

# Supreme Court of Florida

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No. 66,450

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STATE OF FLORIDA, Appellant,

vs.

DANNY PAUL MOOSBRUGGER, Appellee.

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[July 3, 1985]

PER CURIAM.

We approve the decision of the Second District Court of Appeal reported as Moosbrugger v. State, 461 So. 2d 1033 (Fla. 2d DCA 1985), on the authority of our decision in State v. Jenkins, No. 65,810 (Fla. Apr. 4, 1985).

It is so ordered.

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

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

An Appeal from the District Court of Appeal, Second District  
Statutory or Constitutional Invalidity

Case No. 84-740

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for Appellant

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Florida,

for Appellee