

Supreme Court of Florida

STATE OF FLORIDA,
Petitioner,

vs.

STEVEN RUBIN, et al.
Respondents.

No. 91,270
[September 24, 1998]
PER CURIAM.

We have for review Rubin v. State, 697 So. 2d 161 (Fla. 3d DCA 1997), which certified conflict with Hines v. State, 587 So. 2d 620 (Fla. 2d DCA 1991), concerning scoresheet errors. We have jurisdiction. See art. V, § 3(b)(4).

We resolved this issue in State v. Mackey, No. 92,179 (Fla. Sept. 24, 1998), by disapproving a rule of per se reversal in cases involving scoresheet errors. To that extent, we disapproved Mackey and approved Hines. Accordingly, that portion of the district court's decision that applied the per se rule of reversal is quashed. We remand for the Third District's reconsideration of this case in light of our decision in Mackey.

It is so ordered.

HARDING, C.J., and OVERTON, SHAW,
KOGAN, WELLS, ANSTEAD and
PARIENTE, 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

Third District - Case No. 96-2724

(Dade County)

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