

Supreme Court of Florida

No. SC00-2199

MARK A. LUNDY,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[June 14, 2001]

LEWIS, J.

We have for review Lundy v. State, 771 So. 2d 1180 (Fla. 2d DCA 2000). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.

We vacate the decision of the district court and remand for reconsideration upon application of our decisions in Grant v. State, 770 So. 2d 655 (Fla. 2000); State v. Cotton, 769 So. 2d 345 (Fla. 2000); McKnight v. State, 769 So. 2d 1039 (Fla. 2000); and Ellis v. State, 762 So. 2d 912 (Fla. 2000).

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, and PARIENTE, JJ., concur.
QUINCE, 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 -
Constitutional Construction

Second District - Case No. 2D99-1862

(Polk County)

James Marion Moorman, Public Defender, and Bruce P. Taylor, Assistant Public
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Ronald Napolitano, Assistant Attorney
General, Tampa, Florida,

for Respondent