

Supreme Court of Florida

ORIGINAL

No. 79,806

WILLIAM JAMES SIMMONS,
Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[November 25, 1992]

OVERTON, J.

We have for review Simmons v. State, 596 So. 2d 1156 (Fla. 1st DCA 1992), in which the district court certified the same questions we recently answered in the negative in Tillman v. State, No. 78,715 (Fla. Nov. 19, 1992). For the reasons expressed in Tillman, we approve the decision of the district court.

It is so ordered.

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

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