

Supreme Court of Florida

No. 61,179

DEBRA JAYNE DeMONTMORENCY, Petitioner,

v.

STATE OF FLORIDA, Respondent.

[February 28, 1985]

ADKINS J.

In accordance with the recent United States Supreme Court decision in Oliver v. United States, 104 S.Ct. 1735 (1984), we grant rehearing and vacate our prior opinion in this case and hold that warrantless "open field" searches are proper, and that evidence received as a result thereof should not be suppressed. We approve the decision of the district court.

It is so ordered.

BOYD, C.J., OVERTON, ALDERMAN, McDONALD and EHRLICH, JJ., Concur

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 - Direct Conflict of Decisions

First District - Case No. VV-432

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