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STATEMENT OF THE CASE AND FACTS

Respondent accepts Petitioner's Statement of the Case and  
Facts.

SUMMARY OF THE ARGUMENT

This Court has recently decided the issue sub judice.

ARGUMENT

ISSUE I

WHEN A DOUBLE JEOPARDY VIOLATION IS ALLEGED BASED ON THE CRIMES OF SALE AND POSSESSION (OR POSSESSION WITH INTENT TO SELL) OF THE SAME QUANTUM OF CONTRABAND AND THE CRIMES OCCURRED AFTER THE EFFECTIVE DATE OF SECTION 775.021, FLORIDA STATUTES (SUPP. 1988), IS IT IMPROPER TO CONVICT AND SENTENCE FOR BOTH CRIMES?

Respondent recognizes this Court's recent decisions in State v. McCloud, Case No. 75,975 (Fla. Feb. 28, 1991) [16 F.L.W. S194]; and State v. V.A.A., Case No. 75,902 (Fla. Feb. 28, 1991) [16 F.L.W. S194].

CONCLUSION


Respondent acknowledges that this case should be handled in accordance with this Court's decisions in McCloud, supra; and V.A.A., supra.

CERTIFICATE OF SERVICE

I certify that a copy has been mailed to Robert Butterworth, Suite 700, 2002 N. Lois Ave., Tampa, FL 33607, (813) 873-4730, on this 12<sup>th</sup> day of March, 1991.

Respectfully submitted,

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