

Supreme Court of Florida

ORIGINAL

No. 80,938

STATE OF FLORIDA, Petitioner,

vs.

GUILLERMO TRUJILLO-PENTATE, Respondent.

[June 24, 1993]

PER CURIAM.

We review Trujillo-Pentate v. State, 609 So. 2d 72 (Fla. 1st DCA 1992), based on a certified question. Art. V, § 3(b)(4), Fla. Const. The district court's decision is quashed and the case remanded for proceedings consistent with State v. Rucker, 613 So. 2d 460 (Fla. 1993).

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

First District - Case No. 91-2241

(Okaloosa County)

Robert A. Butterworth, Attorney General and Marilyn McFadden,
Assistant Attorney General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender, Second Judicial Circuit,
Tallahassee, Florida,

for Respondent