

Supreme Court of Florida

No. SC08-2469

EDDIE LEE STEADMAN,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[July 9, 2009]

PER CURIAM.

We have for review Steadman v. State, 997 So. 2d 417 (Fla. 2d DCA 2008) (table), in which the Second District Court of Appeal cited as authority its decision in Gisi v. State, 948 So. 2d 816 (Fla. 2d DCA 2007), quashed, 4 So. 3d 613 (Fla. 2009). At the time the Second District issued its Steadman decision, Gisi 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 proceedings in this case pending our disposition of State v. Rabedeau, 2 So. 3d 191 (Fla. 2009) (disapproving the Second District's Gisi decision), and Gisi v. State, 4 So. 3d 613 (Fla. 2009) (quashing the Second

District's Gisi decision). We then issued an order directing respondent in the present case to show cause why we should not accept jurisdiction, quash the Second District's underlying Steadman decision and remand for reconsideration in light of our decisions in Rabedeau and Gisi. Upon considering respondent's response, and petitioner's reply thereto, we have determined to so proceed.

We accordingly accept jurisdiction and grant the petition for review in the present case. The decision under review is quashed, and this matter is remanded to the Second District for reconsideration upon application of this Court's decisions in Rabedeau and Gisi.

It is so ordered.

QUINCE, C.J., and PARIENTE, LEWIS, CANADY, POLSTON, LABARGA,
and PERRY, 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

Second District - Case No. 2D07-4748
(Polk County)

James Marion Moorman, Public Defender, and Bruce P. Taylor, Assistant Public
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

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for Respondent