

# Supreme Court of Florida

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No. SC93781

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**DARRYLE T. COOK,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[August 31, 2000]

PER CURIAM.

We have for review Cook v. State, 714 So. 2d 674 (Fla. 5th DCA 1998), a decision of the Fifth District Court of Appeal citing as controlling authority its decision in Maddox v. State, 708 So. 2d 617 (Fla. 5th DCA 1998), approved in part, disapproved in part, 760 So. 2d 89 (Fla. 2000). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981). We quash the district court's decision in this case and remand for consideration in light of our opinion in Maddox v. State, 760 So. 2d 89 (Fla. 2000).

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and  
QUINCE, 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 -  
Direct Conflict

Fifth District - Case No. 5D97-2923

(Orange County)

James B. Gibson, Public Defender, and Lyle Hitchens, Assistant Public Defender,  
Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Kellie A. Nielan, Wesley Heidt and  
Belle B. Schumann, Assistant Attorneys General, Daytona Beach, Florida,

for Respondent