

Supreme Court of Florida

No. 64,628

JERRY W. JOHNSON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[September 12, 1985]

PER CURIAM.

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). We find the instruction adequate in Rotenberry v. State, 468 So.2d 971 (Fla. 1985), and accordingly approve the decision below. We find no merit to the other issues raised by petitioner.

It is so ordered.

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

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 - Certified Great Public Importance

First District - AQ-114

Louis O. Frost, Jr., Public Defender and Ronald D. Trow, Assistant
Public Defender, Fourth Judicial Circuit, Jacksonville, Florida,

for Petitioner

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Attorney General, Tallahassee, Florida,

for Respondent