

# Supreme Court of Florida

## ORIGINAL

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No. 80,851

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ERIC ENNIS RHOADS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[June 24, 1993]

PER CURIAM.

We review the decision of the district court of appeal, Rhoads v. State, 608 So. 2d 817 (Fla. 2d DCA 1992), on the ground of conflict. Art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981). The district court's decision is quashed and the case is remanded for further proceedings consistent with State v. Johnson, 18 Fla. L. Weekly S234 (Fla. Jan. 14, 1993).

It is so ordered.

BARRETT, 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 - Direct Conflict of Decisions

Second District - Case No. 91-03570

(Hillsborough County)

James Marion Moorman, Public Defender and Stephen Krosschell,  
Assistant Public Defender, Tenth Judicial Circuit, Bartow,  
Florida,

for Petitioner

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Assistant Attorney General, Tampa, Florida,

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