Supreme Court of Florida

No. 73,665

DAMARIS NAZARIO, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[January 4, 19901

BARKETT, J.

We have for review <u>Nazario v. State</u>, 535 So.2d 295 (Fla. 4th DCA 1988). This case presents the same issue as that presented in <u>Bostick v. State</u>, No. 70,996 (Fla. Nov. 30, 1989). We have jurisdiction under article V, section 3(b)(3) of the Florida Constitution. For reasons expressed in <u>Bostick</u>, we quash the opinion of the district court and remand for proceedings consistent therewith.

It is so ordered.

EHRLICH, C.J., and SHAW and KOGAN, JJ., Concur OVERTON, McDONALD and GRIMES, JJ., Dissent

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

Fourth District - Case No. 4-86-2296 (Broward County)

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for Petitioner

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