

# Supreme Court of Florida

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No. 79,094

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## ORIGINAL

WILLIAM SIMMONS, Petitioner,

v.

STATE OF FLORIDA, Respondent.

[November 10, 1993]

PER CURIAM.

We quash Simmons v. State, 590 So. 2d 442 (Fla. 1st DCA 1991), and remand for reconsideration in light of Munoz v. State, no. 78,900 (Fla. Oct. 14, 1993).

It is so ordered.

BARKETT, C.J., and OVERTON, 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 - Certified Great Public Importance  
First District - Case No. 90-3499

(Duval County)

Nancy A. Daniels, Public Defender and Nancy L. Showalter,  
Assistant Public Defender, Second Judicial Circuit, Tallahassee,  
Florida,

for Petitioner

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

for Respondent