

# Supreme Court of Florida

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No. SC00-806

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**RAFAEL RIVERO,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[July 12, 2001]

PER CURIAM.

We have for review a decision on the following question certified to be of great public importance:

DOES THE CRIME OF ATTEMPTED SECOND  
DEGREE MURDER EXIST IN FLORIDA?

Rivero v. State, 752 So. 2d 1244, 1245 (Fla. 3d DCA 2000). We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution. We recently answered the same certified question in the affirmative in Brown v. State, 26 Fla. L. Weekly S382 (Fla. Oct. 5, 2000). Accordingly, we approve the result in Rivero on

this issue.

It is so ordered.

WELLS, C.J., and SHAW, LEWIS, and QUINCE, JJ., concur.

HARDING, J., dissents with an opinion, in which ANSTEAD and PARIENTE, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND IF FILED, DETERMINED.

HARDING, J., dissenting.

I dissent for the reasons stated in my dissenting opinion in Brown v. State, 26 Fla. L. Weekly S382 (Fla. Oct. 5, 2000).

ANSTEAD and PARIENTE, JJ., concur.

Application for Review of the Decision of the District Court of Appeal -  
Certified Great Public Importance

Third District - Case No. 3D99-442

(Dade County)

Bennett H. Brummer, Public Defender, and Andrew Stanton, Assistant Public Defender, Eleventh Judicial Circuit, Miami, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, Michael J. Neimand, Bureau Chief, and Alison B. Cutler, Assistant Attorney General, Fort Lauderdale, Florida,

for Respondent