

Supreme Court of Florida

ORIGINAL

No. 78,948

STATE OF FLORIDA,
Petitioner,

vs.

MALCOLM XAVIER MALONE,
Respondent.

[March 19, 1992]

OVERTON, J.

We quash the decision of the district court in Malone v. State, 588 So. 2d 674 (Fla. 1st DCA 1991), on the authority of State v. Barnes, No. 77,751 (Fla. Feb. 20, 1992),¹ and remand

¹ The 1989 amendment to section 775.084(1)(a)1, Florida Statutes (Supp. 1988), did not change the plain meaning of the statute.

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. 91-907

(Okaloosa County)

Robert A. Butterworth, Attorney General and Bradley R. Bischoff,
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for Petitioner

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