

Supreme Court of Florida

No. SC07-980

STATE OF FLORIDA,
Petitioner,

vs.

REGINALD ALEXANDER GREEN,
Respondent.

[September 25, 2008]

PER CURIAM.

We have for review Green v. State, 32 Fla. L. Weekly D1213 (Fla. 1st DCA May 8, 2007), in which the First District Court of Appeal acknowledged (but did not certify) conflict with the Fourth District's decision in Garzon v. State, 939 So. 2d 278 (Fla. 4th DCA 2006), approved, 980 So. 2d 1038 (Fla. 2008). At the time the First District issued its decision in Green, Garzon was 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 stayed the proceedings in this case pending disposition of Garzon, in which we ultimately approved the Fourth District's underlying Garzon decision.

See Garzon v. State, 980 So. 2d 1038 (Fla. 2008). We thereafter issued an order in this case, directing respondent to show cause why we should not accept jurisdiction, summarily quash the decision being reviewed, and remand for reconsideration in light of our decision in Garzon. Respondent concedes in his response that we should so proceed, and in its reply, petitioner agrees.

Accordingly, we grant the petition for review in the present case. The decision under review is quashed, and this matter is remanded to the First District Court of Appeal for reconsideration upon application of this Court's decision in Garzon.

It is so ordered.

QUINCE, C.J., and WELLS, ANSTEAD, PARIENTE, LEWIS, 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

First District - Case No. 1D06-4115

(Alachua County)

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for Petitioner

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