

Supreme Court of Florida

No. 73,140

STATE OF FLORIDA, Petitioner,

vs .

LLOYD RANDOLPH PARKER, ET AL., Respondents.

[November 16, 1989]

PER CURIAM.

We review Parker v. State, 530 So.2d 344 (Fla. 2d DCA 1989), to answer a previously certified question of great public importance. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We answered the question in the affirmative in State v. Smith, 547 So.2d 613 (Fla. 1989), wherein we held that our ruling in Carawan v. State, 515 So.2d 161 (Fla. 1987), is applicable to crimes occurring before the effective date of chapter 88-131, section 7, Laws of Florida, but not to crimes occurring after that date. Accordingly, we approve the decision below for crimes occurring before July 1, 1988.

It is so ordered.

EHRlich, C.J., OVERTON, McDONALD, SHAW and GRIMES, JJ., Concur
BARKETT, J., Dissents with an opinion, in which KOGAN, J., Concurs

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Gordon v. State, 528 So.2d 910, 915-16 (Fla. 2d DCA 1988):
IN APPLYING _____, 515 SO.2D 161 (FLA. 1987), TO
THE FACTS OF THIS CASE, DO CONVICTIONS AND SENTENCES FOR
THE CRIMES OF SALE OF ONE ROCK OF COCAINE AND POSSESSION
WITH INTENT TO SELL THAT SAME ROCK OF COCAINE VIOLATE THE
DOUBLE JEOPARDY PROTECTION PROVIDED BY THE STATE AND
FEDERAL CONSTITUTIONS?

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

BARKETT, J., dissenting.

I dissent for the reasons expressed in my dissent to State
y. Smith, 547 So.2d 613, 419 (Fla. 1989) (Barkett, J.,
dissenting).

KOGAN, J., concurs

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

Second District - Case Nos. 86-2296
(Collier) 86-2443
86-2510
86-2596
86-2597
87-312

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