

Supreme Court of Florida

No. 84,443

STATE OF FLORIDA,

Petitioner,

vs.

MICHAEL PENNINGTON,

Respondent.

[July 20, 1995]

SHAW, J.

We have for review Pennington v. State, 641 So. 2d 187 (Fla. 4th DCA 1994), based on conflict with Ashley v. State, 614 So. 2d 486 (Fla. 1993). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

Our decision in State v. Blackwell, No. 84,071 (Fla. July 20, 1995), controls. We quash Pennington and remand for proceedings consistent with Blackwell.

It is so ordered.

GRIMES, C.J., and OVERTON, KOGAN, HARDING, WELLS and ANSTEAD,
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. 93-2898

(Volusia County)

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