

# Supreme Court of Florida

## ORIGINAL

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No. 81,083

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STATE OF FLORIDA, Petitioner,

vs.

TONY STONE, Respondent.

[June 24, 1993]

PER CURIAM.

Stone v. State, 610 So. 2d 81 (Fla. 1st DCA 1992), is before the Court for review based on a certified question. Art. V, § 3(b)(4), Fla. Const. The decision under review is quashed and the case is 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. 91-2243

(Okaloosa County)

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

for Petitioner

Nancy A. Daniels, Public Defender and Abel Gomez, Assistant  
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent