

Supreme Court of Florida

ORIGINAL

No. 79,121

KEITH JOLLY, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[December 3, 1992]

OVERTON, J.

We have for review Jolly v. State, 590 So. 2d 2 (Fla. 1st DCA 1991), in which the district court certified the same questions we recently answered in the negative in Tillman v. State, No. 78,715 (Fla. Nov. 19, 1992). We choose not to consider the other issues raised by the petitioner since they were not discussed by the district court in its opinion. For the reasons expressed in Tillman, we approve the decision of the district court.

It is so ordered.

MCDONALD, SHAW, GRIMES and HARDING, JJ., concur.
KOGAN, J., dissenting with an opinion, in which BARKETT, C.J.,
concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

KOGAN, J., dissenting.

I dissent on the basis of my dissenting opinion in Tillman v. State, No. 78,715 (Fla. Nov. 19, 1992). The petitioner has only been convicted of one violent crime and therefore cannot be a habitual violent felony offender,

BARRETT, C.J., concurs.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

First District - Case No. 90-3500

(Duval County)

Nancy A. Daniels, Public Defender and Abel Gomez, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,.

for Petitioner

Robert A. Butterworth, Attorney General; and James W. Rogers,
Bureau Chief, Criminal Appeals, Assistant Attorney General and
Charles T. Faircloth, Jr., Assistant Attorney General,
Tallahassee, Florida,

for Respondent