

Supreme Court of Florida

CORRECTED OPINION

No. 67,446

HUGH FRANCIS BOEHMER, Petitioner,

v.

STATE OF FLORIDA, Respondent.

[JUNE 19, 1986]

ADKINS, J.

We have for review Boehmer v. State, 472 So.2d 555 (Fla. 5th DCA 1985), which the district court certified as conflicting with Boynton v. State, 473 So.2d 703 (Fla. 4th DCA), aff'd, 478 So.2d 351 (Fla. 1985), cert. denied, 106 S.Ct. 1232 (1986), and Jackson v. State, 454 So.2d 691 (Fla. 1st DCA 1984), aff'd 478 So.2d 1054 (Fla. 1985). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

Our recent approval of Boynton and Jackson, in which we held that a departure sentence must be accompanied by a written statement delineating the reasons for departure, requires us to quash the decision of the district court and direct the district court to remand to the trial court for sentencing consistent with this opinion.

It is so ordered.

BOYD, C.J., and OVERTON, 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 of Decisions

Fifth District - Case No. 84-1618

James B. Gibson, Public Defender and Christopher S. Quarles,
Assistant Public Defender, Seventh Judicial Circuit, Daytona
Beach, Florida

for Petitioner

Jim Smith, Attorney General and Ellen D. Phillips, Assistant
Attorney General, Daytona Beach, Florida,

for Respondent