

# Supreme Court of Florida

COPY

\_\_\_\_\_  
No. 81,165  
\_\_\_\_\_

STATE OF FLORIDA, Petitioner,

vs.

PATRICIA FRUETEL, Respondent.

[December 16, 1993]

PER CURIAM.

We review the decision of the district court of appeal in Fruetel v. State, 609 So. 2d 697 (Fla. 4th DCA 1992), on the jurisdictional ground of certified conflict. Art. V, § 3(b)(4), Fla. Const.

The decision under review is quashed on the authority of Munoz v. State, 18 Fla. L. Weekly S537 (Fla. Oct. 14, 1993), and the case is remanded to the district court for reconsideration in light of our opinion in Munoz.

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 Direct Conflict of Decisions  
Fourth District - Case No. 90-2970

(Broward County)

Robert A. Butterworth, Attorney General; Joan Fowler, Senior  
Assistant Attorney General, Criminal Law and Don M. Rogers,  
Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

Anthony C. Musto, Miami, Florida,

for Respondent