

Supreme Court of Florida

No. 67,165

STATE OF FLORIDA, Petitioner,

v.

JULIAN TAFT, Respondent.

[May 8, 1986]

ADKINS, J.

In Taft v. State, 468 So.2d 472 (Fla. 4th DCA 1985), the court vacated Taft's sentence because he was sentenced pursuant to the guidelines in effect at the time of sentencing as opposed to the guidelines in effect at the time the crime was committed. In State v. Jackson, 478 So.2d 1054 (Fla. 1985), we held that the trial court may sentence a defendant pursuant to the guidelines in effect at the time of sentencing.

Accordingly, the decision of the district court is quashed.

It is so ordered.

BOYD, C.J., and OVERTON, McDONALD and SHAW, JJ., Concur
EHRlich, J., Concur specially with an opinion, in which SHAW, J.,
Concurs
BARKETT, J., Concur specially with an opinion

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

EHRlich, J., concurring specially.

I concur because of this Court's decision in State v. Jackson, 478 So.2d 1054 (Fla. 1985), but I adhere to the views expressed in my dissent therein.

SHAW, J., Concur

BARKETT, J., concurring specially.

I concur because this case is controlled by the decision of this Court in State v. Jackson, 478 So.2d 1054 (Fla. 1985). I agree, however, with Justice Ehrlich's dissent in that case which concludes that ex post facto protection should apply to the sentencing guidelines.

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

Fourth District - Case No. 84-2394

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