

# Supreme Court of Florida

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No. 81,727

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STATE OF FLORIDA, Petitioner,

vs.

MARY JOYCE ROGERS, Respondent.

[November 10, 1993]

McDONALD, J.

The petition for review of Rogers v. State, 616 So. 2d 1098 (Fla. 1st DCA 1993), is granted. We dispense with the filing of briefs on the merits and oral argument. We approve Rogers in part and disapprove it in part as set out in State v. Hickson, no. 79,222 (Fla. Oct. 21, 1993), and remand for further proceedings consistent with Hickson.

It is so ordered.

BARKETT, C.J., and OVERTON, 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  
First District - Case No. 91-854

(Levy County)

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for Petitioner

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