

# Supreme Court of Florida

No. 64,168

VICTOR K. GOLDSTEIN, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[May 9, 1985]

PER CURIAM.

We accepted jurisdiction for conflict with State v. Casper, 417 So.2d 263 (Fla. 1st DCA 1982), review denied, 418 So.2d 1280 (Fla. 1982). The facts in this case are legally indistinguishable from those in Cruz v. State, (Fla. March 7, 1985).

Accordingly, we quash the decision of the district court and remand for further action consistent with Cruz.

It is so ordered.

BOYD, C.J., ADKINS, OVERTON, McDONALD, EHRLICH and SHAW, JJ., Concur  
ALDERMAN, J., Dissents

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 of Decisions

Second District - Case No. 82-2888

James Marion Moorman, Public Defender and Robert F. Moeller,  
Assistant Public Defender, Tenth Judicial Circuit, Bartow,  
Florida,

for Petitioner

Jim Smith, Attorney General and Robert J. Landry, Assistant  
Attorney General, Tampa, Florida,

for Respondent