

Supreme Court of Florida

No. SC02-69

STATE OF FLORIDA,
Petitioner,

vs.

PEYTON HONEYCUTT,
Respondent.

[May 5, 2005]

PER CURIAM.

We have for review the decision in Honeycutt v. State, 805 So. 2d 987 (Fla. 4th DCA 2001), which certified conflict with the decisions in Coppola v. State, 795 So. 2d 258 (Fla. 5th DCA 2001), and Regan v. State, 787 So. 2d 265 (Fla. 1st DCA 2001). We accept jurisdiction, see art. V, § 3(b)(4), Fla. Const., summarily quash the decision of the Fourth District Court of Appeal, and remand for reconsideration in light of our decision in Banks v. State, 887 So. 2d 1191 (Fla. 2004).

PARIENTE, C.J., and WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO, and BELL, 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 - Certified
Direct Conflict of Decisions

Fourth District - Case No. 4D01-2559

(Palm Beach County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and James J. Carney,
Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

Peyton Honeycutt, pro se, Bothell, Washington,

for Respondent