

Supreme Court of Florida

No. 66,209

FREDERICK RUSSELL, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[June 27, 1985]

ALDERMAN, J.

The decision of the District Court of Appeal, Second District, in Russell v. State, 458 So.2d 422 (Fla. 2d DCA 1984), is approved on the authority of Weems v. State, No. 65,593 (Fla. May 9, 1985).

It is so ordered.

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

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 Decisions

Second District - Case No. 84-556

James Marion Moorman, Public Defender and Deborah K. Brueckheimer,
Assistant Public Defender, Tenth Judicial Circuit, Clearwater,
Florida,

for Petitioner

Jim Smith, Attorney General and William E. Taylor, Assistant
Attorney General, Tampa, Florida,

for Respondent