

Supreme Court of Florida

No. 95,507

SUSAN DIAL, et al.
Petitioners,

vs.

STATE OF FLORIDA,
Respondent.

[December 16, 1999]

PARIENTE, J.

We have for review Dial v. State, 730 So. 2d 813 (Fla. 4th DCA 1999), which expressly and directly conflicts with the opinions in State v. Holland, 689 So. 2d 1268 (Fla. 1st DCA 1997), and State v. Perry, 716 So. 2d 327 (Fla. 2d DCA 1998). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const. For reasons expressed in our opinion in Hayes v. State, 24 Fla. L. Weekly S467 (Fla. Oct. 7, 1999), the decision of the Fourth District is hereby quashed. We remand to the district court for proceedings consistent with this opinion.

It is so ordered.

HARDING, C.J., and SHAW, WELLS, ANSTEAD, 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

Fourth District - Case No. 98-2803

(Indian River County)

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

for Petitioner

Robert A. Butterworth, Attorney General, Celia Terenzio, Bureau Chief, West Palm
Beach, and Leslie T. Campbell, Assistant Attorney General, West Palm Beach,
Florida,

for Respondent