

# Supreme Court of Florida

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No. SC00-913

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**ROGER DURHAM,**  
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?**

Durham v. State, 753 So. 2d 781, 781 (Fla. 5th 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

Durham 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, S382-85 (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

Fifth District - Case No. 5D99-1890

(Orange County)

James B. Gibson, Public Defender, and Brynn Newton, Assistant Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

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

for Respondent