

# Supreme Court of Florida

**ORIGINAL**

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No. 79,162  
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RAFAEL JOSE PUERTAS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[July 16, 1992]

PER CURIAM.

We approve Puertas v. State, 590 So. 2d 48 (Fla. 3d DCA 1991), on the authority of Pardo v. State, 596 So. 2d 665 (Fla. 1992).\*

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.

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\* We have jurisdiction pursuant to article V, section 3(b)(3) of the Florida Constitution.

Application for Review of the Decision of the District Court of  
Appeal - Direct Conflict of Decisions

Third District - Case No. 91-191

(Dade County)

Miguel San Pedro of the Law Offices of Miguel San Pedro, P.A.,  
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for Petitioner

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Assistant Attorney General, Miami, Florida,

for Respondent