

# Supreme Court of Florida

**ORIGINAL**

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No. 80,427

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WILLIAM DAVID ALBRECHT,  
Petitioner,

vs.

STATE OF FLORIDA,  
Respondent.

[April 15, 1993]

OVERTON, J.

We have for review Albrecht v. State, 602 So. 2d 692 (Fla. 2d DCA 1992), in which the district court addressed the same question we recently answered in State v. Johnson, Nos. 79,150 & 79,204 (Fla. Apr. 8, 1993).<sup>1</sup> In accordance with our decision in

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<sup>1</sup> We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

Johnson, we quash the decision of the district court in the instant case and remand this cause for resentencing.

It is so ordered.

BARKETT, C.J., and 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 - Statutory Validity

Second District - Case No. 91-02861

(Collier County)

James Marion Moorman, Public Defender; and Jennifer Y. Fogle,  
Assistant Public Defender, Bartow, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; Peggy A. Quince and Carl  
R. Hayes, Assistant Attorney Generals, Tampa, Florida,

for Respondent