

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ROBERT BLAINE LEFTWICH,

Petitioner,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D12-1739

FLORIDA DEPARTMENT OF
CORRECTIONS,

Respondent.

_____ /

Opinion filed November 26, 2012.

Petition for Writ of Certiorari -- Original Jurisdiction.

Robert Blaine Leftwich, pro se, Petitioner.

Jennifer Parker, General Counsel, and Barbara Debelius, Assistant General Counsel,
Florida Department of Corrections, Tallahassee, for Respondent.

PER CURIAM.

In accordance with our decision in McBride v. Moore, 780 So. 2d 221 (Fla. 1st DCA 2001), the circuit court correctly concluded that after being sentenced as an habitual offender, petitioner was ineligible for provisional credits on all his sentences, including those imposed before he was designated an habitual offender. Accordingly, we DENY the petition for writ of certiorari on the merits, but CERTIFY that our decision conflicts with Downs v. Crosby, 874 So. 2d 648 (Fla. 2d DCA 2004).

WOLF, THOMAS, and CLARK, JJ., CONCUR.