Supreme Court of Florida

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No. SC07-451
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STATE OF FLORIDA,
Petitioner,

vs.

JEROME T. BELL,
Respondent.

[November 8, 2007]

PER CURIAM.

We have for review Bell v. State, 32 Fla. L. Weekly D476 (Fla. 2d DCA

Feb. 16, 2007), in which the Second District Court of Appeal acknowledged (but

did not certify) conflict with Reeves v. State, 920 So. 2d 724 (Fla. 5th DCA 2006),

approved, 957 So. 2d 625 (Fla. 2007), cert. denied, No. 07-6283 (U.S. Nov. 5,

2007). At the time the Second District issued its decision in Bell, Reeves was

pending review in this Court. We have jurisdiction. See art V, § 3(b)(3), Fla.

Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981).

We stayed proceedings in this case pending disposition of Reeves. After

Reeves was decided, we issued an order directing respondent to show cause why

we should not accept jurisdiction, quash the <u>Bell</u> decision, and remand for reconsideration in light of our decision in <u>Reeves</u>. In his response, respondent concedes that "there is no reason for this Court not to take the actions contemplated in its order."

We accordingly grant the petition for review in the present case, quash the decision under review, and remand this matter to the Second District Court of Appeal for reconsideration upon application of this Court's decision in <u>Reeves</u>.

It is so ordered.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, QUINCE, CANTERO, and BELL, JJ., 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 - Direct Conflict

> Second District - Case No. 2D04-1313

> (Polk County)

Bill McCollum, Attorney General, Tallahassee, Florida, Robert J. Krauss, Senior Assistant Attorney General, and Chandra Waite Dasrat, Assistant Attorney General, Tampa, Florida,

> for Petitioner

James Marion Moorman, Public Defender, and Allyn M. Giambalvo, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

> for Respondent