

# Supreme Court of Florida

CORRECTED OPINION

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No. 67,478

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STATE OF FLORIDA, Petitioner,

vs.

BEN ARNETT, Respondent.

[May 8, 1986]

PER CURIAM.

We review Arnett v. State, 471 So.2d 547 (Fla. 4th DCA 1985), because of direct and express conflict with State v. Jackson, 478 So.2d 1054 (Fla. 1985). We have jurisdiction, article V, section 3(b)(3), Florida Constitution.

The district court below held, inter alia, that sentencing guidelines in effect at the time of sentencing, but not in effect at the time the offense was committed, could not be applied. We quash the portion of the decision so holding on the authority of Jackson and remand for proceedings consistent with this opinion.

It is so ordered.

BOYD, C.J., and ADKINS, OVERTON, McDONALD, and BARKETT, JJ.,  
Concur

EHRlich, J., Concurs specially with an opinion, in which SHAW, J.,  
Concurs

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

EHRlich, J., concurring specially.

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., Concur

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

Fourth District - Case Nos. 84-1881 and  
84-1890

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