

Supreme Court of Florida

ORIGINAL

No. 79,793

HOWARD ORR,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[November 25, 1992]

PER CURIAM.

We have for review Orr v. State, 597 So.2d 833 (Fla. 5th DCA 1992), based on express and direct conflict with Tarawneh v. State, 588 So.2d 1006 (Fla. 4th DCA 1991). We recently have disapproved Tarawneh and approved the rationale adopted by the District Court below. Hayles v. State, No. 79,743 (Fla. Oct. 1, 1992). Accordingly, the opinion under review 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

Fifth District - Case No. 91-1176

(Brevard County)

James B. Gibson, Public Defender; and Paolo G. Annino and Anne
Moorman Reeves, Assistant Public Defenders, Seventh Judicial
Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Anthony J. Golden,
Assistant Attorney General, Daytona Beach, Florida,

for Respondent