

Supreme Court of Florida

ORIGINAL

No. 77,684

STATE OF FLORIDA, Petitioner,

vs.

RUFUS CHARLES CURRY, Respondent.

[July 1, 1993]

OVERTON, J.

We have for review Curry v. State, 576 So. 2d 890 (Fla. 2d DCA 1991), in which the district court held that the respondent's act of spitting out cocaine was the result of an officer's illegal detention, and, thus, the cocaine was subject to suppression. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. Consistent with our recent decision in Hollinger v. State, No. 79,800 (Fla. June 24, 1993), we approve the decision of the district court in this case.

It is so ordered.

BARKETT, C.J., and McDONALD, SHAW, GRIMES, KOGAN and HARDING,
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 - Direct Conflict of Decisions

Second District - Case No. 88-02615

(Lee County)

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for Petitioner

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for Respondent