

Supreme Court of Florida

ORIGINAL

Nos. 80,966 & 81,035

STATE OF FLORIDA, Petitioner,

vs.

CURTIS LEE McCRAY, Respondent.

CURTIS LEE McCRAY, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[October 28, 1993]

PER CURIAM.

We have for review McCray v. State, 609 So. 2d 159 (Fla. 1st DCA 1992), in which the district court certified a question of great public importance. Art. V, § 3(b)(4), Fla. Const. We answered the certified question in State v. Johnson, 616 So. 2d 1 (Fla. 1993). On the authority of Johnson, we approve the decision under review. It is not necessary to discuss the issues raised by the cross-petition.

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.

Two Cases Consolidated

Petition and Cross-Petition for Review of the Decision of the
District Court of Appeal - Certified Great Public Importance
First District - Case No. 91-2828

(Gadsden County)

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

for Petitioner/Cross-Respondent

Nancy A. Daniels, Public Defender and Lynn A. Williams, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent/Cross-Petitioner