

Supreme Court of Florida

No. 65,450

RICKY WALTER SPURLOCK, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[March 21, 1985]

PER CURIAM.

This is a petition to review Spurlock v. State, 449 So. 2d 973 (Fla. 5th DCA 1984). This Court accepted jurisdiction on the basis of conflict with an opinion in Clem v. State, No. 81-2243 (Fla. 4th DCA Aug. 31, 1983). That initial opinion in Clem was withdrawn and the new opinion, released August 29, 1984, is consistent with the Fifth District Court of Appeal's decision in Spurlock. We find this Court is now without jurisdiction and, therefore, the petition for review is denied.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ENTERTAINED BY THE COURT.

Application for Review of the Decision of the District Court
of Appeal - Direct Conflict of Decisions

Fifth District - Case No. 83-1049

James B. Gibson, Public Defender and Michael S. Becker, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach,

for Petitioner

Jim Smith, Attorney General and Kenneth McLaughlin and Belle B.
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for Respondent

Enoch J. Whitney, General Counsel, Florida Parole and Probation
Commission, Tallahassee, Amicus Curiae