

Supreme Court of Florida

No. 66,393

STATE OF FLORIDA, Petitioner,

v.

JEFFREY JEROME MILTON, Respondent.

[July 3, 1985]

ADKINS J.

We have for consideration the following question certified to us in Milton v. State, No. 83-1769 (Fla. 5th DCA Jan. 3, 1985), as one of great public importance:

Is a defendant who was placed on probation before October 1, 1983, entitled to elect to be sentenced under the sentencing guidelines after October 1, 1983, upon a revocation of his probation?

The same question was certified to us in Boyett v. State, 452 So.2d 958 (Fla. 2d DCA 1984). In that case, we answered the question in the affirmative. State v. Boyett, 467 So.2d 997 (Fla. 1985). We adhere to our holding in Boyett and thus approve the decision of the Fifth District Court of Appeal.

It is so ordered.

BOYD, C.J., OVERTON, ALDERMAN, McDONALD, EHRLICH and SHAW, 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 Great Public Importance

Fifth District - Case No. 83-1769

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