

Supreme Court of Florida

No. 67,313

STATE OF FLORIDA, Petitioner,

vs.

JOHNNIE B. STUBBS, Respondent.

[May 8, 1986]

OVERTON, J.

This is a petition to review Stubbs v. State, 470 So. 2d 768 (Fla. 1st DCA 1985), which directly conflicts with our decision in State v. Jackson, 478 So. 2d 1054 (Fla. 1985).^{*} We quash the decision of the district court and remand with directions to apply Jackson.

It is so ordered.

BOYD, C.J., and ADKINS, McDONALD and BARKETT, JJ., Concur
EHRlich, J., Concur specially with an opinion, in which
SHAW, J., Concur

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

* We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

EHRlich, J., concurring specially.

I concur because of this Court's decision in State v. Jackson, 478 So.2d 1054 (Fla. 1985), but I adhere to the views expressed in my dissent therein.

SHAW, J., Concur

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

First District - Case No. AZ-388

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