

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D., 2003

THE STATE OF FLORIDA,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-1711
MARTI CASSANDRA RAYMOND,	**	LOWER
Appellee.	**	TRIBUNAL NO. 02-36AP

Opinion filed June 11, 2003.

An Appeal from the Circuit Court for Miami-Dade County, Cecilia M. Altonaga, Daryl E. Trawick, and Kevin M. Emas, Judges.

Charles J. Crist, Jr., Attorney General, John D. Barker, Assistant Attorney General, for appellant.

Bennett H. Brummer, Public Defender, and John Eddy Morrison, Assistant Public Defender.

Before COPE, GERSTEN, and SHEVIN, JJ.

PER CURIAM.

We agree with the well-reasoned May 21, 2002, opinion of the 11th Judicial Circuit's Appellate Division, granting the petition

for writ of habeas corpus. The court held paragraph 907.041(4)(b), Florida Statutes (2000), to be unconstitutional as a procedural rule which encroaches on the Florida Supreme Court's exclusive rule-making authority. See Fla. Const. Art. II, § 2(a). We affirm the decision below and adopt its reasoning in all respects.

Affirmed.