

Supreme Court of Florida

No. SC94142

CLEON GREENWOOD,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[July 13, 2000]

CORRECTED OPINION

PER CURIAM.

We have for review Greenwood v. State, 720 So. 2d 548 (Fla. 4th DCA 1998), a decision of the Fourth District Court of Appeal citing as controlling authority its opinion in Hyden v. State, 715 So.2d 960 (Fla. 4th DCA 1998), approved in part, disapproved in part, 760 So. 2d 89 (Fla. 2000). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981). The State concedes that a deviation from the oral pronouncement of sentence resulted in a written sentence that failed to give Greenwood credit for six months of jail time. For

the reasons expressed in our opinion in Maddox v. State, 760 So. 2d 89 (Fla. 2000), we find that this is a fundamental error that can be corrected during the window period, quash the decision below and remand for further proceedings consistent with this opinion.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

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 -
Direct Conflict

Fourth District - Case No. 4D97-2666

(St. Lucie County)

Richard L. Jorandy, Public Defender, and Anthony Calvello, Assistant Public Defender, Fifteenth Judicial Circuit, West Palm Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, Celia Terenzio, Bureau Chief, and Ettie Feistmann, Assistant Attorney General, West Palm Beach, Florida,

for Respondent