

Supreme Court of Florida

No. 67,713

STATE OF FLORIDA, Petitioner,

vs.

ALPHONSE GRIFFIN, Respondent.

[JUNE 5, 1986]

OVERTON, J.

This is a petition to review Griffin v. State, 474 So. 2d 1266 (Fla. 5th DCA 1985), which 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. We quash that portion of the district court's opinion which states that Alphonse Griffin is entitled to be sentenced in accordance with the guidelines in effect at the time he committed the crimes. See Jackson. We approve the remainder of the decision.

It is so ordered.

BOYD, C.J., and ADKINS, McDONALD 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., 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., 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

Fifth District - Case No. 85-12

Jim Smith, Attorney General and Kevin Kitpatrick Carson, Assistant
Attorney General, Daytona Beach, Florida,

for Petitioner

James B. Gibson, Public Defender and James R. Wulchak, Chief,
Appellate Division, Assistant Public Defender, Seventh Judicial
Circuit, Daytona Beach, Florida,

for Respondent