

Supreme Court of Florida

No. SC95866

ANTHONY H. JERRY,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[July 13, 2000]

PER CURIAM.

We have for review Jerry v. State, 732 So. 2d 500 (Fla. 5th DCA 1999), a decision of the Fifth District Court of Appeal affirming on the authority of its opinion in Maddox v. State, 708 So. 2d 617 (Fla. 5th DCA 1998), approved in part, disapproved in part, 25 Fla. L. Weekly S367 (Fla. May 11, 2000). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981). Jerry received a five-year habitual offender sentence for possession of cocaine. A habitual offender sentence for possession of cocaine is expressly

prohibited by statute. See Maddox v. State, 25 Fla. L. Weekly S367, S370-71 (Fla. May 11, 2000). In accordance with our decision in Maddox, we quash the decision below and remand for further proceedings in light of that opinion.¹

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

Fifth District - Case No. 5D97-2638

(Orange County)

James B. Gibson, Public Defender, and Susan A. Fagan, Assistant Public Defender,
Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Kellie A. Nielan, and Wesley Heidt,
Assistant Attorneys General, Daytona Beach, Florida,

for Respondent

¹We decline to address the other issues raised by Jerry that are not the basis of our jurisdiction. See, e.g., Wood v. State, 750 So. 2d 592, 595 n.3 (Fla. 1999); McMullen v. State, 714 So. 2d 368, 373 (Fla. 1998).