

Supreme Court of Florida

ORIGINAL

No, 79,669

WILFRED BEAUBRUM, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[January 21, 1993]

OVERTON, J.

We have for review Beaubrum v. State, 595 So. 2d 254 (Fla. 3d DCA 1992), in which the district court addressed the same question we recently answered in State v. Johnson, Nos. 79,150 & 79,204 (Fla. Jan. 14, 1993).¹ In accordance with our decision in Johnson, we quash, in part, the decision of the district court in

¹ We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

the instant case. Nevertheless, we approve Beaubrum's sentence. The record in this case reflects that none of the amendments to section 775.084, Florida Statutes, contained in chapter 89-280 affected Beaubrum's sentence. Consequently, we approve the result of the district court's decision because Beaubrum's sentence is not altered by our decision in Johnson.

It is so ordered.

BARKETT, C.J., and McDONALD, SHAW, GRIMES, 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 - Direct Conflict of Decisions

Third District - Case No. 90-2763

(Dade County)

Wilfred Beaubrum, in proper person, Arcadia, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Patricia Ann Ash,
Assistant Attorney General, Miami, Florida,

for Respondent