

Supreme Court of Florida

No. SC11-405

ANDRE FROST,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[April 5, 2012]

PER CURIAM.

We have for review Frost v. State, 53 So. 3d 1119 (Fla. 4th DCA 2011), a case that was stayed pending disposition of Harris v. State, 71 So. 3d 756 (Fla. 2011), cert. granted, No. 11-817 (U.S. Mar. 26, 2012). We thereafter issued an order directing respondent to show cause why this Court should not accept jurisdiction in this case, summarily quash the decision being reviewed, and remand for reconsideration in light of our decision in Harris. Upon review of the response, we have determined to accept jurisdiction. Accordingly, we grant the petition for review in the present case. The decision under review is quashed and this matter is

remanded to the Fourth District Court of Appeal for application of our decision in Harris.

It is so ordered.

PARIENTE, LEWIS, QUINCE, LABARGA, and PERRY, JJ., concur.
CANADY, C.J., and POLSTON, J., dissent.

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 of Decisions

Fourth District - Case No. 4D09-3561

(Okeechobee County)

Carey Haughwout, Public Defender, and Tatjana Ostapoff, Assistant Public
Defender, Fifteenth Judicial Circuit, West Palm Beach, Florida,

for Petitioner

Pamela Jo Bondi, Attorney General, Tallahassee, Florida, Celia A. Terenzio and
Melanie Dale Surber, Assistant Attorneys General, West Palm Beach, Florida,

for Respondent