

Supreme Court of Florida

No. 68,967

MARVIN RAYMOND BALLARD, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[March 26, 1987]

PER CURIAM.

We originally accepted jurisdiction to determine whether an escalating pattern of more serious offenses is a valid reason for sentencing guidelines departure. In Keys v. State, 500 So. 2d 134 (Fla. 1986), we recently resolved this issue consistent with the district court. Accordingly, we approve the district court decision on this issue.

It is so ordered.

McDONALD, C.J., and OVERTON, EHRLICH, SHAW, BARKETT, GRIMES and KOGAN, 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 - Direct Conflict of Decisions

Fourth District - Case No. 85-455

Richard L. Jorandby, Public Defender, Fifteenth Judicial Circuit,
and Margaret Good, Assistant Public Defender, West Palm Beach,
Florida,

for Petitioner

Robert A. Butterworth, Jr., Attorney General, and Noel A. Pelella,
Assistant Attorney General, West Palm Beach, Florida,

for Respondent