

Supreme Court of Florida

BROWARD COUNTY,
Petitioner,

vs.

**STATE OF FLORIDA and
MICHAEL T. RIVERA,**
Respondents.

No. 89,989

[September 25, 1997]

CORRECTED OPINION

PER CURIAM.

Broward County filed a petition for writ of certiorari in the Fourth District Court of Appeal, which transferred the petition to this Court as involving a prisoner (respondent Rivera) under sentence of death. We have jurisdiction under our "plenary and exclusive appellate authority over cases involving death sentences,"¹ and treat the present petition as a direct appeal from the trial court's order at issue.

We have decided this issue in Porter v. State, No. 90,101 (Fla. Sept. 25, 1997), and in accord with that decision, we grant the petition and quash the trial court's order.

It is so ordered.

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

OVERTON, J., concurs with an opinion.

NO MOTION FOR REHEARING WILL BE
ENTERTAINED BY THE COURT.

OVERTON, J., concurring.

See my concurring opinion in Porter v. State, No. 90,101 (Fla. Sept. 25, 1997).

An Appeal from the Circuit Court in and for
Broward County,

John G. Ferris, Judge -
Case No. 86-11716CF10

John J. Copelan, Jr., County Attorney;
Anthony C. Musto, Chief Appellate Counsel
and Tamara M. Scrudgers, Assistant County
Attorney, Fort Lauderdale, Florida,

for Petitioner

Robert A. Butterworth, Attorney General;
Sara D. Baggett and Celia A. Terenzio,
Assistant Attorneys General, West Palm
Beach, Florida; Michael J. Satz, State
Attorney and Susan Bailey, Assistant State
Attorney, Fort Lauderdale, Florida; and Gail
E. Anderson, Assistant CCR, Office of Capital
Collateral Representative, Tallahassee, Florida,

for Respondents

¹Asay v. Florida Parole Comm'n, 649 So. 2d 859
(Fla. 1994), cert. denied, 116 S. Ct. 591 (1995); see art.
V, § 3(b)(1), Fla. Const.