

Supreme Court of Florida

ORIGINAL

No. 79,663

CHUCK ADDERLY,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[September 24, 1992]

PER CURIAM.

We review State v. Adderly, 596 So. 2d 687 (Fla. 4th DCA 1992), in which the court subsequently certified the following question as being of great public importance:

MAY A TRIAL COURT PROPERLY DEPART FROM
THE MINIMUM MANDATORY PROVISIONS OF

SECTION 893.13(1)(e), FLORIDA STATUTES
(1989), UNDER THE AUTHORITY OF SECTION
397.12, FLORIDA STATUTES (1989)?

State v. Adderly, 17 F.L.W. D850 (Fla. 4th DCA Apr. 1, 1992)(on motion for rehearing).

Upon the authority of Scates v. State, 17 F.L.W. S467 (Fla. July 23, 1992), we answer the certified question in the affirmative. We quash the decision below and remand with directions to reinstate Adderly's probation.

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.

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

Fourth District - Case No. 91-1295

(Broward County)

Richard L. Jorandby, Public Defender and Anthony Calvello,
Assistant Public Defender, Fifteenth Judicial Circuit, West Palm
Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; Joan Fowler, Bureau
Chief, Senior Assistant Attorney General and Don M. Rogers,
Assistant Attorney General, West Palm Beach, Florida,

for Respondent