

# Supreme Court of Florida

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No. SC02-1672

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**DAVID SAWYER,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[February 26, 2004]

PER CURIAM.

We have for review the decision in Sawyer v. State, 819 So. 2d 966 (Fla. 4th DCA 2002), which certified conflict with the decision in Department of Highway Safety & Motor Vehicles v. Critchfield, 805 So. 2d 1034 (Fla. 5th DCA 2002), which we recently affirmed in Florida Department of Highway Safety & Motor Vehicles v. Critchfield, 842 So. 2d 782 (Fla. 2003). We have jurisdiction. See Art. V, § 3(b)(4), Fla. Const. We accept jurisdiction in this case, quash the decision of the Fourth District Court of Appeal, and remand for reconsideration in light of our decision in Critchfield.

It is so ordered.

ANSTEAD, C.J., and WELLS, PARIENTE, LEWIS, QUINCE, CANTERO, and BELL, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

Fourth District - Case No. 4D01-2141

(Indian River County)

Carey Haughwout, Public Defender, and Jeffrey L. Anderson, Assistant Public Defender, Fifteenth Judicial Circuit, West Palm Beach, Florida,

for Petitioner

Charles J. Crist, Jr., Attorney General, and Joseph A. Tringali, Assistant Attorney General, West Palm Beach, Florida,

for Respondent