

# Supreme Court of Florida

**ORIGINAL**

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No. 83,279

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RYAN LEE CHEEK,  
Petitioner,

vs.

STATE OF FLORIDA,  
Respondent.

[September 8, 1994]

WELLS, J.

We have for review Cheek v. State, 630 So. 2d 231 (Fla. 5th DCA 1994), in which the district court addressed the same question we recently answered in Jones v. State, 19 Fla. L. Weekly S280 (Fla. May 26, 1994). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

In accordance with our decision in Jones, we approve the decision of the district court in the instant case.

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, 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  
Fifth District - Case No. 92-3117

(Brevard County)

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for Petitioner

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