

Supreme Court of Florida

ORIGINAL

No. 79,233

STATE OF FLORIDA,
Petitioner,

vs.

CHARLES R. PHILLIPS, SR.,
Respondent.

[September 9, 1993]

PER CURIAM.

We review Phillips v. State, 589 So. 2d 1360 (Fla. 1st DCA 1991), in which the district court certified the same questions answered by this Court in Flanagan v. State, No. 78,923 (Fla. Sept. 9, 1993). We have jurisdiction under article V, section 3(b)(4) of the Florida Constitution.

For the reasons expressed in Flanagan, we answer the

certified questions in the negative. Accordingly, we approve the decision below.

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 - Certified Great Public Importance

First District - Case No. 91-659

(Escambia County)

Robert A. Butterworth, Attorney General and Gypsy Bailey,
Assistant Attorney General, Tallahassee, Florida,

for Petitioner

Leo A. Thomas of Levin, Middlebrooks, Mabie, Thomas, Mayes &
Mitchell, P.A., Pensacola, Florida,

for Respondent