

Supreme Court of Florida

No. 74,405

ROBERT JAMES, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[March 15, 1990]

BARKETT, J.

We have for review James v. State, 543 So.2d 236, 236 (Fla. 4th DCA 1989)(on rehearing), in which the district court certified the following as a question of great public importance:

Having sentenced a defendant to a term of incarceration followed by probation or community control, without suspension of any part of the period of incarceration, may the trial court, after a violation of the probation or community control, impose any sentence that could have been originally imposed with credit for time served and within the sentencing guidelines unless valid reasons for departure are given?

We have jurisdiction pursuant to article V, section § 3(b)(4) of the Florida Constitution.

The certified question presents an issue that is identical to the one we decide today in State v. Watts, No. 74,117 (Fla. Mar. 15, 1990). For the reasons we state in Watts, we quash the opinion of the court below and remand to the district court for proceedings consistent with Watts.

It is so ordered.

EHRlich, C.J., OVERTON, MCDONALD, SHAW, 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. 87-2762 and 87-2763
(Broward County)

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