

# Supreme Court of Florida

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No. 78,089  
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STATE OF FLORIDA, Petitioner,

v.

JAMES M. HERNDON, Respondent.

**ORIGINAL**

[December 5, 1991]

McDONALD, J.

We review Herndon v. State, No. 89-3265 (Fla. 4th DCA May 8, 1991), because it certified a question of great public importance. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

The question certified is identical to and controlled by our opinion in State v. Hunter, No. 73,230 (Fla. Aug. 29, 1991). The decision under review is quashed and remanded for further consideration in light of Hunter.

It is so ordered.

SHAW, C.J. and OVERTON, 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. 89-3265

(Broward County)

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Florida,

for Petitioner

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