

Supreme Court of Florida

ORIGINAL

No. 83,216

PATRICK ALLEN SALGAT, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[March 30, 1995]

PER CURIAM.

On February 18, 1994, this Court entered its Order accepting jurisdiction and setting oral argument. We have now determined that the Court is without jurisdiction and, therefore, the Petition for Review is denied. This Court has no jurisdiction to answer a question certified by a district court when that court has not first passed upon the question certified. See art. V, § 3(b)(4), Fla. Const.; Revitz v. Baya, 355 So. 2d 1170 (Fla. 1977). On our own motion, we have addressed the issue of whether a jury instruction on inconsistent exculpatory

statements should continue to be allowed in future trials. See
In re Instructions in Criminal Cases, No. 85,199 (Fla. Mar. 30,
1995).

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, KOGAN, HARDING, WELLS and
ANSTEAD, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance
First District - Case No. 91-02552

(Santa Rosa County)

Nancy A. Daniels, Public Defender and Glen P. Gifford, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; Carolyn J. Mosley,
Assistant Attorney General and James W. Rogers, Bureau Chief -
Criminal Appeals, Tallahassee, Florida,

for Respondent