

IN THE SUPREME COURT OF FLORIDA

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TERRY BARBER,

Petitioner,

v.

Case No.

500-649

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 REGARDING TYPE

The size and style of type used in this brief is 12-point
Courier New, a font that is not proportionately spaced.

TABLE OF CASES

Grant v. State,
745 So.2d 519 (2DCA 1999) . . . ,3

OTHER AUTHORITIES

Fla.R.App.Proc. 9.030(a)(2)(A)(i)3

STATEMENT OF THE CASE AND FACTS

Respondent accepts the Petitioner's Statement of the Case and Facts for the purpose of determining jurisdiction.

SUMMARY OF THE ARGUMENT

Because this Court has already accepted jurisdiction in several cases presenting the same issue as that raised herein, Respondent defers to this Court's discretion as to whether to accept jurisdiction in the instant case.

ARGUMENT

ISSUE I

THE OPINION OF THE SECOND DISTRICT COURT OF APPEAL EXPRESSLY DECLARES A STATE STATUTE CONSTITUTIONAL.


Respondent acknowledges that the Second District Court of Appeal, in Barber v. State, Case No. 99-1464 (March 17, 2000), declared Section 775.082(8) Fla. Stat. (1997) (Prison Releasee Reoffender Act), constitutional by its per curiam opinion citing Grant v. State, 745 So. 2d 519 (2DCA 1999). Respondent further acknowledges this Court has discretionary jurisdiction over this matter pursuant to Florida Rule of Appellate Procedure 9.030(a)(2)(A)(i). Because this Court has already accepted jurisdiction of identical issues, the State, as Respondent, defers to this Court's discretion as to whether it should exercise its jurisdiction in this case.

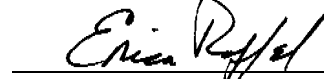
CONCLUSION

WHEREFORE based on the foregoing the State respectfully defers to this Court's discretion as to whether jurisdiction should be accepted.

Respectfully submitted,

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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. mail to William L. Sharwell,, Esquire, Assistant Public Defender, Public Defender's Office, Polk County Courthouse, P.O. Box 9000-PD, Bartow, Florida 33831, this 31ST day of March, 2000.


COUNSEL FOR RESPONDENT