

Supreme Court of Florida

No, 80,661

STATE OF FLORIDA, Petitioner,

vs .

DERRICK CHARLES LARRY, Respondent.

[March 11, 1993]

SHAW, J.

We have for review Larry v. State, 17 Fla. L. Weekly D2277 (Fla. 1st DCA Sept. 30, 1992), wherein the district court certified the same question as was certified in Anderson v. State, 592 So. 2d 1119 (Fla. 1st DCA 1991). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We have since answered this question in State v. Rucker, 18 Fla. L. Weekly S93 (Fla. Feb. 4, 1993). We quash Larry and remand for proceedings consistent with Rucker.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, 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. 90-3237

(Alachua County)

Robert A. Butterworth, Attorney General; James W. Rogers,
Assistant Attorney General, Bureau Chief, and Charlie McCoy,
Assistant Attorney General, Tallahassee, Florida,

for Petitioner

No appearance

for Respondent