

# Supreme Court of Florida

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No. SC94070

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**VERSIAH M. TAYLOR,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[May 18, 2000]

SHAW, J.

We have for review Taylor v. State, 711 So. 2d 1387 (Fla. 1st DCA 1998), wherein the district court certified the following question:

Should the holding in State v. Gurican, 576 So. 2d 709 (Fla. 1991), be re-evaluated in light of Ortega-Rodriguez v. United States, 507 U.S. 234, 113 S. Ct. 1199, 122 L. Ed. 2d 581 (1993)?

Taylor v. State, No. 98-1100 (Fla. 1st DCA Sept. 11, 1998). We have jurisdiction.

See art. V, § 3(b)(4), Fla. Const.

We have since answered this question in the affirmative in Griffis v. State, No.

92,160 (Fla. May 18, 2000), wherein we held that where a defendant absconds and returns before filing an appeal, the misconduct ordinarily should be addressed by the trial court, not the appellate court. Automatic appellate dismissal in such a situation is improper under Ortega-Rodriguez. We quash Taylor and remand for proceedings consistent with Griffis.

It is so ordered.

HARDING, C.J., and WELLS, ANSTEAD, PARIENTE and LEWIS, JJ., concur.  
QUINCE, J., concurs in result only.

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

First District - Case No. 1D98-1100

(Bay County)

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