

# Supreme Court of Florida

---

No. SC96208

---

**ANTHONY A. STUART,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[July 13, 2000]

PER CURIAM.

We have for review Stuart v. State, No. 98-02900 (Fla. 2d DCA June 2, 1999), which cited Leonard v. State, 731 So. 2d 2 (Fla. 2d DCA 1999), quashed, 25 Fla. L. Weekly S377 (Fla. May 11, 2000), as controlling authority. We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981). As in Leonard, the State has conceded that the sentences imposed in this case are illegal because they exceed the statutory maximum for the offense. Therefore, we quash the district court's decision in this case and remand for proceedings consistent with our

opinion in Maddox v. State, 25 Fla. L. Weekly S367 (Fla. May 11, 2000).

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

Second District - Case No. 2D98-02900

(Hillsborough County)

Anthony A. Stuart, pro se, Chipley, Florida  
for Petitioner

Robert A. Butterworth, Attorney General, Robert J. Krauss, Senior Assistant Attorney  
General, Chief of Criminal Law, and Ronald Napolitano, Assistant Attorney General,  
Tampa, Florida,

for Respondent