Supreme Court of Florida

ORGINAL

No. 77,684

STATE OF FLORIDA, Petitioner,

vs.

RUFUS CHARLES CURRY, Respondent.

[July 1, 1993]

OVERTON, J.

We have for review <u>Curry v. State</u>, 576 So. 2d 890 (Fla. 2d DCA 1991), in which the district court held that the respondent's act of spitting out cocaine was the result of an officer's illegal detention, and, thus, the cocaine was subject to suppression. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. Consistent with our recent decision in <u>Hollinger v. State</u>, No. 79,800 (Fla. June 24, 1993), we approve the decision of the district court in this case.

It is so ordered.

BARKETT, C.J., and McDONALD, SHAW, 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 - Direct Conflict of Decisions

Second District - Case No. 88-02615 (Lee County)

Robert A. Butterworth, Attorney General and Michelle Taylor, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Timothy A. Hickey, Assistant Public Defender, Bartow, Florida,

for Respondent