

Supreme Court of Florida

No. 68,030

STATE OF FLORIDA, Petitioner,

v.

LINDA PETE, etc., Respondent.

[September 4, 1986]

ADKINS, J.

We have for review Pete v. State, 478 So.2d 375 (Fla. 2d DCA 1985), in which the district court held that the trial court had improperly applied the sentencing guidelines in effect at the time of sentencing rather than those in force at the time of the offense. The decision conflicts with our decision of State v. Jackson, 478 So.2d 1054 (Fla. 1985), and we have jurisdiction pursuant to article V, section 3(b)(3), Florida Constitution.

In Jackson, we held that the trial court may sentence a defendant pursuant to guidelines in effect at the time of sentencing.

Accordingly, the decision of the district court is quashed.

It is so ordered.

McDONALD, C.J., and BOYD, OVERTON, EHRLICH and BARKETT, JJ.,
Concur
SHAW, J., Dissents with an opinion

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

SHAW, J., dissenting.

I dissent for the reasons set forth by Justice Ehrlich in his 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

Second District - Case No. 84-1725

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