

Supreme Court of Florida

No. 69,330

STATE OF FLORIDA, Petitioner,

vs.

JERRY GORDON, Respondent.

[July 9, 1987]

PER CURIAM.

We review Gordon v. State, 497 So.2d 661 (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.

Application for Review of the Decision of the District Court
of Appeal - Certified Great Public Importance

Fifth District - Case No. 85-1693

Robert A. Butterworth, Attorney General and Paula C. Coffman,
Assistant Attorney General, Daytona Beach, Florida,

for Petitioner

James B. Gibson, Public Defender and Kenneth Witts, Assistant
Public Defender, Daytona Beach, Florida,

for Respondent