

Supreme Court of Florida

No. 66,993

STATE OF FLORIDA, Petitioner,

v.

JAMES A. CABBAGESTALK, Respondent.

[May 1, 1986]

ADKINS, J.

In Cabbagestalk v. State, 473 So.2d 718 (Fla. 4th DCA 1985), the Fourth District, on the authority of Tamer v. State, 463 So.2d 1236 (Fla. 4th DCA 1984), held the exclusionary rule applicable to probation revocation proceedings and certified to this Court the following question:

Under the 1983 amendment to article I, section 12 of the Florida Constitution, does the exclusionary rule apply in probation revocation hearings?

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

Because we have recently answered this question in the affirmative in State v. Cross, No. 67,137 (Fla. May 1, 1986), we approve the decision of the district court on the authority of Cross.

It is so ordered.

BOYD, C.J., and OVERTON, McDONALD, EHRLICH, SHAW and BARKETT, 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 - Certified Great Public Importance

Fourth District - Case No. 84-2150

Jim Smith, Attorney General and Joy B. Shearer, Assistant Attorney
General, West Palm Beach, Florida,

for Petitioner

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