

Supreme Court of Florida

No. 73,665

DAMARIS NAZARIO, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[January 4, 1991]

BARKETT, J.

We have for review Nazario v. State, 535 So.2d 295 (Fla. 4th DCA 1988). This case presents the same issue as that presented in Bostick v. State, No. 70,996 (Fla. Nov. 30, 1989). We have jurisdiction under article V, section 3(b)(3) of the Florida Constitution. For reasons expressed in Bostick, we quash the opinion of the district court and remand for proceedings consistent therewith.

It is so ordered.

EHRlich, C.J., and SHAW and KOGAN, JJ., Concur
OVERTON, McDONALD and GRIMES, JJ., Dissent

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

Fourth District - Case No. 4-86-2296
(Broward County)

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