

Supreme Court of Florida

No. 66,032

BOBBY BROWN, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[October 31, 1985]

PER CURIAM.

This case is before us on petition for review of the decision in Brown v. State, 456 So.2d 1335 (Fla. 5th DCA 1984). The issue presented has been fully considered and is controlled by our decision in State v. Bussey, 463 So.2d 1141 (Fla. 1985). The decision of the district court of appeal is approved.

It is so ordered.

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

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 - Direct Conflict of Decision

Fifth District - Case No. 84-346

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

for Petitioner

Jim Smith, Attorney General and Richard B. Martell, Assistant
Attorney General, Daytona Beach, Florida,

for Respondent