

Supreme Court of Florida

No. 64,608

STATE OF FLORIDA, Petitioner,

vs.

MELVIN MULLETT, Respondent.

[August 30, 1984]

PER CURIAM.

State v. Mullett, 439 So. 2d 924 (Fla. 2d DCA 1983), is quashed on the basis of Carlton v. State, 449 So. 2d 250 (Fla. 1984).

It is so ordered.

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

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. 83-773

Jim Smith, Attorney General; and Frank Lester Adams, III and
Gary O. Welch, Assistant Attorneys General, Tampa, Florida,

for Petitioner

Larry Byrd of Ginsburg, Byrd, Jones and Dahlgaard, Sarasota,
Florida,

for Respondent