

Supreme Court of Florida

No. 64,977

STATE OF FLORIDA, Petitioner,

vs.

McKINLEY O'NEAL, Respondent.

[April 25, 1985]

EHRlich, J.

This case is before the Court pursuant to jurisdiction granted in article 5, section 3(b)(4), Florida Constitution. The question certified as being of great public importance is substantially similar to that presented in State v. Phillips, No. 64,577 (Fla. Feb. 7, 1985), and our decision here is controlled by the rationale expressed therein. On the authority of Phillips, we answer the certified question in the negative and quash the decision of the district court.

BOYD, C.J., and OVERTON, ALDERMAN, McDONALD and SHAW, JJ., Concur
ADKINS, J., Dissents

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

First District - Case No. AT-179

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for Petitioner

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