

# Supreme Court of Florida

\_\_\_\_\_  
No. 67,560  
\_\_\_\_\_

STATE OF FLORIDA, Petitioner,

vs.

LUKE RICHARDSON, Respondent.

[JULY 17, 1986]

PER CURIAM.

We have for review Richardson v. State, 472 So.2d 1278 (Fla. 1st DCA 1985), which expressly and directly conflicts with our decision in State v. Jackson, 478 So.2d 1054 (Fla. 1985). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

The district court below vacated Richardson's sentence, holding, contrary to our decision in Jackson, that application of sentencing guidelines in effect at the time of sentencing, rather than those in effect at the time of the offense, violated the prohibition against ex post facto laws, article I, sections 9 and 10, United States Constitution. On the authority of Jackson, we quash the district court's decision and remand for proceedings consistent with this opinion.

It is so ordered.

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

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

EHRlich, J., specially concurring.

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., 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 - Direct Conflict of Decisions

First District - Case Nos. BC-71 and BC-72

Jim Smith, Attorney General, and John W. Tiedemann, Assistant  
Attorney General, Tallahassee, Florida,

for Petitioner

Michael E. Allen, Public Defender, and Carl S. McGinnes, Assistant  
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent