

Supreme Court of Florida

ORIGINAL

No. 78,284

MARCO McPHERSON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[February 6, 1992]

PER CURIAM.

Pursuant to article V, section 3(b)(4) of the Florida Constitution, we review McPherson v. State, 581 So. 2d 1006 (Fla. 2d DCA 1991), in which the court certified as being of great public importance the same question which this Court answered in Williams v. State, No. 75,919 (Fla. Feb. 6, 1992). Accordingly, we disapprove the decision below to the extent that it conflicts

with our opinion in Williams and remand the case for disposition in accordance with the rationale of that opinion.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, 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 - Certified Great Public Importance

Second District - Case No. 90-01832

(Hillsborough County)

James Marion Moorman, Public Defender and Robert D. Rosen,
Assistant Public Defender, Tenth Judicial Circuit, Bartow,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General; and Michael J. Neimand
and Consuelo Maingot, Assistant Attorneys General, Miami,
Florida,

for Respondent