

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2007*

**STATE OF FLORIDA,**  
Appellant,

v.

**OVIDIO HERNANDEZ,**  
Appellee.

No. 4D06-4691

[December 12, 2007]

PER CURIAM.

Reversed. *State v. Buttolph*, No. 4D06-4666 (Fla. 4th DCA Dec. 12, 2007).

POLEN, KLEIN and MAY, JJ., concur.

\* \* \*

Appeal of a non-final order from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Leonard Feiner, Judge; L.T. Case No. 06-2737MM10A.

Bill McCollum, Attorney General, Tallahassee, and Richard Valuntas, Assistant Attorney General, West Palm Beach, for appellant.

Tara G. Intriago, Ft. Lauderdale, for appellee.

***Not final until disposition of timely filed motion for rehearing***