Supreme Court of Florida

No. 74,562

STATE OF FLORIDA, Petitioner,

vs.

MARCUS REED, Respondent.

[March 1, 19901

PER CURIAM.

We review Reed v. State, 545 So.2d 891, 892 (Fla. 4th DCA 1989), in which the Fourth District Court of appeal certified the following question as one of great public importance:

> WHEN SENTENCING WITHIN THE GUIDELINES, MAY A TRIAL COURT IMPOSE A SENTENCE OF COMMUNITY CONTROL TO BE FOLLOWED BY PROBATION IF THE TOTAL SENTENCE DOES NOT EXCEED THE TERM PROVIDED BY GENERAL LAW?

Our jurisdiction is predicated upon article V, section 3(b)(4), of the Florida Constitution.

We recently addressed this question in Skeens v. State, No. 74,211 (Fla. Feb. 15, 1990), in which we held that there was no legal impediment to the stacking of probation and community control to meet individualized sentencing circumstances. Accordingly, we answer the certified question in the affirmative.

We quash the decision below and remand for further proceedings.

It is so ordered.

EHRLICH, C.J., OVERTON, McDONALD, 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

Fourth District - Case No. 88-0959

(Martin County)

Robert A. Butterworth, Attorney General and Lynn Waxman, Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

Richard L. Jorandby, Public Defender and Allen J. DeWeese, Assistant Public Defender, West Palm Beach, Florida,

for Respondent