

# Supreme Court of Florida

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No. 67,276

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STATE OF FLORIDA, Petitioner,

v.

JAMES ERNEST MILLER, Respondent.

[May 8, 1986]

ADKINS, J.

In Miller v. State, 468 So.2d 1018 (Fla. 4th DCA 1985), the court vacated Miller'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 and McDONALD, JJ., Concur  
EHRlich, J., Concur specially with an opinion, in which SHAW, J.,  
Concurs

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

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

Fourth District - Case No. 84-2188

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