

Supreme Court of Florida

No. 85,294

STATE OF FLORIDA,

Petitioner,

vs.

EUGENE C. BAIN,

Respondent.

[October 26, 1995]

PER CURIAM.

We have for review Bain v. State, 650 So. 2d 83 (Fla. 4th DCA 1993), in which the district court addressed the same question we recently answered in State v. Hamilton, 20 Fla. L. Weekly S465 (Fla. Sept. 14, 1995). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

In accordance with our decision in Hamilton, we approve the decision of the district court in this case.¹

It is so ordered.

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

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

¹ Because of our resolution of this issue we decline to address the other issues raised on review.

Application for Review of the Decision of the District Court of
Appeal - Statutory Validity
Fourth District - Case No. 94-0437

(Indian River County)

Robert A. Butterworth, Attorney General; Joan Fowler, Senior
Assistant Attorney General, Chief and Georgina Jimenez-Orosa,
Senior Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

Richard L. Jorandby, Public Defender; and Ellen Morris and David
McPherrin, Assistant Public Defenders, Fifteenth Judicial
Circuit, West Palm Beach, Florida,

for Respondent