

Supreme Court of Florida

ORIGINAL

No. 80,109

CHARLES EUGENE COLEMAN,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[January 21, 1993]

OVERTON, J.

We have for review Coleman v. State, 599 So. 2d 1285 (Fla. 2d DCA 1992), in which the district court addressed the same question we recently answered in State v. Johnson, Nos. 79,150 & 79,204 (Fla. Jan. 14, 1993).¹ In accordance with our decision in

¹ We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

Johnson, we quash the decision of the district court in this case and remand this cause for resentencing.

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 - Direct Conflict of Decisions

Second District - Case No. 91-01547

(Polk County)

James Marion Moorman, Public Defender and Timothy J. Ferreri,
Assistant Public Defender, Tenth Judicial Circuit, Bartow,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General; and Erica M. Raffel and
Peggy A. Quince, Assistant Attorneys General, Tampa, Florida,

for Respondent