

# Supreme Court of Florida

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No. 84,758

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STATE OF FLORIDA,

Petitioner,

vs.

JOSEPH SANTORO,

Respondent.

[July 20, 1995]

SHAW, J.

We have for review Santoro v. State, 644 So. 2d 585 (Fla. 5th DCA 1994), based on conflict with Ashley v. State, 614 So. 2d 486 (Fla. 1993). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

Our decision in State v. Blackwell, No. 84,071 (Fla. July 20, 1995), is dispositive of this case. We quash Santoro and remand for proceedings consistent with Blackwell.

It is so ordered.

GRIMES, C.J., and OVERTON, KOGAN, HARDING, WELLS and ANSTEAD,  
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 - Direct Conflict of Decisions  
Fifth District - Case No. 93-2404

(Volusia County)

Robert A. Butterworth, Attorney General; and Robin Compton Jones  
and Bonnie Jean Parrish, Assistant Attorneys General, Daytona  
Beach, Florida,

for Petitioner

James B. Gibson, Public Defender; and Susan A. Fagan and Nancy  
Ryan, Assistant Public Defenders, Seventh Judicial Circuit,  
Daytona Beach, Florida,

for Respondent