

# Supreme Court of Florida

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No. 80,199

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SYLVESTER MA" WARREN,  
Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[November 25, 1992]

OVERTON, J.

We have for review Warren v. State, 601 So. 2d 1252 (Fla. 1st DCA 1992), in which the district court affirmed Warren's sentence as a habitual violent felony offender and certified the following question as being of great public importance:

Is section 775.084(1)(b), the habitual violent felony offender statute, unconstitutional because: (1) it is inequitable and subject to arbitrary and capricious application in violation of article I, section 9 of the Florida Constitution and the 14th Amendment to the United States Constitution, and (2) it violates the constitutional prohibitions against double jeopardy?

Id. at 1253.<sup>1</sup> We answer both portions of the question in the negative and approve the decision of the district court, in accordance with our decisions in Tillman v. State, No. 78,715 (Fla. Nov. 19, 1992), and Ross v. State, 601 So. 2d 1190 (Fla. 1992).

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.

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<sup>1</sup> We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

Application for Review of the Decision of the District Court of  
Appeal - Certified Great Public Importance

First District - Case No. 91-3113

(Escambia County)

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Assistant Public Defender, Second Judicial Circuit, Tallahassee,  
Florida,

for Petitioner

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