

Supreme Court of Florida

No. 69,798

STATE OF FLORIDA, Petitioner,

vs.

PATRICK J. MORGANTI, Respondent.

[July 9, 1987]

PER CURIAM.

We review Morganti v. State, 498 So.2d 557 (Fla. 4th DCA 1986), to answer the certified question of whether retroactive application of the penalty provisions of section 27.3455, Florida Statutes (1985), violates the ex post facto provisions of the United States and Florida Constitutions. Art. V, § 3(b)(4), Fla. Const. We answer in the affirmative and approve the decision below on the authority of State v. Yost, Nos. 68,949, 69,347, 69,348, and 69,144 (Fla. May 7, 1987).

It is so ordered.

McDONALD, C.J., 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 - Certified Great Public Importance

Fourth District - Case No. 4-86-0338

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