

# Supreme Court of Florida

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No. SC05-2047

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**LEMUEL E. ISAAC,**  
Respondent.

[June 16, 2011]

PER CURIAM.

We previously granted review of Isaac v. State, 911 So. 2d 813 (Fla. 1st DCA 2005), to resolve a certified conflict in the district courts regarding the applicability of Apprendi v. New Jersey, 530 U.S. 466 (2000), and Blakely v. Washington, 542 U.S. 296 (2004), to resentencing proceedings which became final after Apprendi and Blakely issued where the conviction and the original sentence were final before they issued. See art. V, § 3(b)(4), Fla. Const; State v. Isaac, 4 So. 3d 677 (Fla. 2009) (granting review). We resolved this conflict, however, in State v. Fleming, 36 Fla. L. Weekly S50 (Fla. Feb. 3, 2011), revised, 36 Fla. L. Weekly S198 (Fla. Apr. 28, 2011) (granting motion for clarification in part and remanding

for harmless error analysis). Accordingly, we have determined to discharge jurisdiction in Isaac and dismiss this review proceeding.

It is so ordered.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, LABARGA and PERRY, JJ., concur.  
POLSTON, J., recused.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

First District - Case No. 1D03-3438

(Leon County)

Pamela Jo Bondi, Attorney General, Trisha Meggs Pate, Bureau Chief, and Christine Ann Guard, Assistant Attorneys General, Tallahassee, Florida,

for Petitioner

Isaac Ramon Ruiz-Carus of Wilkes and McHugh, P.A., Tampa, Florida,

for Respondent