

# Supreme Court of Florida

**ORIGINAL**

\_\_\_\_\_  
No. 79,385  
\_\_\_\_\_

STATE OF FLORIDA, Petitioner,

vs.

KENNETH EUGENE DAVIS, Respondent.

[July 23, 1992]

OVERTON, J.

We quash the decision of the district court in Davis v. State, 592 So. 2d 388 (Fla. 1st DCA 1992), on the authority of State v. Barnes, 595 So. 2d 22 (Fla. 1992), and remand for further proceedings consistent with our decision in Barnes.

It is so ordered.

BARKETT, C.J. and 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. 91-00622

(Escambia County)

Robert A. Butterworth, Attorney General and Marilyn McFadden,  
Assistant Attorney General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender and David P. Gauldin, Assistant  
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent