

Supreme Court of Florida

No. 65,754

STATE OF FLORIDA, Petitioner,

v.

COYE ELLIOTT BOYETT, Respondent.

[April 18, 1985]

ADKINS J.

We have for consideration the following question certified to us in Boyett v. State, 452 So.2d 958, 960 (Fla. 2d DCA 1984), as one of great public importance:

Is a defendant who was placed on probation before October 1, 1983, entitled to elect to be sentenced under the sentencing guidelines after October 1, 1983, upon a revocation of his probation?

We adopt the opinion of the district court of appeal authored by Judge Grimes and answer the question in the affirmative.

It is so ordered.

BOYD, C.J., OVERTON, ALDERMAN, McDONALD, EHRLICH and SHAW, JJ.,
Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

Second District - Case No. 83-2352

Jim Smith, Attorney General and Karla J. Staker, Assistant
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for Petitioner

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for Respondent