

# Supreme Court of Florida

\_\_\_\_\_  
No. 73,531  
\_\_\_\_\_

STATE OF FLORIDA, Petitioner,

v.

JEFFREY C. HIEBER, Respondent.

**FILE COPY**

[December 21, 1989]

McDONALD, J.

We have for review State v. Hieber, 541 So.2d 1208 (Fla. 2d DCA 1988), in which the district court certified conflict with State v. Williams, 463 So.2d 525 (Fla. 3d DCA 1985).<sup>\*</sup> In Hieber the court dismissed the state's appeal of Hieber's downward departure sentence because the state's notice of appeal was untimely. We recently disapproved Williams and held that the state's notice of appeal is untimely if not filed within fifteen days of pronouncement of sentence. Fox v. District Court of

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<sup>\*</sup> We have jurisdiction pursuant to art. V, § 3(b)(4), Fla. Const.

Appeal, Fourth District, no. 73,697 (Fla. Nov. 30, 1989). We therefore approve Hieber.

It is so ordered.

EHRlich, C.J., and OVERTON, 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 - Direct Conflict of Decisions

Second District - Case No. 87-1478  
(Hillsborough County)

Robert A. Butterworth, Attorney General; and Stephen A. Baker  
and Katherine V. Blanco, Assistant Attorneys General, Tampa,  
Florida,

for Petitioner

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for Respondent