

Supreme Court of Florida

ORIGINAL

No. 80,418

THOMAS SHEPPARD, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[April 15, 1993]

OVERTON, J.

We have for review State v. Sheppard, 17 Fla. L. Weekly D1960 (Aug. 21, 1992), in which the district court addressed the same question we recently answered in State v. Johnson, Nos. 79,150 & 79,204 (Fla. Apr. 8, 1993).¹ In accordance with our

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

decision in Johnson, we quash the decision of the district court in the instant 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. 92-00970

(Charlotte County)

James Marion Moorman, Public Defender; and Deborah K.
Brueckheimer, Assistant Public Defender, Bartow, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; Peggy A. Quince and
William I. Munsey, Jr., Assistant Attorney Generals, Tampa,
Florida,

for Respondent