

Supreme Court of Florida

No. 76,163

BILLY WOODS, et al.,

Petitioners,

vs.

STATE OF FLORIDA,

Respondent.

[February 28, 1991]

PER CURIAM.

We have for review Woods v. State, 561 So.2d 452 (Fla. 5th DCA 1990), based on express and direct conflict with Fieselman v. State, 566 So.2d 768 (Fla. 1990). Because the state has conceded that Fieselman "invalidates the district court decision," we quash the opinion below and remand for reconsideration.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, BARKETT, GRIMES and KOGAN, JJ., concur.

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

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

Fifth District - Case No. 90-75

(Volusia County)

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Florida,

for Petitioners

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for Respondent