

Supreme Court of Florida

ORIGINAL

No. 77,220

JAMES MICHAEL WILLIAMS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[February 6, 1992]

PER CURIAM.

Pursuant to our jurisdiction under article V, section 3(b)(4), Florida Constitution, we review Williams v. State, 573 So. 2d 363, 363 (Fla. 2d DCA 1990), in which the district court certified the following to be a question of great public importance:

DOES A SECOND VIOLATION OF PROBATION
CONSTITUTE A VALID BASIS FOR A DEPARTURE
SENTENCE BEYOND THE ONE-CELL DEPARTURE
PROVIDED IN THE SENTENCING GUIDELINES?

In our recent opinion in Williams v. State, No. 75,919 (Fla. Feb. 6, 1992), we held that in the case of multiple violations of probation, sentences may only be bumped one cell or guideline range for each violation. Therefore, as phrased, we answer the certified question in the negative. We quash the decision below to the extent that it conflicts with Williams and remand the case for disposition according to the rationale of that opinion.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and HARDING, 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

Second District - Case No. 90-01254

(Lee County)

James Marion Moorman, Public Defender and Megan Olson, Assistant
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

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for Respondent