

Supreme Court of Florida

ORIGINAL

No. 79,715

DANIEL TERENCE SAVOURY,
Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[January 21, 1993]

OVERTON, J.

We have for review Savoury v. State, 597 So. 2d 296 (Fla. 2d 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

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

Johnson, we quash, in part, the decision of the district court in the instant case.

Nevertheless, we approve Savoury's sentence. The record in this case reflects that Savoury was sentenced under section 775.084, Florida Statutes (1989), because of several prior felony convictions. None of the prior conviction categories under which Savoury was habitualized were altered by the amendments to section 775.084 contained in chapter 89-280, Laws of Florida. Consequently, we approve the result of the district court's decision because Savoury's sentence is not affected by our decision in Johnson. We decline to consider the remaining issues raised by Savoury.

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

Second District - Case No. 92-01170

(Pinellas County)

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for Petitioner

Robert A. Butterworth, Attorney General and Davis G. Anderson,
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for Respondent