

Supreme Court of Florida

ORIGINAL

No. 80,568

STATE OF FLORIDA,

Petitioner,

vs.

MICHAEL C. KNICKERBOCKER,

Respondent.

[March 25, 1993]

PER CURIAM.

We have for review Knickerbocker v. State, 604 So. 2d 876 (Fla. 1st DCA 1992), which certified the following question of great public importance:

May a sentence for a life felony be enhanced pursuant to the provisions of the habitual offender statute?

Id. at 878. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. Consistent with Lamont v. State, 610 So. 2d 435 (Fla. 1992), we answer in the negative and approve the decision below to the extent it addressed the certified question. We otherwise quash the opinion below and remand for reconsideration in light of State v. Rucker, 18 Fla. L. Weekly S93 (Fla. Feb. 4, 1993).

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

First District - Case Nos. 90-3134 & 90-3312

(Alachua County)

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

for Petitioner

George F. Schaefer, Gainesville, Florida,

for Respondent