

Supreme Court of Florida

ORIGINAL

No. 80,666

ELISAMES HARRIS, Petitioner,

VS.

STATE OF FLORIDA, Respondent.

[April 15, 1993]

OVERTON, J.

We have for review Harris v. State, 608 So. 2d 847 (Fla. 3d 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).¹ In accordance with our decision in Johnson, we quash, in part, the decision of the district court in

¹ We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

the instant case. Nevertheless, we approve Harris's sentence. The record in this case reflects that none of the amendments to section 775.084, Florida Statutes, contained in chapter 89-280 affected Harris's sentence. Consequently, we approve the result of the district court's decision because Harris's sentence is not altered by our decision in Johnson.

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 - Direct Conflict of Decisions

Third District - Case No. 92-653

(Dade County)

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for Petitioner

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for Respondent