## Supreme Court of Florida

No. 66,919

RAYMOND EUGENE JOHNSON, Petitioner,

STATE OF FLORIDA, Respondent.

v.

[February 20, 1986]

ADKINS J.

We have for review <u>Johnson v. State</u>, 473 So.2d 690 (Fla. 2d DCA 1984), which relies on <u>State v. Akers</u>, 367 So.2d 700 (Fla. 2d DCA 1979), and expressly and directly conflicts with <u>Ramsey v.</u> <u>State</u>, 442 So.2d 303 (Fla. 5th DCA 1983), <u>rev'd</u> 475 So.2d 671 (Fla. 1985). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

Our recent reversal of <u>Ramsey</u>, and approval of <u>Akers</u>, warrants approval of the decision below.

It is so ordered.

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

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

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Application for Review of the Decision of the District Court of Appeal - Direct Conflict of Decisions

Second District - Case No. 84-2037

James Marion Moorman, Public Defender, and Michael E. Raiden and Joseph Eugene Perrin, Assistant Public Defenders, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

and the

Jim Smith, Attorney General and Theda James Davis, Assistant Attorney General, Tampa, Florida,

for Respondent