

# Supreme Court of Florida

Corrected Opinion

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No. 67,558

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STATE OF FLORIDA, Petitioner,

vs.

DONALD R. BEGGS, Respondent.

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[May 8, 1986]

OVERTON, J.

This is a petition to review Beggs v. State, 473 So. 2d 9 (Fla. 1st DCA 1985), which directly conflicts with our decision in State v. Jackson, 478 So. 2d 1054 (Fla. 1985).<sup>\*</sup> 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  
SHAW, J., Dissents with an opinion

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

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<sup>\*</sup>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., dissenting.

I dissent for the reasons set forth in Justice Ehrlich's dissent to State v. Jackson, 478 So.3d 1054, 1057 (Fla. 1985).

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

First District - Case No. BC-192

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