

Supreme Court of Florida

ORIGINAL

No. 80,808

STANLEY EUGENE JOHNSON, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[October 28, 1993]

PER CURIAM.

We review Johnson v. State, 606 So. 2d 1174 (Fla. 2d DCA 1992) (table report of unpublished slip opinion), on the ground of conflict of decisions. Art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981). The conflict has been resolved by our decision in State v. Rucker, 613 So. 2d 460 (Fla. 1993). On the authority of Rucker, we approve the decision under review.

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
Second District - Case No. 92-00436

(Polk County)

James Marion Moorman, Public Defender and Robert D. Rosen,
Assistant Public Defender, Tenth Judicial Circuit, Bartow,
Florida,

for Petitioner

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Jr., Assistant Attorney General, Tampa, Florida,

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