

Supreme Court of Florida

No. 82,799

STATE OF FLORIDA, Petitioner,

vs.

ROBERT RUCKER, Respondent.

[November 23, 1994]

PER CURIAM.

We have for review Rucker v. State, 626 So.2d 276, 278 (Fla. 2d DCA 1993), in which the district court certified the following question as being of great public importance:

MUST A TRIAL COURT, UPON REVOCATION OF PROBATION, CREDIT PREVIOUS TIME SERVED ON PROBATION TOWARD ANY NEWLY-IMPOSED TERM OF PROBATION SO THAT THE TOTAL PROBATIONARY TERM IS SUBJECT TO THE STATUTORY MAXIMUM FOR A SINGLE OFFENSE?

We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution.

We answered the same question in the affirmative in State v. Summers, 642 So. 2d 742 (Fla. 1994). Because the district court

resolved the issue consistent with our decision in Summers, we approve.

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, KOGAN, HARDING, WELLS and ANSTEAD, 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
Second District - Case No. 92-00116

(Hillsborough County)

Robert A. Butterworth, Attorney General and David R. Gemmer,
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Deborah K.
Brueckheimer, Assistant Public Defender, Tenth Judicial Circuit,
Bartow, Florida,

for Respondent