

Supreme Court of Florida

ORIGINAL

No. 80,836

STATE OF FLORIDA, Petitioner,

vs.

STANLEY E. ROBERTS, Respondent.

[April 8, 1993]

SHAW, J.

We have for review Roberts v. State, 606 So. 2d 714 (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 S93 (Fla. Feb. 4, 1993). We quash Roberts 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. 90-2665

(Escambia County)

Robert A. Butterworth, Attorney General and Richard Parker,
Assistant Attorney General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender and P. Douglas Brinkmeyer,
Assistant Public Defender, Second Judicial Circuit, Tallahassee,
Florida,

for Respondent