

Supreme Court of Florida

No. 65,615

STATE OF FLORIDA, Petitioner/Cross-Respondent,

v.

MARTIN K. SANDERSON, Respondent/Cross-Petitioner.

[May 23, 1985]

McDONALD, J.

We accepted jurisdiction in Sanderson v. State, 447 So.2d 374 (Fla. 1st DCA 1984), because a portion of that decision conflicts with Hicks v. State, 452 So.2d 606 (Fla. 4th DCA 1984). We have approved Hicks, No. 65,495 (Fla. May 23, 1985), and therefore quash the portion of Sanderson holding that a probationer is not entitled to appointed counsel at a probation revocation hearing. We approve the court's finding an insufficient waiver of counsel by Sanderson.

The decision of the district court is therefore quashed in part, and approved in part, and remanded for further consideration in light of our approval of Hicks.

It is so ordered.

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

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

A Notice and Cross-Notice for Review of the Decision of the
District Court of Appeal - Direct Conflict of Decisions

First District - Case No. AV-248

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