

Supreme Court of Florida

ORIGINAL

No. 79,099

STATE OF FLORIDA, Petitioner,

vs.

SYLVESTER SIMS, Respondent.

[April 23, 1992]

OVERTON, J.

We quash the decision of the district court in Sims v. State, 589 So. 2d 970 (Fla. 1st DCA 1991), on the authority of State v. Barnes, No. 77,751 (Fla. Feb. 20, 1992), and remand 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. 91-896

(Escambia County)

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

for Petitioner

Sylvester Sims, in proper person, Crestview, Florida,

for Respondent