

Supreme Court of Florida

ORIGINAL

No. 79,565

LESTER JOYNER, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[May 20, 1993]

PER CURIAM.

We review Joyner v. State, 594 So. 2d 328 (Fla. 2d DCA 1992), on the ground of express and direct conflict under article V, section 3(b)(3), Florida Constitution.

Based on this Court's adoption in McKnight v. State, 18 Fla. L. Weekly S191 (Fla. Mar. 25, 1993), of the rationale expressed in King v. State, 597 So. 2d 309 (Fla. 2d DCA), review denied, 602 So. 2d 942 (Fla. 1992), the decision of the district court of appeal in the instant case is approved.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, SHAW, 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

Second District - Case No. 91-00419

(Hillsborough County)

James Marion Moorman, Public Defender and Jennifer Y. Fogle,
Assistant Public Defender, Tenth Judicial Circuit, Bartow,
Florida,

for Petitioner

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Assistant Attorney General, Hollywood, Florida,

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