

# Supreme Court of Florida

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No. 73,766  
\_\_\_\_\_

STATE OF FLORIDA, Petitioner,

vs .

ROLANDO DEL SOL, Respondent.

[September 14, 1989]

PER CURIAM.

We accepted review of Del SO1 v. State, 537 So.2d 693 (Fla. 3d DCA 1989), because the decision was certified to be in conflict with Kibler v. State, 501 So.2d 76 (Fla. 5th DCA 1987). This Court has now issued an opinion disapproving the opinion of the Fifth District Court of Appeal in Kibler. Kibler v. State, No. 70,067 (Fla. June 15, 1989). The decision below is consistent with our recent opinion in Kibler, and there is no longer any conflict of decisions. We, therefore, discharge the petition for review.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ENTERTAINED BY THE COURT.

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

Third District - Case No. 86-3185  
(Dade County)

Robert A. Butterworth, Attorney General and Charles M. Fahlbusch,  
Assistant Attorney General, Miami, Florida,

for Petitioner

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

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