

Supreme Court of Florida

No. 67,278

STATE OF FLORIDA, Petitioner,

vs.

THEODORE J. MOTT, Respondent.

[MAY 22, 1986]

PER CURIAM.

We granted review of Mott v. State, 469 So.2d 946 (Fla. 5th DCA 1985), because of direct and express conflict with State v. Jackson, 478 So.2d 1054 (Fla. 1985). Art. V, § 3(b)(3), Fla. Const.

We quash the decision below and remand for proceedings consistent with Jackson.

It is so ordered.

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

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

BARRETT, 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.

EHRlich, J., Concurr

SHAW, J., dissenting.

I dissent for the reasons set forth in Justice Ehrlich's dissent to State v. Jackson, 478 So.3d 1054, 1057 (Fla. 1985).

Application for Review of the Decision of the District Court
of Appeal - Class of Constitutional Officers

Fifth District - Case No. 84-1432

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for Petitioner

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