

Supreme Court of Florida

Nos. 85,444 & 85,458

JONATHAN SIMMONS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

STATE OF FLORIDA, Petitioner,

vs.

JONATHAN SIMMONS, Respondent.

[October 5, 1995]

OVERTON, J.

We have for review Simmons v. State, 650 So. 2d 126 (Fla. 3d DCA 1995), in which the district court vacated Jonathan Simmons' sentence and certified the following question as being one of great public importance:

Whether Hale v. State, 630 So. 2d 521 (Fla. 1993),
cert. denied, [115 S. Ct. 278, 130 L. Ed. 2d 195
(1994)], precludes under all circumstances the
imposition of consecutive sentences for crimes arising
from a single criminal episode for habitual felony or
habitual violent felony offenders.

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. In State
v. Hill, No. 84,727 (Fla. Oct. 5, 1995), we have answered this
same certified question in the affirmative. For the reasons set
forth in Hill, we approve the district court's decision in the
instant case.

It is so ordered.

GRIMES, C.J., and SHAW, KOGAN, HARDING and ANSTEAD, JJ., concur.
WELLS, J., dissents.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

Two Cases Consolidated

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance
Third District - Case No. 94-2585

(Dade County)

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