

Supreme Court of Florida

ORIGINAL 6

No. 79,986

JOHN E. WARD, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[December 17, 1992]

OVEHTON, J.

We have for review Ward v. State, 598 So. 2d 331 (Fla. 1st DCA 1992), in which the district court certified the same question 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.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

First District - Case No. 91-3288

(Leon County)

Nancy A. Daniels, Public Defender and P. Douglas Brinkmeyer,
Assistant Public Defender, Second Judicial Circuit, Tallahassee,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General; James W. Rogers, Bureau
Chief, Criminal Appeals and Charlie McCoy, Assistant Attorney
General, Tallahassee, Florida,

for Respondent