

# Supreme Court of Florida

**ORIGINAL**

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No. 78,902

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STATE OF FLORIDA,  
Petitioner,

vs.

CHARLES R. CARTER,  
Respondent.

[March 19, 1992]

OVERTON, J.

We quash the decision of the district court in Carter v. State, 588 So. 2d 8 (Fla. 1st DCA 1991), on the authority of State v. Barnes, No. 77,751 (Fla. Feb. 20, 1992), and remand this cause for further proceedings consistent with our decision in Barnes.

It is so ordered.

SHAW, C.J. and 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

First District - Case No. 90-2570

(Escambia County)

Robert A. Butterworth, Attorney General and Gypsy Bailey,  
Assistant Attorney General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender and Steven A. Rothenburg,  
Assistant Public Defender, Second Judicial Circuit, Tallahassee,  
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for Respondent