

Supreme Court of Florida

No. 74,209

JOSEPH D'ANGELO,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[February 14, 1991]

PER CURIAM.

Pursuant to article V, section 3(b)(3) of the Florida Constitution, we accepted jurisdiction to review D'Angelo v. State, 541 So. 2d 706 (Fla. 4th DCA 1989), because of its conflict with Collins v. State, 535 So. 2d 661 (Fla. 3d DCA 1988). The issue is whether the finding that "the crime was committed in a well-organized and professional manner" is a valid

reason for departure from the sentencing guidelines. In the meantime, this Court has now issued its opinion in Hernandez v. State, No. 74,210 (Fla. Feb. 14, 1991), which resolves this issue. Accordingly, we quash the decision below to the extent that it upheld the possibility of a departure sentence and remand the case for resentencing within the range of the sentencing guidelines.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, 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

Fourth District - Case No. 88-0390

(Broward County)

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