

Supreme Court of Florida

ORIGINAL

No. 77,855

ANTONIO R. FELK,
Petitioner,

vs.

RICHARD L. DUGGER, etc.,
Respondent.

[December 5, 1991]

GRIMES, J.

Petitioner Felk seeks review of Felk v. Dugger, 577 So. 2d 717 (Fla. 1st DCA 1991), in which the district court affirmed the denial of Felk's petition for a writ of habeas corpus or mandamus on the authority of Miller v. Dugger, 565 So. 2d 846 (Fla. 1st DCA 1990), and Blankenship v. Dugger, 521 So. 2d 1097 (Fla. 1988). The district court certified the following question as one of great public importance:

DOES SECTION 944.277(1), FLORIDA
STATUTES (SUPP. 1988), VIOLATE THE EX
POST FACTO CLAUSES OF THE FLORIDA AND
UNITED STATES CONSTITUTIONS WHEN APPLIED
TO AN INMATE WHOSE OFFENSES OCCURRED
PRIOR TO THE EFFECTIVE DATE OF THAT
SECTION AND WHOSE SENTENCE COULD BE
SHORTENED BY APPLICATION INSTEAD OF THAT
SECTION'S PREDECESSOR, IN EFFECT WHEN
THE OFFENSES OCCURRED?

Felk, 577 So.2d at 718. We have jurisdiction pursuant to
article V, section 3(b)(4), Florida Constitution.

We answered this question in the negative in Dugger v.
Rodrick, 584 So. 2d 2 (Fla. 1991). In accordance with that
decision, we approve the district court's decision denying
Felk's petition for a writ of habeas corpus or mandamus.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, KOGAN and HARDING,
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

First District - Case No. 90-2499

(Leon County)

Peter M. Siegel and Randall C. Berg, Jr. of Florida Justice
Institute, Inc., Miami, Florida,

for Petitioner

Elaine D. Hall, Assistant General Counsel, Department of
Corrections, Tallahassee, Florida,

for Respondent