

FILED

SID J. WHITE

JUL 31 1995

CLERK, SUPREME COURT
BY [Signature]
Chief Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF FLORIDA

RICKY J. GOODLOE,
Petitioner,

v.

CASE NO. 85,535

STATE OF FLORIDA,
Respondent.

ON DISCRETIONARY REVIEW FROM
THE FIFTH DISTRICT COURT OF APPEAL

MERITS BRIEF OF RESPONDENT

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TABLE OF CONTENTS

PAGES:

AUTHORITIES CITED ii

SUMMARY OF ARGUMENT 1

ARGUMENT

THE DISTRICT COURT PROPERLY AFFIRMED
PETITIONER'S CONSECUTIVE COUNTY JAIL
SENTENCES..... 2

CONCLUSION 3

CERTIFICATE OF SERVICE 3

AUTHORITIES CITED

CASES:

PAGES:

<u>Armstrong v. State</u> 20 Fla. L. Weekly S235 (Fla. May 18, 1995)	1, 2
<u>Singleton v. State</u> 554 So. 2d 1162 (Fla. 1990)	2

SUMMARY OF ARGUMENT

Respondent requests this honorable court affirm this case based upon its recent decision in Armstrong v. State, 20 Fla. L. Weekly S235 (Fla. May 18, 1995) which holds that consecutive county jail sentences for misdemeanors are permissible.

ARGUMENT

THE DISTRICT COURT PROPERLY AFFIRMED PETITIONER'S CONSECUTIVE COUNTY JAIL SENTENCES.

Respondent requests this court reaffirm its recent decision in Armstrong v. State, 20 Fla. L. Weekly S235 (Fla. May 18, 1995). While Singleton v. State, 554 So. 2d 1162 (Fla. 1990) did not differentiate between felonies and misdemeanors in holding that consecutive periods in county jail are illegal when arising from a single criminal episode, the case involved a reconciliation of the sentencing guidelines and section 922.051, Florida Statutes (1987). As noted by this court, neither section 922.051 nor the sentencing guidelines apply to misdemeanors.

While it is true that this interpretation of the statute allows a misdemeanant to receive consecutive one-year terms in jail when felon may only be sentenced to one year in county jail, it is within the legislature's purview to allow such a result. Respondent asks this court to affirm its decision that it is permissible for a person to receive consecutive county jail sentences which exceed one year for misdemeanors.

CONCLUSION

Based on the arguments and authorities presented herein, appellee respectfully prays this honorable court affirm the decision of the Fifth District Court of Appeal in all respects.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Merits Brief of Respondent has been furnished by delivery via the basket of the Office of the Public Defender at the Fifth District Court of Appeal to Kenneth Witts, Assistant Public Defender, this 28th day of July, 1995.



Ann M. Childs
Of Counsel