

Supreme Court of Florida

No. 69,801

ROBERT REICHMAN, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[September 10, 1987]

BARKETT, J.

We have for review Reichman v. State, 497 So.2d 293 (Fla. 1st DCA 1986), in which the district court certified the following question as one of great public importance:

DOES A TRIAL COURT'S STATEMENT, MADE AT THE TIME OF DEPARTURE FROM THE SENTENCING GUIDELINES, THAT IT WOULD DEPART FOR ANY ONE OF THE REASONS GIVEN, REGARDLESS OF WHETHER BOTH VALID AND INVALID REASONS ARE FOUND ON REVIEW, SATISFY THE STANDARD SET FORTH IN ALBRITTON V. STATE?

Id. at 294-95. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

We recently answered this question in the negative in Griffis v. State, No. 69,800 (Fla. July 16, 1987). Accordingly, we quash the decision of the district court and direct that the case be remanded to the trial court for resentencing.

It is so ordered.

McDONALD, C.J., and OVERTON, EHRLICH, SHAW and GRIMES, JJ., Concur
KOGAN, J., Dissents

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

First District - Case No. BJ-264

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