Supreme Court of Florida

ORIGINAL

No. 78,955

CHARLIE FORREST, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[September 3, 1992]

PER CURIAM.

Upon the authority of <u>Scates v. State</u>, 17 F.L.W. S467 (Fla. July 23, 1992), we quash <u>State v. Forrest</u>, 588 So. 2d 72 (Fla. 4th DCA 1991), and remand with directions to reinstate Forrest's probation.

It is so ordered.

BARKETT, C.J. and OVERTON, SHAW and KOGAN, JJ., concur.

GRIMES, J., dissents with an opinion, in which HARDING, J., concurs. McDONALD, J., dissents.

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

GRIMES, J., dissenting.

I dissent for the reasons expressed in my dissenting opinion in Scates v. State, 17 F.L.W. S467 (Fla. July 23, 1992). HARDING, J., concurs.

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

Fourth District - Case No. 91-0018 (Broward County)

Richard L. Jorandby, Public Defender and Anthony Calvello, Assistant Public Defender, Fifteenth Judicial Circuit, West Palm Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and James J. Carney, Assistant Attorney General, West Palm Beach, Florida,

for Respondent