

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

In re the Commitment of)	
JOHN R. BEIKIRICH,)	
)	
Appellant,)	
)	
v.)	CASE NO. 2D01-5473
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed October 9, 2002.

Petition for Writ of Certiorari to the Circuit
Court for Sarasota County; Thomas M. Gallen,
Judge.

Elliott C. Metcalfe, Jr., Public Defender,
and Christopher E. Cosden, Assistant
Public Defender, Sarasota, for Petitioner.

Robert A. Butterworth, Attorney General,
and Thomas H. Duffy, Assistant Attorney
General, Tallahassee, for Respondent.

FULMER, Judge.

The issues raised in Beikirich's petition for certiorari have recently been
addressed in and are controlled by this court's opinion in Smith v. State, 27 Fla. L.

Weekly D2033 (Fla. 2d DCA Sept. 11, 2002). In accord with Smith, therefore, we grant the petition, vacate the trial court's order, and remand for further proceedings.

SILBERMAN and KELLY, JJ., Concur.