

Supreme Court of Florida

ORIGINAL

No. 79,100

STATE OF FLORIDA, Petitioner,

vs.

TIMOTHY JAMES ROSS, SR., Respondent.

[April 23, 1992]

OVERTON, J.

We quash the decision of the district court in Ross v. State, No. 90-1531 (Fla. 4th DCA Dec. 4, 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

Fourth District - Case No. 90-1531

(Indian River County)

Robert A. Butterworth, Attorney General; Joan Fowler, Senior
Assistant Attorney General, Chief, Criminal Law and Don M.
Rogers, Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

No Appearance,

for Respondent