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IN THE SUPREME COURT OF FLORIDA

CASE NO. 77,626

**FILED**  
SID J. WHITE

APR 15 1991

CLERK, SUPREME COURT  
By [Signature]  
Chief Deputy Clerk

THE STATE OF FLORIDA,  
Petitioner,

vs.

LEM ADAM WASHINGTON,

Respondent.

\_\_\_\_\_ /

**JURISDICTIONAL RESPONSE OF RESPONDENT**

COMES NOW, the Respondent, LEM ADAM WASHINGTON, by and through his undersigned attorney, and files this Response to Petitioner's Application for Discretionary Review, and states as follows:

1. The Petitioner, State of Florida, is correct in its assertion that the Third District's opinion in the instant case expressly and directly conflicts with the First District Court of Appeal opinions of Donald v. State, 562 So.2d 792 (Fla. 1st DCA 1990) and Pittman v. State, 15 F.L.W. 2870 (Fla. 1st DCA November 27, 1990).

2. The Respondent, LEM ADAM WASHINGTON, concurs that The Supreme Court should exercise its discretionary jurisdiction and accept the subject case for review.

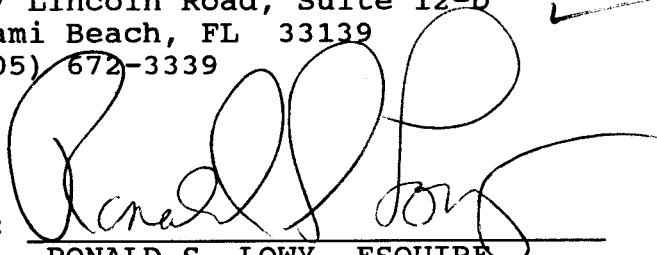
Case No. 77,626

WHEREFORE, having responded to Petitioner's Application for Discretionary Review, the Respondent, LEM ADAM WASHINGTON, concurs that this Honorable Court should grant review pursuant to Article V, Section 3(b) of the Florida Constitution.

Respectfully submitted,

LAW OFFICES OF NEVEL & LOWY  
Attorneys for Respondent  
Financial Federal Building  
407 Lincoln Road, Suite 12-D  
Miami Beach, FL 33139  
(305) 672-3339

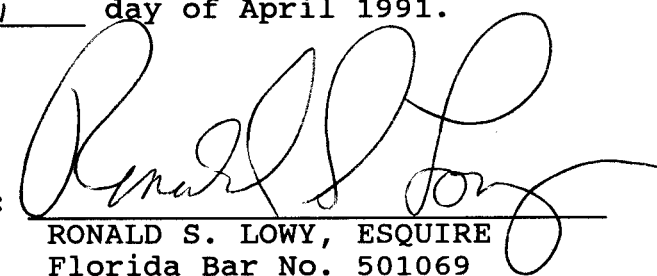
By:

  
RONALD S. LOWY, ESQUIRE  
Florida Bar No. 501069

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing JURISDICTIONAL RESPONSE OF RESPONDENT was furnished by United States mail to Monique T. Befeler, Assistant Attorney General, Department of Legal Affairs, 401 N.W. Second Avenue, Suite N921, Miami, Florida 33128, this 11th day of April 1991.

By:

  
RONALD S. LOWY, ESQUIRE  
Florida Bar No. 501069

RSL:ggv  
Briefs/washington.MOT