

Supreme Court of Florida

No. 67,275

STATE OF FLORIDA, Petitioner,

vs.

ELLIS C. FLETCHER, Respondent.

[JULY 17, 1986]

PER CURIAM.

We have for review Fletcher v. State, 468 So.2d 428 (Fla. 4th DCA 1985), which expressly and directly conflicts with our decision in State v. Jackson, 478 So.2d 1054 (Fla. 1985). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

The district court below vacated Fletcher's sentence, holding, contrary to our decision in Jackson, that Fletcher was entitled to be sentenced under the sentencing guidelines in effect at the time the offenses were committed. On the authority of Jackson, we quash the district court's decision and remand for proceedings consistent with this opinion.

It is so ordered.

MCDONALD, C.J., and ADKINS, BOYD, OVERTON and BARKETT, JJ., Concur
EHRlich, J., Concur specially with an opinion
SHAW, J., Dissents with an opinion

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

EHRlich, J., specially concurring.

I concur because of this Court's decision in State v. Jackson, 478 So.2d 1054 (Fla. 1985), but I adhere to the views expressed in my dissent therein.

SHAW, J., dissenting.

I dissent for the reasons set forth in Justice Ehrlich's dissent to State v. Jackson, 478 So.2d 1054 (Fla. 1985).

Application for Review of the Decision of the District Court of
Appeal - Direct Conflict of Decisions

Fourth District - Case No. 84-2412

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