

Supreme Court of Florida

No. 64,426

OSCAR L. ANDREWS, Petitioner,

v.

STATE OF FLORIDA, Respondent.

[October 4, 1984]

PER CURIAM.

Quashed on authority of State v. Neil, Nos. 63,899, 63,933
(Fla. Sept. 27, 1984), with directions to remand for a new trial.

It is so ordered.

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

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

ALDERMAN, J., dissenting.

I dissent for the same reasons stated in my dissent in State v. Neil, Nos. 63,899 and 63,933 (Fla. Sept. 27, 1984).

BOYD, C.J., and ADKINS, J., Concur

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

Third District - Case No. 81-1180

Geoffrey C. Fleck and William R. Tunkey of Weiner, Robbins, Tunkey
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for Petitioner

Jim Smith, Attorney General and William Thomas, Assistant Attorney
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for Respondent

Carin Kahgan, South Miami, Florida, amicus curiae for the
American Civil Liberties Union; and Benneth H. Brummer, Public
Defender and Elliot H. Scherker, Assistant Public Defender,
amicus curiae