

Supreme Court of Florida

No. 71,578

RONICA STEPHENS, Petitioner,

vs .

STATE OF FLORIDA, Respondent.

[September 28, 1989]

PER CURIAM.

We accepted jurisdiction to review Stephens v. State, 513 So.2d 1275 (Fla. 3d DCA 1987), because of apparent conflict with Guraanus v. State, 451 So.2d 817 (Fla. 1984), concerning the defense of diminished capacity. Art. V, § 3(b)(3), Fla. Const. After we accepted jurisdiction, however, we settled the issue in Chestnut v. State, 538 So.2d 820 (Fla. 1989). As the opinion in the court below is consistent with Chestnut, we dismiss the petition for review.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, BARKETT and GRIMES, JJ., Concur
KOGAN, J., Did not participate in this case.

NO MOTION FOR REHEARING WILL BE ENTERTAINED BY THE COURT.

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

Third District - Case No. 86-1388
(Dade County)

Bennett H. Brummer, Public Defender and Robert Kalter, Assistant
Public Defender, Eleventh Judicial Circuit, Miami, Florida,

for Petitioner

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