

Supreme Court of Florida

ORIGINAL

No. 78,512

STATE OF FLORIDA, Petitioner,

vs.

JAMES LEE MARTIN, Respondent.

[February 20, 1992]

OVERTON, J.

We quash the decision of the district court in Martin v. State, 583 So. 2d 804 (Fla. 1st DCA 1991), on the authority of State v. Barnes, No. 77,751 (Fla. Feb. 20, 1992),¹ and remand for further proceedings consistent with our decision in Barnes.

¹ The 1989 amendment to section 775.084(1)(a)1, Florida Statutes (Supp. 1988), did not change the plain meaning of the statute.

It is so ordered.

SHAW, C.J. and 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

First District - Case No. 90-1251

(Bradford County)

Robert A. Butterworth, Attorney General and Bradley R. Bischoff,
Assistant Attorney General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender and P. Douglas Brinkmeyer,
Assistant Public Defender, Second Judicial Circuit, Tallahassee,
Florida,

for Respondent