

Supreme Court of Florida

ORIGINAL

THURSDAY, FEBRUARY 11, 1993

RANDY LEON GHOLSTON, Petitioner,

vs.

CASE NO. 79,152

STATE OF FLORIDA, Respondent.

DCA NO. 89-02826
(First District)

The Motion for Rehearing filed by Respondent, having been considered in light of the revised opinion, is hereby denied.

A True Copy

JB

TEST:

cc: Jon S. Wheeler, Clerk
P. Dewitt Cason, Clerk
Hon. John W. Peach, Judge

Sid J. White
Clerk Supreme Court.

Amelia L. Beisner, Esquire
Carl S. McGinnes, Esquire

Supreme Court of Florida

No. 79,152

RANDY LEON GHOLSTON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[July 23, 1992]

PER CURIAM.

On the authority of Burdick v. State, 594 So. 2d 267 (Fla. 1992), we answer the question certified in Gholston v. State, 589 So. 2d 307 (Fla. 1st DCA 1991), in the affirmative and approve that portion of the district court's opinion that upheld habitual offender sentencing for first-degree felonies punishable by life imprisonment.¹ We do not address any other issues and express no opinion on the correctness of the remainder of the district court opinion.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, SHAW, GRIMES, KOGAN and HARDING, JJ., concur.

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

¹ We have jurisdiction pursuant to article V, section 3(b)(4), of the Florida Constitution.

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

First District - Case No. 89-02826

(Columbia County)

Nancy A. Daniels, Public Defender and Carl S. McGinnes, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and James W. Rogers,
Bureau Chief, Assistant Attorney General and Amelia L. Beisner,
Assistant Attorney General, Tallahassee, Florida,

for Respondent