

Supreme Court of Florida

No. 71,171

STATE OF FLORIDA, Petitioner,

vs.

JEFFREY R. AVERA, Respondent.

[March 31, 1988]

OVERTON, J.

In accordance with our decision in State v. Van Kooten, No. 71,170 (Fla. Mar. 31, 1988), we approve the decision of the Fifth District Court of Appeal in Avera v. State, 512 So. 2d 215 (Fla. 5th DCA 1987).*

It is so ordered.

McDONALD, C.J., and EHRLICH, SHAW, BARKETT and KOGAN, JJ., Concur

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

* We have jurisdiction based on conflict with Francis v. State, 487 So. 2d 348 (Fla. 2d DCA 1986). Art. V, § 3(b)(4), Fla. Const.

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

Fifth District - Case No. 86-1907

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