

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

THE STATE OF FLORIDA,

**

Petitioner,

**

vs.

**

CASE NO. 3D00-2574

JOANNE FAHNER,

**

Respondent.

**

LOWER
TRIBUNAL NO. 98-13012

Opinion filed September 4, 2002.

A Writ of certiorari to the Circuit Court for Dade County,
Thomas Spencer, Sr., Judge.

Robert A. Butterworth, Attorney General, and Roberta G.
Mandel, Assistant Attorney General, for petitioner.

Bennett H. Brummer, Public Defender, and Bruce Rosenthal,
Assistant Public Defender, for respondent.

Before SCHWARTZ, C.J., and COPE and SORONDO, JJ.

PER CURIAM.

This case is before us on remand from the Florida Supreme
Court for reconsideration in light of State v. Johnson, 814 So. 2d
390 (Fla. 2002). Upon reconsideration, this court vacates its
earlier opinion, State v. Fahner, 794 So. 2d 712 (Fla. 3d DCA

2001), and remands this cause to the circuit court with directions to remand it to the county court for a hearing under Johnson.