

# Supreme Court of Florida

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No. 73,699

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ANTONIO TORRES, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[September 14, 1989]

PER CURIAM.

Pursuant to article V, section 3(b)(4), of the Florida Constitution, we accepted review of Torres v. State, 541 So.2d 1224 (Fla. 2d DCA 1989), wherein the district court certified the following question as being of great public importance.

DOES A WHITE DEFENDANT BEING REPRESENTED BY A BLACK ATTORNEY HAVE STANDING TO CHALLENGE THE STATE'S EXCLUSION OF BLACK JURORS BY USE OF PEREMPTORY CHALLENGES IN LIGHT OF BATSON V. KENTUCKY, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed.2d 69 (1986) and STATE V. NEIL, 457 So.2d 481 (Fla. 1984)?

541 So.2d at 1226.

In Kibler v. State, 14 F.L.W. 291 (Fla. June 15, 1989), we held that a white defendant has standing to challenge the state's systematic exclusion of black prospective jurors. Thus, we answer the certified question in the affirmative, quash the decision of the district court, and remand for further proceedings consistent with this opinion.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, BARKETT, GRIMES and KOGAN, 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

Second District - Case No. 87-708  
(Hillsborough County)

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Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

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Assistant Attorney General, Tampa, Florida,

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