

Supreme Court of Florida

No. 65,510

JESSE SKINNER, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[May 30, 1985]

PER CURIAM.

We accepted jurisdiction because of direct and express conflict between the case here, Skinner v. State, 450 So.2d 595 (Fla. 5th DCA 1984), and Golden v. State, 120 So.2d 651 (Fla. 1st DCA 1960). Since that time the First District Court of Appeal has receded from Golden and expressly adopted the reasoning of the case here, Skinner, and Ballard v. State, 447 So.2d 1040 (Fla. 2d DCA 1984). See Carter v. State, No. AU-45 (Fla. 1st DCA, Dec. 6, 1984), panel decision adopted by court en banc April 25, 1985. The conflict having been resolved while this cause has been pending, we exercise our discretion to decline to proceed further and deny review.

It is so ordered.

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

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. 83-1158

James B. Gibson, Public Defender and Lucinda H. Young, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Jim Smith, Attorney General and Kenneth McLaughlin and
Belle B. Turner, Assistant Attorneys General, Daytona Beach, Florida,

for Respondent