

Supreme Court of Florida

No. SC00-443

CHARLES EDWARDS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[November 16, 2000]

PER CURIAM.

We have for review Edwards v. State, 748 So. 2d 1106 (Fla. 1st DCA 2000), a decision of the First District Court of Appeal citing as controlling authority its opinion in Collins v. State, 732 So. 2d 1149 (Fla. 1st DCA 1999), quashed, 25 Fla. L. Weekly S500 (Fla. June 22, 2000). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.

Edwards contends that the trial court failed to comply with the statutory requirement to file written reasons for imposing a departure sentence. This issue is governed by our opinion in Maddox v. State, 760 So. 2d 89 (Fla. 2000). In Maddox,

we determined that a trial court's failure to file statutorily required reasons for a departure sentence constitutes fundamental error that can be corrected on direct appeal for those appeals that fall within the window period. 760 So. 2d at 106-108; see also Collins v. State, 25 Fla. L. Weekly S500 (Fla. June 22, 2000).

Moreover, Edwards claims error based on this Court's decision in Heggs v. State, 759 So. 2d 620 (Fla. 2000). The State concedes error on this issue. Accordingly, we quash the district court's affirmance of Edwards' sentence and remand for resentencing in accordance with the sentencing guidelines in effect before the relevant amendments made by chapter 95-184, Laws of Florida, became effective.¹

It is so ordered.

SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.
WELLS, C.J., concurs in result only with an opinion.

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

WELLS, C.J., concurring in result only.

I concur in the result in this case, although I continue to believe that Heggs v. State, 759 So. 2d 620 (Fla. 2000), was wrongly decided.

¹Edwards has standing to challenge chapter 95-184 on single-subject rule grounds. See Trapp v. State, 760 So. 2d 924, 928 (Fla. 2000).

Application for Review of the Decision of the District Court of Appeal -
Direct Conflict

First District - Case No. 1D98-4284

(Leon County)

Nancy A. Daniels, Public Defender, and Kathleen Stover, Assistant Public Defender,
Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and James W. Rogers, Senior Assistant
Attorney General, Tallahassee, Florida,

for Respondent