

Supreme Court of Florida

STATE OF FLORIDA,
Petitioner,

vs.

STACY GANTORIUS,
Respondent.

No. 90,677
[March 26, 1998]

SHAW, J.

We have for review Gantorius v. State, 693 So. 2d 1040 (Fla. 3d DCA 1997), wherein the district court certified the following question:

DOES THE HOLDING OF
STATE V. IACAVONE, 660 So.
2d 1371 (Fla. 1995) SATISFY
THE TEST OF WITT V. STATE,
387 So. 2d 922 (Fla. 1980), FOR
R E T R O A C T I V E
APPLICATION?

We have jurisdiction. Art. V., § 3(b)(4), Fla. Const. We answered this question in the affirmative in State v. Stevens, No. 90,524 (Fla. Mar, 26, 1998). We approve Gantorius.

It is so ordered.

KOGAN, C.J., OVERTON, HARDING and ANSTEAD, JJ., and GRIMES, Senior Justice, concur.

WELLS, J., dissents.

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 Great Public Importance

Third District ▪ Case No. 96-1021

(Dade County)

Robert A. Butterworth, Attorney General, and Roberta G. Mandel, Assistant Attorney General, Miami, Florida,

for Petitioner

Bennett H. Brummer, Public Defender, and Julie M. Levitt, Assistant Public Defender, Eleventh Judicial Circuit, Miami, Florida,

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