

Supreme Court of Florida

ORIGINAL

No. 80,870

MARVIN TUCKER, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[June 24, 1993]

PER CURIAM.

We review Tucker v. State, 608 So. 2d 122 (Fla. 2d DCA 1992), on the ground of conflict of decisions. Art. V, § 3(b)(3), Fla. Const. The district court's decision affirming petitioner's habitual offender sentence is approved on the authority of State v. Rucker, 613 So. 2d 460 (Fla. 1993).

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 - Direct Conflict of Decisions

Second District - Case No. 91-03058

(Hillsborough County)

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

for Petitioner

Robert A. Butterworth, Attorney General and Davis G. Anderson,
Jr., Assistant Attorney General, Tampa, Florida,

for Respondent