

# Supreme Court of Florida

## ORIGINAL

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No. 81,034

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STATE OF FLORIDA, Petitioner,

vs.

JOEY WASHINGTON, Respondent.

[June 24, 1993]

PER CURIAM.

The decision of the district court of appeal in Washington v. State, 610 So. 2d 517 (Fla. 1st DCA 1992), is before this Court for review based on a certified question. Art. V, § 3(b)(4), Fla. Const. The decision under review 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. 91-2647

(Suwannee County)

Robert A. Butterworth, Attorney General; James W. Rogers, Bureau  
Chief, Criminal Law and Joe S. Garwood, Assistant Attorney  
General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender and P. Douglas Brinkmeyer,  
Assistant Public Defender, Second Judicial Circuit, Tallahassee,  
Florida,

for Respondent