

Supreme Court of Florida

No. SC04-928

STATE OF FLORIDA,
Petitioner,

vs.

LITTLE WILLIE HARPER,
Respondent.

[April 13, 2006]

PER CURIAM.

We have for review Harper v. State, 874 So. 2d 673 (Fla. 4th DCA 2004), in which the Fourth District Court of Appeal certified conflict with the Second District Court of Appeal's decision in Wright v. State, 864 So. 2d 1153 (Fla. 2d DCA 2003), approved, 911 So. 2d 81 (Fla. 2005). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

We grant the petition for review and, on the authority of our decision in Wright v. State, 911 So. 2d 81 (Fla. 2005), the decision under review is quashed, and this matter is remanded to the Fourth District Court of Appeal for reconsideration upon application of this Court's decision in Wright.

It is so ordered.

WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO, and BELL, JJ., concur.
PARIENTE, C.J., recused.

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. 4D04-408

(Broward County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and David M. Schultz,
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for Petitioner

Little Willie Harper, Pro se, Clermont, Florida

for Respondent