

Supreme Court of Florida

No. SC00-858

DAVID BROOKS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[May 31, 2001]

LEWIS, J.

We have for review Brooks v. State, 753 So. 2d 776 (Fla. 5th 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 -
Certified Direct Conflict

Fifth District - Case No. 5D99-1643

(Brevard County)

James B. Gibson, Public Defender, and Thomas J. Lukashow, Assistant Public
Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Kellie A. Nielan, Assistant Attorney
General, Daytona Beach, Florida,

for Respondent