

# Supreme Court of Florida

**ORIGINAL**

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No. 80,709

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WILLIAM JOSEPH PENTON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[October 14, 1993]

OVERTON, J.

We have for review Penton v. State, 605 So. 2d 1319 (Fla. 1st DCA 1992), in which the district court reversed Penton's consecutive habitual violent felony offender sentences and remanded with directions that Penton's sentences be imposed to run concurrently. The district court also certified the same

question we answered in Tillman v. State, 609 So. 2d 1295 (Fla. 1992).<sup>1</sup> In accordance with our decision in Hale v. State, No. 80,242 (Fla. Oct. 14, 1993), we approve the district court's reversal of Penton's consecutive sentences. On the authority of Tillman, we answer the certified question in the negative.

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.

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<sup>1</sup> We have jurisdiction. Art. V, 3(b)(4), Fla. Const.

Application for Review of the Decision of the District Court of  
Appeal - Certified Great Public Importance  
First District - Case No. 91-709

(Escambia County)

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for Petitioner

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