

Supreme Court of Florida

No. 87,010

STATE OF FLORIDA,

Petitioner,

vs.

LAURENTINO BRAVO SALAZAR,

Respondent.

[September 26, 1996]

SHAW, J.

We have for review Salazar v. State, 665 So. 2d 1066 (Fla. 4th DCA 1995), wherein the district court certified conflict with State v. Lamoureux, 660 So. 2d 1063 (Fla. 2d DCA 1995). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We quash Salazar based on Melbourne v. State, 21 Fla. L. Weekly S358 (Fla. Sept. 5, 1996). Melbourne applies to parts 1, 2, and 3 of section 316.193(3)(c), Florida Statutes (1993).

It is so ordered.

KOGAN, C.J., and OVERTON, GRIMES, 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 - Certified Direct Conflict of Decisions
Fourth District - Case No. 94-0712

(Palm Beach County)

Robert A. Butterworth, Attorney General; Georgina Jimenez-Orosa,
Assistant Attorney General, Chief, West Palm Beach Bureau; and
John Tiedemann and Melynda L. Melear, Assistant Attorneys
General, West Palm Beach, Florida,

for Petitioner

Richard L. Jorandby, Public Defender and Cherry Grant, Assistant
Public Defender, Fifteenth Judicial Circuit, West Palm Beach,
Florida,

for Respondent

Flem K. Whited III and Barbara C. Davis of Whited & Davis,
Daytona Beach, Florida,

for the Florida Association of Criminal Defense Lawyers,
Amicus Curiae