

Supreme Court of Florida

No. 86,493

STATE OF FLORIDA,

Petitioner,

vs.

JOSEPH J. HALL,

Respondent.

[March 14, 1996]

WELLS, J.

We have for review Hall v. State, 660 So. 2d 406 (Fla. 1st DCA 1995), in which the district court addressed the same question we recently answered in State v. Peterson, 21 Fla. L. Weekly S52 (Fla. February 1, 1996). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

In Peterson, we held that under the sentencing guidelines, a conviction must be scored as prior record, without regard to

whether an appeal is taken. In accordance with our decision in Peterson, we quash the decision of the district court in this case and direct that the sentence imposed by the trial court be affirmed.¹

It is so ordered.

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

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

¹ If these convictions on appeal are subsequently overturned, Hall would, of course, be able to file for postconviction relief from the sentence.

Application for Review of the Decision of the District Court of
Appeal - Direct Conflict of Decisions
First District - Case No. 94-4140

(Holmes County)

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