

# Supreme Court of Florida

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No. SC01-961

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**BASDEO SHIVA,**  
Respondent.

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No. SC02-100

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**TYRONE RAFAEL COX,**  
Respondent.

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No. SC02-1509

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**ADAM CARVELLO,**  
Respondent.

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No. SC04-127

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**MICHAEL P. SZYMANOWSKI,**  
Respondent.

[February 3, 2005]

PER CURIAM.

We have for review the decisions in Shiva v. State, 782 So. 2d 501 (Fla. 4th DCA 2001), Cox v. State, 805 So. 2d 1042 (Fla. 4th DCA 2002), Carvello v. State, 824 So. 2d 202 (Fla. 4th DCA 2002), and Szymanowski v. State, 870 So. 2d 137 (Fla. 4th DCA 2003), based on certified conflict with various decisions of other district courts of appeal. We have jurisdiction. See art. V, § 3(b)(4), Fla. Const. We accept jurisdiction in each of these cases, consolidate them solely for the purpose of this opinion, summarily quash the decisions of the Fourth District Court

of Appeal, and remand for reconsideration in light of our decision in Banks v. State, 29 Fla. L. Weekly S579 (Fla. Oct. 14, 2004).<sup>1</sup>

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

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

Four Cases:

SC01-961

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

Fourth District - Case No. 4D01-0788

(Broward County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Marrett W. Hanna,  
Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

Basdeo Shiva, Pro se, Bonifay, Florida,

for Respondent

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1. Respondent Michael P. Szymanowski's Motion to Dismiss and  
Emergency Motion to Dismiss, filed in this Court on June 9, 2004, and November  
1, 2004, respectively, are hereby denied.

SC02-100

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

Fourth District - Case No. 4D01-3071

(St. Lucie County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Claudine M.  
LaFrance, Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

Tyrone Rafael Cox, Pro se, Cocoa, Florida,

for Respondent

SC02-1509

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

Fourth District - Case No. 4D02-702

(Broward County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Donna L. Eng and  
Celia A. Terenzio, Assistant Attorneys General, West Palm Beach, Florida,

for Petitioner

Adam Carvello, Pro se, White City, Florida,

for Respondent

SC04-127

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

Fourth District - Case No. 4D02-4054

(Broward County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Daniel P.  
Hyndman, Assistant Attorney General, West Palm Beach, Florida,

for Petitioner

Michael P. Szymanowski, Pro se, Bushnell, Florida,

for Respondent