

Supreme Court of Florida

No. SC00-163

STATE OF FLORIDA,
Petitioner,

vs.

JAMES ROY MELTON JR.,
Respondent.

[May 17, 2001]

LEWIS, J.

We have for review State v. Melton, 746 So. 2d 1188 (Fla. 4th DCA 1999). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.

We partially quash the decision of the district court below only as it relates to the petitioner's sentencing under the Prison Releasee Reoffender Act, and remand for reconsideration upon application of our decisions in Grant v. State, 770 So. 2d 655 (Fla. 2000); State v. Cotton, 769 So. 2d 345 (Fla. 2000); McKnight v. State, 769 So. 2d 1039 (Fla. 2000); and Ellis v. State, 762 So. 2d 912 (Fla. 2000). We approve the

determination of the Fourth District with regard to the appellant's conviction for committing a lewd, lascivious, or indecent act upon a child under the age of sixteen.

It is so ordered.

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

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. 4D99-0789

(Martin County)

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