

Supreme Court of Florida

ORIGINAL

No. 80,244

HERMAN ROTH,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent,

[February 4, 1993]

PER CURIAM.

We have for review Roth v. State, 601 So. 2d 613 (Fla. 3d DCA 1992), based on certified conflict with Tarawneh v. State, 588 So. 2d 1006 (Fla. 4th DCA 1991), review denied, 598 So. 2d 78 (Fla. 1992), disapproved, Hayles v. State, 17 Fla. L. Weekly S601 (Fla. Oct. 1, 1992). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. Based on Hayles, the decision below 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 - Certified Direct Conflict of Decisions

Third District - Case No. 91-1793

(Dade County)

Herman Roth, pro se, Belle Glade, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Leslie Schreiber,
Assistant Attorney General, Miami, Florida,

for Respondent