

Supreme Court of Florida

ORIGINAL

No. 78,983

DENNIS BUCKHALTER, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[June 25, 1992]

PER CURIAM.

We approve Buckhalter v. State, 587 So. 2d 1186 (Fla. 5th DCA 1991), on the authority of Burdick v. State, 594 So. 2d 267 (Fla. 1992).¹

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.

¹ We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution.

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

Fifth District - Case No. 91-479

(Orange County)

James B. Gibson, Public Defender and Brynn Newton, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General and James N. Charles,
Assistant Attorney General, Daytona Beach, Florida,

for Respondent