

Supreme Court of Florida

No. 72,915

JOSEPH L. WISE, Petitioner,

v.

STATE OF FLORIDA, Respondent.

[February 9, 1989]

PER CURIAM.

This case, Wise v. State, 528 So.2d 507 (Fla. 2d DCA 1988), presents the same question as Batie v. State, 521 So.2d 295 (Fla. 1st DCA 1988), i.e., whether persons convicted of capital crimes are ineligible for posttrial release. We recently approved Batie, Batie v. State, 534 So.2d 694 (Fla. 1988), and held that convictions of capital crimes preclude posttrial release. We therefore approve Wise.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, GRIMES and KOGAN, JJ.,
Concur
BARKETT, J., Dissents with an opinion

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

BARKETT, J., dissenting.

I dissent for the reasons expressed in my dissent to Batie v. State, 534 So.2d 694 (Fla. 1988) (Barkett, J., dissenting).

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

Second District - Case Nos. 88-1520 and 88-1581
(Lee County)

Peter D. Ringsmuth, Fort Myers, Florida,
for Petitioner

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for Respondent