

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2023-3168
Lower Tribunal No. 21-CF-6615

STATE OF FLORIDA,

Petitioner,

v.

BRYAN JAMES RILEY

Respondent.

Petition for Writ of Certiorari to the Circuit Court for Polk County.
J. Kevin Abdoney, Judge.

July 3, 2024

PER CURIAM.

For the reasons stated in *State v. Lobato*, 49 Fla. L. Weekly D1172 (Fla. 6th DCA May 31, 2024), we grant the petition for writ of certiorari and quash the order under review.

PETITION FOR CERTIORARI GRANTED; ORDER QUASHED.

STARGEL and GANNAM, JJ., concur.
WHITE, J., dissents, with opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED

WHITE, J., dissenting.

I dissent for the reasons expressed in *State v. Lobato*, 49 Fla. L. Weekly D1172, D1175 (Fla. 6th DCA May 31, 2024) (White, J., dissenting).¹

Ashley Moody, Attorney General, Tallahassee, and Doris Meacham, Senior Assistant Attorney General, Daytona Beach, for Petitioner.

Howard L. “Rex” Dimmig, II, Public Defender, and Rachel P. Roebuck, Steven L. Bolotin, and Jane A. McNeill, Assistant Public Defenders, Bartow, for Respondent.

¹ Under the circumstances, I decline to adopt the majority opinion in *Lobato*. See *Normandy Ins. Co. v. Bouayad*, 372 So. 3d 671, 695-99 (Fla. 1st DCA 2023) (Tanenbaum, J., concurring in the denial of rehearing en banc).