

# Supreme Court of Florida

## ORIGINAL

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No. 79,197

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MERLENE WALKER,  
Petitioner,

vs.

STATE OF FLORIDA,  
Respondent.

[September 3, 1992]

PER CURIAM.

Upon the authority of Scates v. State, 17 F.L.W. S467 (Fla. July 23, 1992), we quash State v. Walker, 588 So. 2d 1097 (Fla. 4th DCA 1991), and remand with directions to reinstate Walker's probation.

It is so ordered.

BARKETT, C.J. and OVERTON, SHAW and KOGAN, JJ., concur.

GRIMES, J, dissents with an opinion, in which HARDING, J.,  
concur.  
McDONALD, J., dissents.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF  
FILED, DETERMINED.

GRIMES, J., dissenting.

I dissent for the reasons expressed in my dissenting opinion in Scates v. State, 17 F.L.W. S467 (Fla. July 23, 1992).

HARDING, J., concurs.

Application for Review of the Decision of the District Court of  
Appeal - Direct Conflict of Decisions

Fourth District - Case No. 91-1404

(Broward County)

James O. Walker, III, Pompano Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; Joan Fowler, Bureau  
Chief, Senior Assistant Attorney General and Carol Cobourn  
Asbury, Assistant Attorney General, West Palm Beach, Florida,

for Respondent