

# Supreme Court of Florida

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No. 81,437

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LLOYD A. STEELE, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[October 28, 1993]

PER CURIAM.

We have for review Steele v. State, 616 So. 2d 60 (Fla. 5th DCA 1993). In rendering its decision, the district court of appeal cited as controlling authority State v. Johnson, 18 Fla. L. Weekly S55 (Fla. Jan. 14, 1993), which at the time was still pending on review before this Court. See Steele v. State, No. 92-411 (Fla. 5th DCA Feb. 12, 1993) (slip opinion). Johnson was subsequently corrected on denial of rehearing. State v. Johnson, 616 So. 2d 1 (Fla. 1993). We therefore find that we have jurisdiction under article V, section 3(b)(3), Florida

Constitution. See Jollie v. State, 405 So. 2d 418 (Fla. 1981).

On the authority of State v. Johnson, the decision under review is quashed and the case is remanded to the district court for reconsideration in light of our final decision in Johnson.

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 - Direct Conflict of Decisions  
Fifth District - Case No. 92-411

(Marion County)

Lloyd A. Steele, pro se, Jasper, Florida; and Ronald E. Fox of  
Ronald E. Fox, P.A., Umatilla, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Barbara Arlene Fink,  
Assistant Attorney General, Daytona Beach, Florida,

for Respondent