

Supreme Court of Florida

CORRECTED OPINION

No. 67,787

STATE OF FLORIDA, Petitioner,

v.

JESSE JAMES TISDALE, Respondent.

[August 21, 1986]

ADKINS, J.

In Tisdale v. State, 475 So.2d 1331 (Fla. 5th DCA 1985), the court vacated Tisdale's sentence, finding error in the trial court's application of the guidelines in effect at the time of sentencing rather than at the time of the crime's commission. We have jurisdiction based on conflict. Art. V, § 3(b)(3), Fla. Const.

In State v. Jackson, 478 So.2d 1054 (Fla. 1985), we found that the guidelines in effect at the time of sentencing may properly be applied to determine a defendant's sentence. See State v. Taft, 487 So.2d 1068 (Fla. 1986).

We therefore quash the opinion here under review.

It is so ordered.

MCDONALD, C.J., and 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., 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 - Constitutional Construction

Fifth District - Case No. 84-1787

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