

Supreme Court of Florida

No. 71,306

JOHNNY LEE KING, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[March 3, 1988]

PER CURIAM.

We have for review King v. State, 511 So.2d 1131 (Fla. 4th DCA 1987), in which the district court certified the following question as one of great public importance:

IS THE HABITUAL OFFENDER STATUTE STILL AN
EFFECTIVE BASIS ON WHICH TO EXCEED THE STATUTORY
MAXIMUM AS LONG AS THE SENTENCE IMPOSED DOES NOT
EXCEED THE GUIDELINES RECOMMENDATION?

Id. at 1132. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

The district court's decision is consistent with our decision in Winters v. State, No. 70,164 (Fla. Feb. 25, 1988), in which we recently answered this question in the affirmative. Accordingly, we approve the decision below.

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 - Certified Great Public Importance

Fourth District - Case No. 4-86-1726

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