

Supreme Court of Florida

No. 71,155

JAMES WILLIE SIMS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[April 21, 1988]

PER CURIAM.

We have for review Sims v. State, 513 So.2d 671 (Fla. 2d DCA 1987), in which the district court certified the following question as one of great public importance:

IS THE HABITUAL OFFENDER STATUTE STILL AN EFFECTIVE BASIS ON WHICH TO EXCEED THE STATUTORY MAXIMUM AS LONG AS THE SENTENCE IMPOSED DOES NOT EXCEED THE GUIDELINES RECOMMENDATION?

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

The outcome of this case is consistent with our decision in Winters v. State, No. 70,164 (Fla. Feb. 25, 1988), in which we answered this question in the affirmative. Accordingly, we approve the decision below.

It is so ordered.

McDONALD, C.J., and 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

Second District - Case No. 86-1844

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