

Supreme Court of Florida

No. SC95749

STATE OF FLORIDA
Petitioner,

vs.

DEBRA WRIGHT,
Respondent.

[February 17, 2000]

PARIENTE, J.

We have for review the opinion in Wright v. State, 738 So. 2d 357 (Fla. 1st DCA 1999), which certified conflict with the opinions in State v. Hayes, 720 So. 2d 1095 (Fla. 4th DCA 1998), quashed, 24 Fla. L. Weekly S467 (Fla. Oct. 7, 1999), and State v. Baxley, 684 So. 2d 831 (Fla. 5th DCA 1996). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

In its brief, the State has asserted that the issue presented in this case is the same as that in Hayes, whether the drug trafficking statute applies to possession of

hydrocodone in amounts under fifteen milligrams per dosage unit. See Petitioner's Initial Brief on the Merits at 1, 3, 8, 15-16. In the trial court, the State stipulated that the outcome in this case was controlled by the First District's opinion in State v. Holland, 689 So. 2d 1268 (Fla. 1st DCA 1997). For the 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 approved. 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 - Certified
Direct Conflict of Decisions

First District - Case No. 1D98-4511

(Union County)

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