

Supreme Court of Florida

No. 75,742

JONI L. HICKS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[January 3, 1991]

BARRETT, J.

We have for review State v. Hicks, 558 So.2d 59 (Fla. 2d DCA 1990), in which the district court reversed the trial court's determination that section 796.01 of the Florida Statutes (1987), was unconstitutional based on State v. Warren, 558 So.2d 55 (Fla. 2d DCA 1990). We have jurisdiction pursuant to article V, section 3(b)(3) of the Florida Constitution. In Warren v. State, No. 75,791 (Fla. Jan. 3, 1991), however, we found section 796.01 unconstitutionally vague. Therefore, we quash Hicks and remand to the district court to affirm the trial court's dismissal of the information.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, EHRLICH, 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 - Statutory Validity

Second District - Case No. 88-02926

(Hillsborough County)

Manuel A. Machin, Tampa, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Carol M. Dittmar,
Assistant Attorney General, Tampa, Florida,

for Respondent