

Supreme Court of Florida

No. 80,561

WOODROW WILSON ALLEN, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[March 18, 1993]

OVERTON, J.

We have for review Allen v. State, 604 So. 2d 934 (Fla. 1st DCA 1992), in which the district court certified the same question we recently answered in the negative in Tillman v. State, 609 So. 2d 1295 (Fla. 1992). 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., concurs with an opinion, in which BARKETT, C.J.,
concur.
BARKETT, C.J., concurs in result only,

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

KOGAN, J., concurring.

I concur only because Tillman v. State, 609 So. 2d 1295 (Fla. 1992), has become the law of this State. However, I still maintain that one may not be a habitual violent felony offender when one has been convicted of only a single violent felony.

BARKETT, C.J., concurs.

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

First District - Case No. 91-02898

(Duval County)

Nancy A. Daniels, Public Defender and P. Douglas Brinkmeyer,
Assistant Public Defender, Chief, Appellate Division, Second
Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; James W. Rogers, Bureau
Chief, Criminal Law, and Charlie McCoy, Assistant Attorney
General, Tallahassee, Florida,

for Respondent