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FILED

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OCT 5 1992

CLERK, SUPREME COURT,

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

CASE NO. 80,488

BENNIE LEE PEARSON,
Petitioner/Appellant,

vs.

THE STATE OF FLORIDA,
Respondent/Appellee.

ON PETITION FOR DISCRETIONARY REVIEW

JURISDICTIONAL BRIEF OF RESPONDENT/APPELLEE

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PRELIMINARY STATEMENT

The Petitioner, **BENNIE LEE PEARSON**, was the appellant in the court below and the defendant in the Circuit Court. The Respondent, **THE STATE OF FLORIDA**, was the appellee in the District Court and the prosecution in the trial court. The parties will be referred to, in this brief, as they stand before this court. The symbol "App." will refer to the Appendix to Appellant's Jurisdictional Brief. All emphasis is supplied unless otherwise indicated.

ISSUE PRESENTED FOR REVIEW

WHETHER THE DECISION IN THIS CASE IS IN
EXPRESS AND DIRECT CONFLICT WITH THE
DECISIONS OF OTHER DISTRICT COURTS OF
APPEAL?

SUMMARY OF THE ARGUMENT

It appears that the decision in this case, insofar as it relies on Lamont v. State, 597 So.2d 823 (Fla. 3d DCA 1992), is in direct conflict with other district courts of appeal.

ARGUMENT

THE DECISION IN THIS CASE IS IN EXPRESS
AND DIRECT CONFLICT WITH THE DECISIONS OF
OTHER DISTRICT COURTS OF APPEAL.

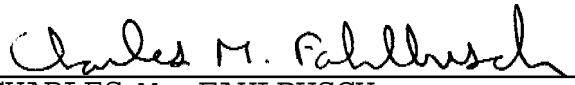
It appears that the decision in this case, insofar **as** it holds, based on Lamont v. State, 597 So.2d 823 (Fla. 3d DCA 1992), that life felonies are subject to enhancement under the habitual offender statute, F.S. §775.084 ((1989), **is in** direct conflict with the decisions of other district courts of appeal.

CONCLUSION

Based upon the foregoing, it appears that conflict jurisdiction does exist in this court, should this court choose to exercise it.

Respectfully submitted,

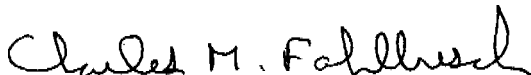
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing JURISDICTIONAL BRIEF OF RESPONDENT/APPELLEE was furnished to SHERYL J. LOWENTHAL, Special Assistant Public Defender, 2600 Douglas Road, Suite 911, Coral Gables, Florida 33134 on this 1st day of October, 1992.



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