

# Supreme Court of Florida

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No. 80,954

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CHRISTOPHER LYNN PORTER,  
Petitioner,

vs.

STATE OF FLORIDA,  
Respondent

[December 23, 1993]

PER CURIAM.

We have for review Porter v. State, 609 So. 2d 640 (Fla. 1st DCA 1992), in which the district court of appeal certified the same question we recently answered in the negative in Seabrook v. State, No. 80,953 (Fla. Dec. 16, 1993). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. For the reasons expressed in Seabrook, we once again answer the question in the negative and approve the decision below.

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. 92-1053

(Bay County)

Nancy A. Daniels, Public Defender and Carl S. McGinnes, Assistant  
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; James W. Rogers, Bureau  
Chief, Criminal Appeals and Charlie McCoy, Assistant Attorney  
General, Tallahassee, Florida,

for Respondent