

# Supreme Court of Florida

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No. 84,373

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STATE OF FLORIDA,

Petitioner,

vs.

FERNANDO FERNANDEZ,  
LEONARDO FRANQUI,  
PABLO SAN MARTIN, and  
RICHARD GONZALEZ,

Respondents.

[July 20, 1995]

WELLS, J.

We have for review State v. Fernandez, 643 So. 2d 1094 (Fla. 3d DCA 1994) (table report of unpublished order), which was certified as being in express and direct conflict with the decision in State v. Maxwell, 647 So. 2d 871 (Fla. 4th DCA 1994). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

In Windom v. State, 20 Fla. L. Weekly S200 (Fla. April 27, 1995), we cited with approval the Fourth District's reasoning in Maxwell. In accordance with Windom, we therefore quash the order issued by the Third District Court of Appeal in the instant case.

It is so ordered.

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

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 Direct Conflict of Decisions  
Third District - Case No. 94-00819

(Dade County)

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