

# Supreme Court of Florida

**ORIGINAL**

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No. 80,287

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STATE OF FLORIDA, Petitioner,

vs.

TONY GLYN SCHMIDT, Respondent.

[April 8, 1993]

OVERTON, J.

We have for review Schmidt v. State, 602 So. 2d 684 (Fla. 1st DCA 1992), in which the district court certified the same question we recently answered in the affirmative in Dugger v. Grant, 610 So. 2d 428 (Fla. 1992). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. In accordance with our decision in Grant, we quash the decision of the district court in the instant case.

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. 90-3619

(Leon County)

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for Petitioner

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for Respondent