

Supreme Court of Florida

No. SC00-649

TERRY BARBER,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[August 16, 2001]

LEWIS, J.

We have for review Barber v. State, 779 So. 2d 352 (Fla. 2d DCA 2000).

We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.

We vacate the decision of the district court and remand for reconsideration upon application of our decisions in Grant v. State, 770 So. 2d 655 (Fla. 2000); State v. Cotton, 769 So. 2d 345 (Fla. 2000); McKnight v. State, 769 So. 2d 1039 (Fla. 2000); and Ellis v. State, 762 So. 2d 912 (Fla. 2000).

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, and PARIENTE, JJ., concur.
QUINCE, J., dissents.

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 -
Statutory Validity

Second District - Case No. 2D99-1464

(Polk County)

James Marion Moorman, Public Defender, and William L. Sharwell, Assistant
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, Robert J. Krauss, Senior Assistant
Attorney General, Chief of Criminal Law, and Erica M. Raffel, Assistant Attorney
General, Tampa, Florida,

for Respondent