

# Supreme Court of Florida

**ORIGINAL**

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No. 80,922  
\_\_\_\_\_

MICHAEL ANTHONY DAVIS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[September 16, 1993]

PER CURIAM.

We review Davis v. State, 609 So. 2d 131 (Fla. 2d DCA 1992), based on a certified question. Art. V, § 3(b)(4), Fla. Const. We answered the question in Tripp v. State, 18 Fla. L. Weekly S326 (Fla. Mar. 25, 1993). The decision of the district court of appeal, insofar as it affected petitioner's sentencing, is quashed and the case is remanded for reconsideration in light of our opinion in Tripp.

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 - Certified Great Public Importance  
Second District - Case No. 91-02951

(Hillsborough County)

James Marion Moorman, Public Defender and Brad Permar, Assistant  
Public Defender, Tenth Judicial Circuit, Clearwater, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Dale E. Tarpley,  
Assistant Attorney General, Tampa, Florida,

for Respondent