

Supreme Court of Florida

No. 86,259

RICHARD EDWARD SHODA,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[January 4, 1996]

PER CURIAM.

We have for review Shoda v. State, 658 So. 2d 673 (Fla. 1st DCA 1995), wherein the First District Court of Appeal certified the following question to be of great public importance:

UPON REVOCATION OF PROBATION AND THE
IMPOSITION OF NEW COMMUNITY CONTROL SENTENCE,
MUST THE TRIAL COURT GIVE CREDIT FOR TIME
PREVIOUSLY SERVED ON PROBATION TOWARDS THE
NEWLY IMPOSED COMMUNITY CONTROL SENTENCE?

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

The district court concluded that the trial court in this case was not required to give Shoda credit for time previously served on probation towards a newly imposed term of community control. In reaching that conclusion, the district court relied on its prior decision in Eanes v. State, 648 So. 2d 174 (Fla. 1st DCA 1994), which we since have quashed. Eanes v. State, 662 So. 2d 334 (Fla. 1995).

Accordingly, based on our decision in Eanes, we answer the certified question in the affirmative,¹ quash the decision under review, and remand for further proceedings consistent with this decision.

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.

¹ Accord Waters v. State, 662 So. 2d 332 (Fla. 1995); State v. Roundtree, 644 So. 2d 1358 (Fla. 1994).

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance
First District - Case No. 94-3846

(Okaloosa County)

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