

Supreme Court of Florida

CORRECTED OPINION

No. 69,317
No. 69,307

STATE OF FLORIDA, Petitioner,

vs.

BENNIE FRANK WILLIAMS, Respondent.

BENNIE FRANK WILLIAMS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[July 9, 1987]

PER CURIAM.

We review Williams v. State, 492 So.2d 1098 (Fla. 5th DCA 1986), to answer the certified question of whether retroactive application of the penalty provisions of section 27.3455, Florida Statutes (1985), violates the ex post facto provisions of the United States and Florida Constitutions. Art. V, § 3(b)(4), Fla. Const. We answer in the affirmative and approve the decision below on the authority of State v. Yost, Nos. 68,949, 69,347, 69,348, and 69,144 (Fla. May 7, 1987).

It is so ordered.

MCDONALD, C.J., OVERTON, EHRLICH, SHAW, BARKETT, GRIMES and KOGAN, JJ., concur

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

Two Consolidated Applications for Review of the Decision of
the District Court of Appeal - Certified Great Public Importance

Fifth District - Case No. 85-1858

Robert A. Butterworth, Attorney General and Kevin Kitpatrick
Carson, Assistant Attorney General, Daytona Beach, Florida,

for Petitioner/Respondent State of Florida

James B. Gibson, Public Defender and Brynn Newton, Assistant
Public Defender, Daytona Beach, Florida,

for Respondent/Petitioner Bennie Frank Williams