

Supreme Court of Florida

CORRECTED OPINION

No. 66,846

STATE OF FLORIDA, Petitioner,

vs.

DAVID E. HARRIS, Respondent.

[March 20, 1986]

OVERTON, J.

This is a petition to review Harris v. State, 465 So. 2d 545 (Fla. 1st DCA 1985), in which the district court held that the trial court erred in failing to reduce to writing its reasons for departure from the sentencing guidelines, remanded respondent's cause for resentencing, and certified conflict with Harvey v. State, 450 So. 2d 926 (Fla. 4th DCA 1984), and Oden v. State, 463 So. 2d 313 (Fla. 1st DCA 1984). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

We resolved the certified conflict in State v. Jackson, 478 So. 2d 1054 (Fla. 1985). Accordingly, we approve the decision of the district court and remand for resentencing in accordance with Jackson.

It is so ordered.

BOYD, C.J., and ADKINS, McDONALD, EHRLICH, SHAW and BARKETT, 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

First District - Case No. AY-448

Jim Smith, Attorney General and Gary L. Printy, Assistant
Attorney General, Tallahassee, Florida,

for Petitioner

Michael E. Allen, Public Defender and Larry G. Bryant, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent