

Supreme Court of Florida

No. 67,281

STATE OF FLORIDA, Petitioner,

vs.

GARY MOORE, Respondent.

[JUNE 26, 1986]

PER CURIAM.

We have for review Moore v. State, 469 So.2d 947 (Fla. 5th DCA 1985), which directly and expressly conflicts with State v. Jackson, 478 So.2d 1054 (Fla. 1985). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

The sole issue raised by the parties is whether a trial court should apply the sentencing guidelines in effect at the time of the offense or those in effect at the time of sentencing. The district court opted for the former view. In Jackson, we adopted the latter view. Moreover, in State v. Taylor, 11 FLW 167 (Fla. Apr. 10, 1986), we specifically disapproved the district court decision before us today. Accordingly, we quash the decision below and remand for proceedings consistent with this opinion.

It is so ordered.

BOYD, C.J., and ADKINS, OVERTON, McDONALD and EHRLICH, JJ., Concur
BARKETT, J., Concur specially with an opinion, in which EHRLICH, J.,
Concurs
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 governed by our decision in State v. Jackson, 478 So.2d 1054 (Fla. 1985). Nevertheless, I am persuaded that Justice Ehrlich's dissent in Jackson sets forth the correct view on this issue.

EHRlich, J., Concurr

SHAW, J., dissenting.

I dissent for the reasons set forth in Justice Ehrlich's dissent to State v. Jackson, 478 So.2d 1054 (Fla. 1985).

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

Fifth District - Case No. 84-1434

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