

# Supreme Court of Florida

**HOWARD L. HAMILTON,**

Petitioner,

vs.

**STATE OF FLORIDA,**

Respondent.

No. 91,013

[November 13, 1997]

WELLS, J.

We have for review Hamilton v. State, 695 So. 2d 436 (Fla. 4th DCA 1997), which certified the same question of great public importance answered by this Court in Paccione v. State, 698 So. 2d 252 (Fla. 1997). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We quash the decision below and remand for proceedings consistent with our opinion in Paccione.

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW, GRIMES, HARDING 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 Great Public Importance

Fourth District - Case No. 96-1938

(Palm Beach County)

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

for Petitioner

Robert A. Butterworth, Attorney General; Celia A. Terenzio, Senior Assistant Attorney General, Bureau Chief and Joseph A. Tringali, Assistant Attorney General, West Palm Beach, Florida,

for Respondent