

Supreme Court of Florida

No. SC05-2014

ANTHONY DARVILLE,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[July 5, 2007]

PER CURIAM.

We have for review Darville v. State, 912 So. 2d 63 (Fla. 4th DCA 2005), in which the Fourth District Court of Appeal cited Paul v. State, 912 So. 2d 8 (Fla. 4th DCA 2005), quashed in part, 934 So. 2d 1167 (Fla. 2006), a case which was then pending before this Court. We have jurisdiction. See art. V, § 3(b)(3), Fla. Const; Jollie v. State, 405 So. 2d 418 (Fla. 1981).

We stayed this case and proceeded to issue our decision in State v. Paul, 934 So. 2d 1167 (Fla. 2006). Once that decision was final, we issued an order directing the respondent to show cause why we should not exercise our jurisdiction to summarily quash the decision under review and remand for reconsideration in light

of our decision in Paul. Upon consideration of respondent's response and petitioner's reply thereto, we have determined to do so.

We accordingly grant the petition for review in the present case. The decision under review is quashed, and this matter is remanded to the Fourth District Court of Appeal for reconsideration upon application of this Court's decision in Paul.

It is so ordered.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, 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 - Direct Conflict of Decisions

Fourth District - Case No. 4D03-2726

(Broward County)

Carey Haughwout, Public Defender, and Tatjana Ostapoff, Assistant Public Defender, Fifteenth Judicial Circuit, West Palm Beach, Florida,

for Petitioner

Bill McCollum, Attorney General, Tallahassee, Florida, Celia A. Terenzio, Bureau Chief, and Joseph A. Tringali, Assistant Attorney General, West Palm Beach, Florida,

for Respondent