

Supreme Court of Florida

No. 79,528

ORIGINAL

STATE OF FLORIDA, Petitioner,

v.

ALEXANDER BEATTIE, Respondent.

[November 10, 1993]

PER CURIAM.

The petition for review of Beattie v. State, 595 So. 2d 249 (Fla. 2d DCA 1992), is granted, but the filing of briefs on the merits and oral argument are dispensed with. We quash Beattie and remand for reconsideration in light of Munoz v. State, no. 78,900 (Fla. Oct. 14, 1993).

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
Second District - Case No. 91-00300

(Collier County)

Robert A. Butterworth, Attorney General, and David R. Gemmer,
Assistant Attorney General, Tampa, Florida,

for Petitioner

Lawrence D. Martin of Vega, Brown, Stanley, Martin & Zelman,
P.A., Naples, Florida,

for Respondent