

# Supreme Court of Florida

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No. SC07-231

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**KEVIN SLATTERY,**  
Respondent.

[January 15, 2009]

LEWIS, J.

We have for review Slattery v. State, 32 Fla. L. Weekly D305 (Fla. 5th DCA Jan. 26, 2007), in which the Fifth District Court of Appeal certified a question of great public importance. We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

We stayed proceedings in this case pending our disposition of Martinez v. State, 981 So. 2d 449 (Fla. 2008). When our decision in Martinez became final, we issued an order directing the parties to show cause why we should not exercise jurisdiction, quash the Slattery decision, and remand for reconsideration in light of our decision in Martinez. Upon considering respondent's motion for remand and

the petitioner's response to the order to show cause, we have determined to exercise jurisdiction.

We accordingly grant the motion and the petition for review in the present case. The decision under review is quashed, and this matter is remanded to the Fifth District Court of Appeal for reconsideration upon application of this Court's decision in Martinez.

It is so ordered.

QUINCE, C.J., WELLS, PARIENTE, CANADY, and POLSTON, JJ., and ANSTEAD, Senior Justice, concur.

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 - Certified Great Public Importance

Fifth District - Case No. 5D05-4408

(Volusia County)

Bill McCollum, Attorney General, Tallahassee, Florida, and Kristen L. Davenport, Assistant Attorney General, Daytona Beach, Florida,

for Petitioner

C. Michael Barnette, Daytona Beach, Florida,

for Respondent