

Supreme Court of Florida

ORIGINAL

NO. 79,135

GERALD BRUCE DOWLING, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[October 8, 1992]

PER CURIAM.

We have for review Dowling v. state, 588 So.2d 1093 (Fla. 3d DCA 1991), a per curiam decision without opinion citing to State v. Pardo, 582 So.2d 1225 (Fla. 3d DCA 1991), quashed in part and approved in part, 596 So.2d 665 (Fla. 1992), which was pending review in this Court. We have jurisdiction pursuant to article V, section 3(b)(3), Florida Constitution. See State v. Lofton, 534 So.2d 1148 (Fla. 1388); Jollie v. State, 405 So.2d 418 (Fla. 1981).

We recently quashed in part and approved in part the district court decision in Pardo which was relied on below. 596 So.2d at 668. Accordingly, the decision under review is quashed and the cause is remanded for reconsideration in light of our decision in Pardo.

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

Third District - Case No. 90-1306

(Dade County)

Bennett H. Brummer, Public Defender and Louis Campbell, Assistant
Public Defender, Eleventh Judicial Circuit, Miami, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Angelica D. Zayas,
Assistant Attorney General, Miami, Florida,

for Respondent