

On April 15, 1994, community control was revoked in this case and Mr. Williams was sentenced to three years imprisonment. (Please see Appendix). Respondent asserts that the issue of this appeal is moot. The decision regarding the propriety of the departure in the original sentence is meaningless to Mr. Williams. See State v. Jones, 181 So. 2d 645 (Fla. 1966) (issue presented in certiorari petition was moot where sentence under attack had been terminated).

Respondent asks this Court to deny discretionary jurisdiction to the State.

CONCLUSION

In light of the foregoing reasons, arguments, and authorities, the Appellee asks that this Honorable Court to deny jurisdiction.

APPENDIX

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1. Memo of Sentence dated April 15, 1994	A1
2. Memorandum from Cyndi Becker received June 9, 1995, with attachments (Judgment and Sentence	A2-6