

Supreme Court of Florida

ORIGINAL

No. 80,835

STATE OF FLORIDA, Petitioner,

vs.

LEROY TOOMBS, Respondent.

[June 24, 1993]

PER CURIAM.

We review Toombs v. State, 605 So. 2d 952 (Fla. 1st DCA 1992), on the ground of conflict of decisions. Art. V, § 3(b)(3), Fla. Const. The decision of the district court of appeal is quashed on the authority of State v. Rucker, 613 So. 2d 460 (Fla. 1993), and the case is remanded for proceedings consistent with Rucker.

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

First District - Case No. 92-479

(Duval County)

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Chief - Criminal Appeals and Carolyn J. Mosley, Assistant
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for Petitioner

Nancy A. Daniels, Public Defender and John R. Dixon, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent