

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

IVAN MARCO NULUTAGUA-SANCHEZ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-2499

[May 2, 2007]

PER CURIAM.

Affirmed. See State v. Smiley, 927 So. 2d 1000 (Fla. 4th DCA 2006),
review granted, 937 So. 2d 123 (Fla. 2006). However, we certify the same
question of great public importance as we did on rehearing in *Smiley*:

DOES SECTION 776.013, FLORIDA STATUTES (2005),
APPLY TO CASES PENDING AT THE TIME THE STATUTE
BECAME EFFECTIVE?

944 So. 2d 1027, 1028 (Fla. 4th DCA 2006).

GUNTHER, STONE and FARMER, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm
Beach County; Charles E. Burton, Judge; L.T. Case No. 05-11301
CFA02.

Carey Haughwout, Public Defender, and Emily Ross-Booker, Assistant
Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Diane F. Medley,
Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing