

Supreme Court of Florida

No. 82,502

BOBBY DARIN THOMPSON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

ORIGINAL

[April 14, 1994]

PER CURIAM.

We review Thompson v. State, 624 So. 2d 414 (Fla. 1st DCA 1993), based on a certified question. Art. V, § 3(b)(4), Fla. Const.

We recently answered the same certified question in Brooks v. State, 630 So. 2d 527 (Fla. 1993). Based on our decision in Brooks, we quash the decision of the district court of appeal and remand for proceedings consistent with Brooks.

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. 92-4326

(Escambia County)

Nancy A. Daniels, Public Defender and Kathleen Stover, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; James W. Rogers, Bureau
Chief, Criminal Appeals, and Bradley R. Bischoff, Assistant
Attorney General, Tallahassee, Florida,

for Respondent