

# Supreme Court of Florida

**ORIGINAL**

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No. 79,069

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STATE OF FLORIDA, Petitioner,

vs.

DANNY BOGGAN, Respondent.

[March 19, 1992]

OVERTON, J.

We quash the decision of the district court in Boggan v. State, 589 So. 2d 1036 (Fla. 1st DCA 1991), on the authority of State v. Barnes, No. 77,751 (Fla. Feb. 20, 1992),<sup>1</sup> and remand

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

this cause for further proceedings consistent with our decision  
in Barnes.

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. 90-1819

(Escambia County)

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