

Supreme Court of Florida

No. SC06-754

A.B.H., etc.,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[February 8, 2007]

PER CURIAM.

We have for review A.B.H. v. State, 923 So. 2d 1168 (Fla. 2d DCA 2006) (table), in which the Second District Court of Appeal cited V.K.E. v. State, 902 So. 2d 343 (Fla. 5th DCA 2005), quashed, 934 So. 2d 1276 (Fla. 2006), which was then pending review in this Court. We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981).

We have since quashed V.K.E. See V.K.E. v. State, 934 So. 2d 1276 (Fla. 2006). We have thus determined, and respondent agrees, that we should accept jurisdiction and grant the petition for review, quash the decision under review, and

remand to the Second District Court of Appeal for reconsideration upon application of this Court's decision in V.K.E.

It is so ordered.

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

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 Great Public Importance

Second District - Case No. 2D05-2134

(Polk County)

James Marion Moorman, Public Defender and Cynthia J. Dodge, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Bill McCollum, Attorney General, Tallahassee, Florida, Robert J. Krauss, Bureau Chief, Tampa Criminal Appeals and Deborah Fraim Hogge, Assistant Attorney General, Tampa, Florida,

for Respondent