

Supreme Court of Florida

No. 69,765

MICHAEL ANTHONY HEZEKIAH, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[April 30, 1987]

PER CURIAM.

We have jurisdiction under article V, section 3(b)(4), Florida Constitution, to answer a certified question of great public importance:

Whether Fla.R.Crim.P. 3.191(i)(4) is applicable to a criminal case wherein the defendant is taken into custody prior to January 1, 1985, 12:01 A.M., the effective date of the above-stated rule.

State v. Hezekiah, 503 So.2d 907 (Fla. 3d DCA 1986). We answered the question posed here affirmatively in Bloom v. McKnight, 502 So.2d 422 (Fla. 1987). We approve the decision below.

It is so ordered.

McDONALD, C.J., and OVERTON, EHRLICH, SHAW, BARKETT, GRIMES and KOGAN, 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 - Certified Great Public Importance

Third District - Case No. 85-2885

Bennett H. Brummer, Public Defender, Eleventh Judicial Circuit,
and Karen M. Gottlieb, Assistant Public Defender, Miami, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Ralph Barreira,
Assistant Attorney General, Miami, Florida,

for Respondent