

Supreme Court of Florida

No. SC01-1600

STATE OF FLORIDA,
Petitioner,

vs.

ADRIAN DAVIS,
Respondent.

[August 28, 2003]

PER CURIAM.

We have for review the decision in Davis v. State, 791 So. 2d 1137 (Fla. 4th DCA 2001), which certified conflict with the decisions in Ray v. State, 772 So. 2d 18 (Fla. 2d DCA 2000), review denied, 791 So. 2d 1100 (Fla. 2001), and Kwil v. State, 768 So. 2d 502 (Fla. 2d DCA 2000). We have jurisdiction. See Art. V, § 3(b)(4), Fla. Const. We accept jurisdiction in this case, quash the decision of the Fourth District Court of Appeal, and remand for reconsideration in light of our decision in State v. Lemon, 825 So. 2d 927 (Fla. 2002).

It is so ordered.

ANSTEAD, C.J., and WELLS, PARIENTE, LEWIS, QUINCE, CANTERO, and BELL, JJ., concur.

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 of Decisions

Fourth District - Case No. 4D01-202

(Palm Beach County)

Charles J. Crist, Jr., Attorney General, Celia Terenzio, Assistant Attorney General, Bureau Chief, and Daniel P. Hyndman, Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

No appearance,

for Respondent