

Supreme Court of Florida

No. SC04-102

WILLIAM E. TEAL,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[October 5, 2006]

PER CURIAM.

We have for review Teal v. State, 862 So. 2d 871 (Fla. 2d DCA 2003), in which the Second District Court of Appeal certified conflict with the Fourth District Court of Appeal's decision in Richardson v. State, 884 So. 2d 950 (Fla. 4th DCA 2003), reh'g granted in part, 884 So. 2d 950, 952 (Fla. 4th DCA 2004), quashed, 915 So. 2d 86 (Fla. 2005). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

We recently quashed the Fourth District Court of Appeal's decision in Richardson and clarified that the sanction of probation is a "sentence" for purposes of applying the sequential conviction requirement of the habitual felony offender

statute, section 775.084(5), Florida Statutes (1999). See State v. Richardson, 915 So. 2d 86 (Fla. 2005).

The present case involves the sanction of community control. For the same reasons that we found probation to be a “sentence” in Richardson, we hold that the sanction of community control is a “sentence” for purposes of applying the sequential conviction requirement. Accordingly, we approve the decision by the Second District Court of Appeal in Teal.

It is so ordered.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, QUINCE, CANTERO, and BELL, 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 - Certified Direct Conflict of Decisions

Second District - Case No. 2D03-1446

(Pinellas County)

Heather M. Gray, Riverview, Florida,

for Petitioner

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for Respondent