

# Supreme Court of Florida

## ORIGINAL

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No. 77,855

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ANTONIO R. FELK,  
Petitioner,

vs.

RICHARD L. DUGGER, etc.,  
Respondent.

[December 5, 1991]

GRIMES, J.

Petitioner Felk seeks review of Felk v. Dugger, 577 So. 2d 717 (Fla. 1st DCA 1991), in which the district court affirmed the denial of Felk's petition for a writ of habeas corpus or mandamus on the authority of Miller v. Dugger, 565 So. 2d 846 (Fla. 1st DCA 1990), and Blankenship v. Dugger, 521 So. 2d 1097 (Fla. 1988). The district court certified the following question as one of great public importance:

DOES SECTION 944.277(1), FLORIDA  
STATUTES (SUPP. 1988), VIOLATE THE EX  
POST FACTO CLAUSES OF THE FLORIDA AND  
UNITED STATES CONSTITUTIONS WHEN APPLIED  
TO AN INMATE WHOSE OFFENSES OCCURRED  
PRIOR TO THE EFFECTIVE DATE OF THAT  
SECTION AND WHOSE SENTENCE COULD BE  
SHORTENED BY APPLICATION INSTEAD OF THAT  
SECTION'S PREDECESSOR, IN EFFECT WHEN  
THE OFFENSES OCCURRED?

Felk, 577 So.2d at 718. We have jurisdiction pursuant to  
article V, section 3(b)(4), Florida Constitution.

We answered this question in the negative in Dugger v.  
Rodrick, 584 So. 2d 2 (Fla. 1991). In accordance with that  
decision, we approve the district court's decision denying  
Felk's petition for a writ of habeas corpus or mandamus.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, 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

First District - Case No. 90-2499

(Leon County)

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for Petitioner

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