

Supreme Court of Florida

ORIGINAL

No. 78,153

EUGENE BUCHANAN, etc., Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[February 6, 1992]

PER CURIAM.

Eugene Buchanan seeks review of State v. Buchanan, 580 So.2d 201, 202 (Fla. 5th DCA 1991), in which the district court certified to this Court the following question of great public importance:

IS A TRIAL COURT REQUIRED TO GIVE
CONTEMPORANEOUS WRITTEN REASONS IN DEPARTING
DOWNWARD FROM THE GUIDELINES, SINCE FLORIDA RULE
OF CRIMINAL PROCEDURE 3.800(b) ALLOWS A COURT IN
SOME CRIMINAL CASES UPON RECEIPT OF A TIMELY
MOTION TO REDUCE OR MODIFY A SENTENCE WITHOUT

EXPRESSLY REQUIRING THE COURT TO GIVE
CONTEMPORANEOUS WRITTEN REASONS?

Id. at 202. We have jurisdiction. Art. V, § 3(b)(4), Fla.
Const.

We answer the question in the affirmative, adopting Judge
Sharp's opinion as the opinion of this Court. Buchanan, 580
So.2d at 202-03 (Sharp, J., on rehearing).

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

Fifth District - Case No. 90-1860

(Orange County)

James B. Gibson, Public Defender and Noel A. Pelella, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General and James N. Charles,
Assistant Attorney General, Daytona Beach, Florida,

for Respondent