

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DAVID TSCHIDA,)	
)	
Appellant,)	
)	
v.)	Case No. 2D06-3291
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
)	
_____)	

Opinion filed October 27, 2006.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Polk County; Roger Allan Alcott, Judge.

PER CURIAM.

Affirmed. See Burrows v. State, 890 So. 2d 286 (Fla. 2d DCA 2004),
review denied, 914 So. 2d 952 (Fla. 2005); Caraballo v. State, 805 So. 2d 882 (Fla. 2d
DCA 2001). Contrary to the holding of this court in Burrows, the First District in Isaac v.
State, 911 So. 2d 813 (Fla. 1st DCA 2005), on collateral review applied the United
States Supreme Court decision in Blakely v. Washington, 542 U.S. 296 (2004),

retroactively to a sentence that became final before the issuance of the Blakely opinion.
As this court did in Hughes v. State, 933 So. 2d 1285 (Fla. 2d DCA 2006), we certify
direct conflict with Isaac.

Affirmed; conflict certified.

WHATLEY, CASANUEVA, and SILBERMAN, JJ., Concur.