

Supreme Court of Florida

No. 85,074

CHESTER MAXWELL,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[July 20, 1995]

WELLS, J.

We have for review a district court decision presenting the following question certified to be of great public importance:

IS SECTION 921.141(7), FLORIDA STATUTES, ALLOWING
VICTIM IMPACT EVIDENCE, UNCONSTITUTIONAL?

State v. Maxwell, 647 So. 2d 871, 873 (Fla. 4th DCA 1994). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

In accordance with our decision in Windom v. State, 20 Fla. L. Weekly S200 (Fla. April 27, 1995), we answer the question in

the negative and approve the Fourth District's decision upholding the constitutionality of section 921.141 (7), Florida Statutes (1993).

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, KOGAN and HARDING, JJ., concur.
ANSTEAD, J., recused.

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. 93-2760

(Broward County)

Carey Haughwout of Tierney & Haughwout, West Palm Beach, Florida,
for Petitioner

Carolyn V. McCann, Special Assistant Attorney General, Ft.
Lauderdale, Florida,

for Respondent