

Supreme Court of Florida

No. 66,551

STATE OF FLORIDA, Petitioner, Cross-Respondent,

v.

HERMAN JOHNSON, JR., Respondent, Cross-Petitioner.

[February 6, 1986]

McDONALD, J.

On Johnson's appeal from his conviction and sentence for committing an armed robbery at an IGA store, the district court vacated his sentence and remanded for resentencing because the trial court failed to provide a written statement of reasons for departing from the sentence recommended under sentencing guidelines. Johnson v. State, 462 So.2d 860 (Fla. 1st DCA 1985). We have conflict jurisdiction pursuant to article V, section 3(b)(3), Florida Constitution, and we approve the instant decision based on State v. Jackson, 478 So.2d 1054 (Fla. 1985).

It is so ordered.

BOYD, C.J., and OVERTON and SHAW, JJ., Concur
ADKINS and EHRLICH, JJ., Dissent

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

Notice and Cross-Notice for Review of the Decision of the District
Court of Appeal - Direct Conflict of Decision

First District - Case No. AW-171

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