

Supreme Court of Florida

No. 81,621

FREDERICK BAILEY et al., Petitioners,

vs.

STATE OF FLORIDA, Respondent.

[February 10, 1994]

PER CURIAM.

We review State v. Bailey, 614 So. 2d 1224 (Fla. 1st DCA 1993), on the ground that the district court declared a statute valid. Art. V, § 3(b)(3), Fla. Const.

On the authority of Brown v. State, 19 Fla. L. Weekly S22 (Fla. Jan. 6, 1994), the decision under review is hereby quashed and the case remanded for further proceedings consistent with this Court's opinion in Brown.

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 - Statutory Validity

First District - Case Nos. 92-1064, 92-1076, 92-1243

(Alachua County)

Nancy A. Daniels, Public Defender and P. Douglas Brinkmeyer,
Assistant Public Defender, Chief, Appellate Division, Second
Judicial Circuit, Tallahassee, Florida,

for Petitioners

Robert A. Butterworth, Attorney General; James W. Rogers,
Assistant Attorney General, Bureau Chief, Criminal Appeals, and
Gypsy Bailey, Assistant Attorney General, Tallahassee, Florida,

for Respondent