

Supreme Court of Florida

No. SC95951

MICHAEL HUTCHINSON,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[September 21, 2000]

PER CURIAM.

We have for review Hutchinson v. State, 731 So. 2d 812 (Fla. 5th DCA 1999), based on conflict with State v. Rhoden, 448 So. 2d 1013 (Fla. 1984). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.

We recently held that section 924.051, Florida Statutes (Supp. 1996), applies to juveniles who are charged, tried, and convicted in adult criminal proceedings. See Cargle v. State, No. SC92031, slip op. at 6-7 (Fla. Sept. 21, 2000). Based on our decision in Cargle, we approve the district court's decision below that applied

section 924.051 to petitioner's failure to raise with the trial court, under Florida Rule of Criminal Procedure 3.800(b), the sentencing judge's failure to address in writing the decision to impose adult sanctions under section 39.059(7), Florida Statutes (1995). Accordingly, we approve the decision below.¹

It is so ordered.

WELLS, C.J., and SHAW, HARDING, LEWIS and QUINCE, JJ., concur.
PARIENTE, J., concurs specially with an opinion, in which ANSTEAD, J.,
concur.

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

PARIENTE, J., specially concurring.

I concur for the reasons set forth in my concurring opinion in State v.
Cargle, No. SC92031 (Fla. Sept. 21, 2000).

ANSTEAD, J., concurs.

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

Fifth District - Case No. 5D97-2926

(Orange County)

¹ We decline to address the additional issues raised by petitioner since they exceed the basis upon which we accepted jurisdiction over the case.

James B. Gibson, Public Defender, and M. A. Lucas, Assistant Public Defender,
Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Belle B. Schumann, Wesley Heidt,
Kellie A. Nielan and Lori E. Nelson, Assistant Attorneys General, Daytona Beach,
Florida,

for Respondent