

Supreme Court of Florida

ORIGINAL

No. 78,185

JERRY D. NEWTON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[February 27, 1992]

PER CURIAM.

We approve Newton v. State, 581 So.2d 212 (Fla. 4th DCA 1991), on the authority of Burdick v. State, No. 78,466 (Fla. Feb. 6, 1992).

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and HARDING, 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

Fourth District - Case No. 90-1817

(Broward County)

Richard L. Jorandby, Public Defender and Anthony Calvello,
Assistant Public Defender, Fifteenth Judicial Circuit, West Palm
Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; and Joan Fowler and
James J. Carney, Assistant Attorneys General, West Palm Beach,
Florida,

for Respondent