

Supreme Court of Florida

No. SC96550

STATE OF FLORIDA,
Petitioner,

vs.

GARRETT JOHNS,
Respondent.

[May 17, 2001]

LEWIS, J.

We have for review Johns v. State, 750 So. 2d 62 (Fla. 2d DCA 1999). 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 -
Direct Conflict

Second District - Case No. 2D98-03908

(Hillsborough County)

Robert A. Butterworth, Attorney General, Robert J. Krauss, Senior Assistant Attorney
General, Chief of Criminal Law, and Wendy Buffington, Assistant Attorney General,
Tampa, Florida,

for Petitioner

No Appearance,

for Respondent