

Supreme Court of Florida

No. 82,629

ROBERT JOHNSON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

ORIGINAL

[May 12, 1994]

PER CURIAM.

We review the decision in State v. Johnson, 629 So. 2d 860 (Fla. 4th DCA 1993), in which the district court of appeal certified a question of great public importance. Art. V, § 3(b)(4), Fla. Const.

The district court certified the question of whether its decision in Metcalf v. State, 614 So. 2d 548 (Fla. 4th DCA 1993), was correct. Based on our recent ruling quashing the cited decision, Metcalf v. State, 19 Fla. L. Weekly S168 (Fla. Apr. 7, 1994), we answer in the negative and quash the decision under review.

It is so ordered.

GRIMES, C.J., and OVERTON, McDONALD, SHAW, 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
Fourth District - Case No. 92-3180

(Broward County)

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Florida,

for Petitioner

Robert A. Butterworth, Attorney General; and Joan Fowler, Senior
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for Respondent