

# Supreme Court of Florida

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No. SC00-649

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**TERRY BARBER,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[August 16, 2001]

LEWIS, J.

We have for review Barber v. State, 779 So. 2d 352 (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 -  
Statutory Validity

Second District - Case No. 2D99-1464

(Polk County)

James Marion Moorman, Public Defender, and William L. Sharwell, Assistant  
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, Robert J. Krauss, Senior Assistant  
Attorney General, Chief of Criminal Law, and Erica M. Raffel, Assistant Attorney  
General, Tampa, Florida,

for Respondent