

Supreme Court of Florida

No. SC07-319

MICHAEL GISI,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[January 29, 2009]

PER CURIAM.

This case is before the Court for review of the decision of the Second District Court of Appeal in Gisi v. State, 948 So. 2d 816 (Fla. 2d DCA 2007). In its decision the district court ruled upon the following question, which the court certified to be of great public importance:

IS A DEFENDANT, ON RESENTENCING, ENTITLED TO
CREDIT ON EACH NEWLY IMPOSED CONSECUTIVE
SENTENCE FOR PRISON TIME ALREADY SERVED ON THE
ORIGINAL CONCURRENT SENTENCES?

Id. at 820. We have jurisdiction. See art. V, § 3(b)(4), Fla. Const. We have resolved this issue and answered the certified question in the affirmative in our

review and approval of the decision in Rabedeau v. State, 971 So. 2d 913 (Fla. 5th DCA 2007). See State v. Rabedeau, No. SC08-144 (Fla. Jan. 29, 2009).

Accordingly, for the reasons set out in Rabedeau, we answer the certified question in the affirmative, quash the decision under review and remand for further proceedings consistent herewith.

It is so ordered.

QUINCE, C.J., WELLS, PARIENTE, and LEWIS, JJ., and ANSTEAD, Senior Justice, concur.

CANADY, J., dissents.

POLSTON, J., did not participate.

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

Application for Review of the Decision of the District Court of Appeal - Certified Great Public Importance

Second District - Case No. 2D06-136

(Pinellas County)

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for Petitioner

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for Respondent