

# Supreme Court of Florida

\_\_\_\_\_  
No. 79,603  
\_\_\_\_\_

MICHAEL JOHN MANNING,  
Petitioner,

vs.

STATE OF FLORIDA,  
Respondent.

**ORIGINAL**

[October 22, 1992]

PER CURIAM.

We review State v. Manning, 595 So. 2d 307 (Fla. 4th DCA 1992), in which the court certified the same question answered by this Court in Scates v. State, 17 F.L.W. S467 (Fla. July 23, 1992). Upon the authority of Scates, we answer the certified question in the affirmative. We quash the decision below and remand with directions to reinstate Manning's probation.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, SHAW, GRIMES, KOGAN and HRRDING, 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**

**Fourth District - Case No. 91-0939**

**(Broward County)**

**Richard L. Jorandby, Public Defender and Allen J. DeWeese,  
Assistant Public Defender, Fifteenth Judicial Circuit, West Palm  
Beach, Florida,**

**for Petitioner**

**Robert A. Butterworth, Attorney General and Michelle A. Smith,  
Assistant Attorney General, West Palm Beach, Florida,**

**for Respondent**