Supreme Court of Florida

No. 66,171

STATE OF FLORIDA, Petitioner,

vs.

JERRY BROWN, Respondent.

[August 30, 1985]

PER CURIAM.

We accepted jurisdiction to review the decision of the Third District Court of Appeal in State v. Brown, 456 So. 2d 527 (Fla. 3d DCA 1984), based upon that court's express reliance upon its decision in State v. Clausell, 455 So. 2d 1050 (Fla. 3d DCA 1984), in which it certified to this Court questions of great public importance. We have jurisdiction.* Art. V, § 3(b)(4), Fla. Const.

We quash the decision in the instant case on the authority of our decision in State v. Clausell, No. 65,945 (Fla. Aug. 22, 1985), and remand to the district court for further proceedings consistent with our decision in Clausell.

It is so ordered.

BOYD, C.J., and ADKINS, OVERTON, ALDERMAN, McDONALD, EHRLICH and SHAW, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

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*See Jollie v. State, 405 So. 2d 418 (Fla. 1981).

Application for Review of the Decision of the District Court of Appeal - Direct Conflict of Decisions

Third District - Case No. 83-2663

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for Petitioner

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for Respondent