

Supreme Court of Florida

No. 76,030

ALMERTIS STEPHENS,
Petitioner,
vs.
STATE OF FLORIDA,
Respondent.

[January 15, 1991]

PER CURIAM.

We have for review Stephens v. State, 559 So.2d 687 (Fla. 1st DCA 1990), which certified the following question of great public importance:

WHETHER IT IS THE TRIAL COURT'S DUTY TO ASSURE
THAT ALL OF A DEFENDANT'S CASES PENDING IN A
PARTICULAR COUNTY AT THE TIME OF THAT
DEFENDANT'S FIRST SENTENCING HEARING ARE

DISPOSED OF USING ONE SCORESHEET, INCLUDING DEFERRAL OF SENTENCING UNTIL ALL OF THE PENDING CASES HAVE BEEN ADJUDICATED UNLESS THIS WOULD CAUSE UNREASONABLE DELAY OR WOULD UNDULY BURDEN THE COURT OR PREJUDICE THE DEFENDANT?

Id. at 691-92. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

The district court acknowledged that this was the same question certified in Clark v. State, 519 So.2d 1095, 1097-98 (Fla. 1st DCA 1988). In our review of that case we have answered this question in the negative subject to certain exceptions not relevant here. Clark v. State, No. 72,075 (Fla. Jan. 3, 1991). Because the result reached by the district court on this issue is in harmony with our opinion in Clark, it is approved to this extent. We do not reach the other issue raised by the parties, which lies beyond the scope of the certified question.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, BARKETT, GRIMES and KOGAN, JJ., and EHRLICH, Senior Justice, 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

First District - Case No. 89-499

(Duval County)

Nancy Daniels, Public Defender and Nancy L. Showalter, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

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