

Supreme Court of Florida

No. 76,442

DANIEL EDWARD SCHESNY, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[February 28, 1991]

OVERTON, J.

Daniel Edward Schesny petitions this Court to review Schesny v. State, 564 So. 2d 640 (Fla. 1st DCA 1990), in which the First District Court of Appeal affirmed Schesny's probationary split sentence. The district court certified the following question as one of great public importance:

DOES A DOUBLE JEOPARDY VIOLATION RESULT FROM THE IMPOSITION OF A PROBATIONARY SPLIT SENTENCE WHEN THE LEGISLATURE HAS NOT EXPLICITLY AUTHORIZED THAT DISPOSITION IN THE SENTENCING ALTERNATIVES OF SECTION 921.187, FLORIDA STATUTES?

Id. at 640-41.¹ In Glass v. State, No. 75,600, slip op. at 3 (Fla. Feb. 7, 1991), we rephrased an identical question to read:

IS THERE STATUTORY AUTHORIZATION FOR A
PROBATIONARY SPLIT SENTENCE?

We answered the rephrased question in the affirmative.

In accordance with our decision in Glass, we approve the decision of the First District Court of Appeal in this case.

It is so ordered.

SHAW, C.J., and McDONALD, BARKETT, GRIMES, KOGAN and HARDING, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

¹ We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

First District - Case No. 89-1304

(Santa Rosa County)

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