

Supreme Court of Florida

No. 64,058

GEORGE WARREN McCRAY, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[April 25, 1985]

EHRlich, J.

We accepted jurisdiction of this case because the district court certified the same question certified in Rotenberry v. State, 429 So.2d 378 (Fla. 1st DCA 1983), questioning the sufficiency of Florida Standard Jury Instruction (Criminal) 3.04(c). Today, we find the instruction adequate in Rotenberry v. State, No. 63,719, and accordingly approve the decision below. We find no merit to the other issues raised by petitioner.

It is so ordered.

BOYD, C.J., OVERTON, ALDERMAN and McDONALD, JJ., Concur
ADKINS, J., Dissents with an opinion, in which SHAW, J.,
Concurs

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

ADKINS, J., dissenting.

I dissent for the same reasons expressed in my dissent in Rotenberry v. State, Nos. 63,719 and 63,720 (Fla. Apr. 25, 1985).

SHAW, J., Concur

Application for Review of the Decision of the District Court
of Appeal - Certified Great Public Importance

Fourth District - Case No. 82-167

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