

Supreme Court of Florida

No. SC94614

ELI BUTLER, JR.,
Petitioner,

vs.

STATE,
Respondent.

[June 22, 2000]

PER CURIAM.

We have for review the decision in Butler v. State, 723 So. 2d 865 (Fla. 1st DCA 1998), on the basis of express and direct conflict. We have jurisdiction. See art. V, § 3(b)(3), Fla. Const. For the reasons expressed in Maddox v. State, 25 Fla. L. Weekly S367, S372 (Fla. May 11, 2000), we quash the district court's decision and remand for further proceedings in light of our opinion in Maddox.

It is so ordered.

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

First District - Case No. 1D96-4448

(Madison County)

Nancy A. Daniels, Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and James W. Rogers, Bureau Chief, Criminal
Appeals, Tallahassee, Florida,

for Respondent