

Supreme Court of Florida

No. 65,534 & 65,979

WILLIAM FREDERICK, Petitioner,

v.

STATE OF FLORIDA, Respondent.

WILLIAM FREDERICK, Petitioner,

v.

STATE OF FLORIDA, Respondent.

[June 27, 1985]

ADKINS J.

We review two decisions of the Fifth District Court of Appeal, Frederick v. State, 459 So.2d 326 (Fla. 5th DCA 1984), and Frederick v. State, 451 So.2d 1066 (Fla. 5th DCA 1984), which expressly and directly conflict with T.L.J. v. State, 449 So.2d 1008 (Fla. 2d DCA 1984), quashed, 464 So.2d 1196 (Fla. 1985); and Bennett v. State, 438 So.2d 1034 (Fla. 2d DCA 1983). We have jurisdiction. Art. V, § 3(b)(3), Florida Constitution.

Based on our decision in L.S. v. State, 464 So.2d 1195 (Fla. 1985), we approve the decisions of the district court.

It is so ordered.

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

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

Two Consolidated Applications for Review of the Decision of the
District Court of Appeal - Certified Direct Conflict and Direct
Conflict of Decisions

Fifth District - Case Nos. 83-1432 & 83-1431

James B. Gibson, Public Defender and Brynn Newton, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach,
Florida,

for Petitioner

Jim Smith, Attorney General and Margene A. Roper, Assistant
Attorney General, Daytona Beach, Florida,

for Respondent