

Supreme Court of Florida

ORIGINAL

No. 77,074

PHILLIP SALLAS,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[January 2, 1992]

PER CURIAM.

We have for review Sallas v. State, No. 90-1810 (Fla. 1st DCA Dec. 10, 1990) (unpublished order), which certified the same question of great public importance answered by this Court in Godwin v. State, No. 75,881 (Fla. Jan. 2, 1992). The order

below is quashed and this cause is remanded for reconsideration in light of our opinion in Godwin.

It is so ordered.

OVERTON, McDONALD, GRIMES and HARDING, JJ., concur.

BARKETT, J., concurs in result only.

KOGAN, J., concurs in part and dissents in part with an opinion, in which SHAW, C.J. and BARKETT, J., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

KOGAN, J., concurring in part, dissenting in part.

I concur that this opinion must be quashed and remanded. However, I would order the court below to apply the standard developed in my separate opinion in Godwin v. State, No. 75,881 (Fla. Jan. 2, 1992) (Kogan, J., concurring in part, dissenting in part).

SHAW, C.J. and BARKETT, J., concur.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

First District - Case No. 90-1810

(Duval County)

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Assistant Public Defender, Fourth Judicial Circuit, Jacksonville,
Florida,

for Petitioner

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