

Supreme Court of Florida

No. 74,145

JOSEPH SERPA, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[November 30, 1989]

BARKETT, J.

We have for review Serpa v. State, 541 So.2d 799, 799 (Fla. 4th DCA 1989), in which the district court certified the following question to be of great public importance:

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?

We have discretionary jurisdiction. Art. V, § 3(b)(4), Fla. Const. For the reasons expressed in Bostick v. State, No. 70,996 (Fla. Nov. 30, 1989), we answer the certified question, as rephrased therein, in the affirmative, quash the opinion of the district court, and remand to the district court for proceedings consistent with Bostick.

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 - Certified Great Public Importance

Fourth District - Case No. 88-2454
(Broward County)

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