

Supreme Court of Florida

No. 73,809

TONY TOPHA JONES, Etc., Petitioner,

vs .

STATE OF FLORIDA, Respondent.

[March 15, 1990]

BARKETT, J.

We have for review State v. Jones, 537 So.2d 153 (Fla. 4th DCA 1989), wherein the district court certified the following question:

May evidence, obtained as a result of defendant's consent to search, be suppressed by the trial court as "coerced" upon the sole ground that the officer(s) boarded a bus (or other public transport) and randomly sought consent from passengers?

Id. at 154. We have jurisdiction under article V, section 3(b)(4) of the Florida Constitution. For the reasons expressed

in Rostick v. State, No. 70,996 (Fla. Nov. 30, 1989), we answer the certified question, as rephrased therein, in the affirmative, quash the decision of the district court, and remand to the district court for proceedings consistent with Bostick.

It is so ordered.

EHRlich, C.J., MCDONALD, SHAW, GRIMES and KOGAN, JJ., Concur
OVERTON, 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

Fourth District - Case No. 87-1693
(Palm Beach County)

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