

Supreme Court of Florida

ORIGINAL

No. 81,100

STATE OF FLORIDA, Petitioner,

vs.

THOMAS JOSEPH ARNOLD, Respondent.

[June 24, 1993]

PER CURIAM.

The Court exercises its jurisdiction under article V, section 3(b)(4), Florida Constitution, to review Arnold v. State, 611 So. 2d 21 (Fla. 1st DCA 1992), based on a certified question. The decision under review is quashed and the case remanded for proceedings consistent with State v. Rucker, 613 So. 2d 460 (Fla. 1993), in which the question was resolved.

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. 91-1040

(Leon 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 Carl S. McGinnes, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent