

Supreme Court of Florida

ORIGINAL

No. 78,608

KENNETH DUANE MIXON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[February 6, 1992]

PER CURIAM.

We have for review Mixon v. State, 583 So.2d 817, 817 (Fla. 1st DCA 1991), in which the district court certified the following question of great public importance:*

* We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution.

Is a first-degree felony punishable by a term of years not exceeding life imprisonment subject to an enhanced sentence of life imprisonment pursuant to the provisions of the habitual felony offender statute?

We answered this question in the affirmative in Burdick v. State, No. 78,466 (Fla. Feb. 6, 1992). We therefore approve the opinion below.

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

First District - Case No. 90-1994

(Escambia County)

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for Petitioner

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