

# Supreme Court of Florida

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No. SC00-1843

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**EDUARDO VALENZUELA,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[November 29, 2001]

PER CURIAM

We have for review Valenzuela v. State, 764 So. 2d 777, 777 (Fla. 1st DCA 2000), a per curiam decision of the First District Court of Appeal citing as controlling authority the Third District Court of Appeal's decision in Bover v. State, 732 So. 2d 1187 (Fla. 3d DCA 1999), quashed, 26 Fla. L. Weekly S652 (Fla. Oct. 4, 2001). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981).

In accordance with our opinion in Bover v. State, 26 Fla. L. Weekly S652

(Fla. Oct. 4, 2001), we quash the First District's decision and remand this case to the First District for consideration in light of our recent decisions in Bover and Carter v. State, 786 So. 2d 1173, 1180-81 (Fla. 2001). In remanding this case, we express no opinion as to the merits of Valenzuela's rule 3.800(a) claim.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, 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 -  
Direct Conflict

First District - Case No. 1D00-0816

(Alachua County)

Eduardo Valenzuela, pro se, Sanderson, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and James W. Rogers, Senior Assistant  
Attorney General, Tallahassee, Florida,

for Respondent