

Supreme Court of Florida

ORIGINAL

No. 80,729

STATE OF FLORIDA, Petitioner,

vs .

MICHAEL FULLER, Respondent.

[April 8, 1993]

SHAW, J.

We have for review Fuller v. State, 605 So. 2d 1307 (Fla. 1st DCA 1992), wherein the district court certified a question of great public importance. We have jurisdiction. Art. V, 3(b)(4), Fla. Const. We have since answered the question in State v.

Rucker, 18 Fla. L. Weekly 593 (Fla. Feb. 4, 1993). We quash Fuller and remand for proceedings consistent with Rucker.¹

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.

¹ We decline to address the other certified question in Fuller since neither party raised or briefed the issue.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

First District - Case No. 90-2421

(Okaloosa County)

Robert A. Butterworth, Attorney General; and Richard Parker and
Edward C. Hill, Assistant Attorneys General, Tallahassee,
Florida,

for Petitioner

4

Nancy A. Daniels, Public Defender and Kathleen Stover, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent