

Supreme Court of Florida

No. SC07-436

STATE OF FLORIDA,
Petitioner,

vs.

JULIUS MCGRIFF,
Respondent.

[August 25, 2011]

PER CURIAM.

We previously granted review of McGriff v. State, 32 Fla. L. Weekly D520 (Fla. 1st DCA Feb. 21, 2007), to resolve a certified conflict in the district courts regarding the applicability of Apprendi v. New Jersey, 530 U.S. 466 (2000), and Blakely v. Washington, 542 U.S. 296 (2004), to resentencing proceedings which became final after Apprendi and Blakely issued where the conviction and the original sentence were final before they issued. See art. V, § 3(b)(4), Fla. Const; State v. McGriff, 4 So. 3d 677 (Fla. 2009) (granting review). We resolved this

conflict, however, in State v. Fleming, 61 So. 3d 399 (Fla. 2011). Accordingly, we have determined to discharge jurisdiction in McGriff and dismiss this review proceeding.

It is so ordered.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, LABARGA, and PERRY, JJ., concur.
POLSTON, J., recused.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

First District - Case No. 1D06-1741

(Gadsden County)

Pamela Jo Bondi, Attorney General, Trisha Meggs Pate, Bureau Chief, and Christine Ann Guard, Assistant Attorneys General, Tallahassee, Florida,

for Petitioner

John Stewart Mills of The Mills Firm, P.A., Tallahassee, Florida,

for Respondent