

Supreme Court of Florida

No. 81,911

ORIGINAL

CHRISTOPHER N. SARGENT, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[January 13, 1994]

PER CURIAM.

Petitioner seeks review of the decision of the district court of appeal in State v. Sargent, 617 So. 2d 1115 (Fla. 5th DCA 1993). We have jurisdiction under article V, section 3(b)(4) of the Florida Constitution.

Our recent decision in Munoz v. State, 18 Fla. L. Weekly S537 (Fla. Oct. 14, 1993), resolved the issue presented in this case. On the authority of Munoz, the decision under review is approved.

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
Fifth District - Case No. 92-92

(Osceola County)

James B. Gibson, Public Defender and Sophia Ehringer, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Anthony J. Golden,
Assistant Attorney General, Daytona Beach, Florida,

for Respondent