

Supreme Court of Florida

ORIGINAL

No. 80,855

STATE OF FLORIDA, Petitioner,

vs.

BRUCE A. GAINES, Respondent.

[October 7, 1993]

PER CURIAM.

We review Gaines v. State, 605 So. 2d 1030 (Fla. 1st DCA 1992), on the ground of conflict of decisions. Art. V, § 3(b)(3), Fla. Const. The decision under review is quashed on the authority of State v. Rucker, 613 So. 2d 460 (Fla. 1993), and the case is remanded for proceedings consistent with our opinion in 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. 91-2904

(Alachua County)

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

Nancy A. Daniels, Public Defender and John R. Dixon, Assistant
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for Respondent