

Supreme Court of Florida

ORIGINAL

Nu. 80,157

STATE OF FLORIDA, Petitioner/Appellant,

vs .

TYRONE M. CLAYBOURNE, Respondent/Appellee.

[January 21, 1993]

OVERTON, J.

We have for review State v. Claybourne, 600 So. 2d 516 (Fla. 1st 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

¹ We have jurisdiction. Art. V, § 3(b)(1), (3)-(4), Fla. Const.

decision in Johnson, we approve the decision of the district court in the instant case.

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. 91-1472

(Okaloosa County)

and An Appeal from the District Court of Appeal -
Statutory/Constitutional Invalidity

First District - Case No. 91-1472

(Okaloosa County)

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