

# Supreme Court of Florida

## ORIGINAL

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No. 81,081

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STATE OF FLORIDA, Petitioner,

vs.

BELINDA M. DAVIS and  
MARY D. WATERS, Respondents.

[June 24, 1993]

PER CURIAM.

We have for review Davis v. State, 609 So. 2d 175 (Fla. 1st DCA 1992), 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. 91-2868

(Escambia County)

Robert A. Butterworth, Attorney General; James W. Rogers, Bureau  
Chief - Criminal Appeals and Carolyn J. Mosley, Assistant  
Attorney General, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

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

for Respondent