

# Supreme Court of Florida

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No. 66,293  
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JOSEPH T. SPILLANE, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[JULY 17, 1986]

EHRlich, J.

We review a decision of the district court, Spillane v. State, 458 So.2d 838 (Fla. 4th DCA 1984), which conflicts with decisions of other district courts. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

On the authority of Higdon v. State, No. 66,753 (Fla. May 15, 1986), we quash the decision of the court below and remand for action in accord with this opinion.

It is so ordered.

McDONALD, C.J., and ADKINS, BOYD, OVERTON, SHAW and BARKETT, 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

Fourth District - Case No. 83- 2295

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