

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

STATE OF FLORIDA,
Appellant,

v.

JOSE LEIVA,
Appellee.

No. 4D06-4696

[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. 06-14567 MM10A.

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