

Supreme Court of Florida

No. 83,839

STATE OF FLORIDA,
 Petitioner,
 vs.
DARRELL ROUNDTREE,
 Respondent.

[November 23, 1994]

PER CURIAM.

We have for review Roundtree v. State, 637 So. 2d 325 (Fla. 4th 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 (AND/OR COMMUNITY CONTROL), CREDIT PREVIOUS TIME SERVED ON PROBATION (AND/OR COMMUNITY CONTROL) TOWARD A NEWLY IMPOSED PROBATIONARY TERM SO THAT THE TOTAL PROBATIONARY TERM SERVED AND TO BE SERVED DOES NOT EXCEED THE MAXIMUM SENTENCE ALLOWED BY LAW?

637 So. 2d at 326. We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution.

We recently answered a similar question in the affirmative in State v. Summers, 642 So. 2d 742 (Fla. 1994). Because the decision under review is in harmony with our decision in Summers, we approve it.

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
Fourth District - Case No. 93-1312

(Palm Beach County)

Robert A. Butterworth, Attorney General; Joan Fowler, Senior
Assistant Attorney General and Carol Cobourn Asbury, Assistant
Attorney General, West Palm Beach, Florida,

for Petitioner

Richard L. Jorandby, Public Defender and Paul E. Petillo,
Assistant Public Defender, Fifteenth Judicial Circuit, West Palm
Beach, Florida,

for Respondent