

Supreme Court of Florida

ORIGINAL

No. 81,099

STATE OF FLORIDA, Petitioner,

vs.

JAMES TOMMY PEEK, Respondent.

[April 8, 1993]

SHAW, J.

We have for review Peek v. State, 610 So. 2d 5 (Fla. 1st DCA 1992), wherein the district court certified a question of great public importance. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We have since answered the question in State v. Rucker, 18 Fla. L. Weekly 593 (Fla. Feb. 4, 1993). We quash Peek and remand for proceedings consistent with Rucker.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, 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. 91-2872

(Escambia County)

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