

Supreme Court of Florida

ORIGINAL

No. 78,899

STATE OF FLORIDA,

Petitioner,

vs.

BILLY KEY,

Respondent.

[July 2, 1992]

PER CURIAM.

The opinion under review, Key v. State, 589 So.2d 348 (Fla. 1st DCA 1991), is before this Court based on express and direct conflict with State v. Barnes, 595 So.2d 22 (Fla. 1992). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. The opinion below is quashed and remanded for reconsideration in light of Barnes.

It is so ordered.

BARKETT, C.J. and OVERTON, 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

First District - Case Nos. 90-3496 & 90-3689

(Walton County)

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

for Petitioner

Nancy A. Daniels, Public Defender and Glen P. Gifford, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent