

# Supreme Court of Florida

**ORIGINAL**

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No. 80,957

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FRED JAMES, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[June 24, 1993]

PER CURIAM.

We have for review James v. State, 613 So. 2d 25 (Fla. 2d DCA 1992), on the ground of conflict of decisions. 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.

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. 92-00043

(Collier County)

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

for Petitioner

Robert A. Butterworth, Attorney General and Anne Y. Swing,  
Assistant Attorney General, Tampa, Florida,

for Respondent