

Supreme Court of Florida

No. 74,294

STATE OF FLORIDA, Petitioner,

v.

CHESTER T. BYERS, Respondent.

[December 21, 1989]

McDONALD, J.

We review State v. Byers, 545 So.2d 931 (Fla. 2d DCA 1989), because of certified conflict with State v. Williams, 463 So.2d 525 (Fla. 3d DCA 1985).^{*} In the instant case the district court consolidated eight cases and granted the appellees' motions to dismiss the state's appeals, as untimely filed, of the appellees' downward departure sentences. We recently disapproved Williams and held that the state's notice of appeal is untimely if not filed within fifteen days of pronouncement of sentence.

^{*} We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

Fox v. District Court of Appeal, Fourth District, no. 73,697

(Fla. Nov. 30, 1989). Therefore, we approve Bvers.

It is so ordered.

EHRlich, C.J., and OVERTON, 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

Second District - Case No. 88-02488, 88-02489, 88-02490,
(Hillsborough County) 88-02491, 88-02492, 88-02494,
88-02495, & 88-02496

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