

Supreme Court of Florida

No. SC95059

PAUL O. STOVALL,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[August 31, 2000]

PER CURIAM.

We have for review Stovall v. State, 727 So. 2d 1009 (Fla. 5th DCA 1999), a decision of the Fifth District Court of Appeal citing as controlling authority its decision in Maddox v. State, 708 So. 2d 617 (Fla. 5th DCA 1998), approved in part, disapproved in part, 760 So. 2d 89 (Fla. 2000). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981). We quash the district court's decision in this case and remand for consideration in light of our opinion in Maddox v. State, 760 So. 2d 89 (Fla. 2000).

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

Fifth District - Case No. 5D97-2556

(Volusia County)

James B. Gibson, Public Defender, and Susan A. Fagan, Assistant Public
Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Kellie A. Nielan, Mary G. Jolley,
Belle B. Schumann, and Wesley Heidt, Assistant Attorneys General, Daytona
Beach, Florida,

for Respondent