

Supreme Court of Florida

ORIGINAL

No. 76,900

ANTHONY FORNEY,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[February 27, 1992]

PER CURIAM.

We have for review Forney v. State, 567 So.2d 60 (Fla. 4th DCA 1990), which certified the same question recently answered by the Court in Barfield v. State, No. 76,524 (Fla. Jan. 9, 1992). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We quash the opinion below and remand for reconsideration in light of Barfield.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and
HARDING, 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

Fourth District - Case No. 89-1661

(Broward County)

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Assistant Public Defender, Fifteenth Judicial Circuit, West Palm
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for Petitioner

Robert A. Butterworth, Attorney General and Melvina Racey
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for Respondent