

Supreme Court of Florida

Nos. 78,511 & 78,612

STATE OF FLORIDA, Petitioner,

v.

THOMAS J. OGLESBY, Respondent.

THOMAS J. OGLESBY, Petitioner,

v.

STATE OF FLORIDA, Respondent.

ORIGINAL

[May 7, 1992]

OVERTON, J.

We have for review Oglesby v. State, 583 So. 2d 733 (Fla. 1st DCA 1991), in which the district court certified the same question we recently answered in the negative in State v. Barnes, No. 77,751 (Fla. Feb. 20, 1992). In accordance with Barnes, we

quash that portion of the district court's decision reversing Oglesby's sentencing as a habitual felony offender and remand this cause for reinstatement of the sentence imposed by the trial court. We choose not to address the other issues in these consolidated petitions.

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.

Two Consolidated Applications for Review of the Decision of the
District Court of Appeal - Certified Great Public Importance

First District - Case No. 90-2699

(Okaloosa County)

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