

# Supreme Court of Florida

---

No. 84,779

---

STATE OF FLORIDA,

Petitioner,

vs.

ERNEST COLEMAN,

Respondent.

[July 20, 1995]

SHAW, J.

We have for review Coleman v. State, 644 So. 2d 355 (Fla. 5th DCA 1994), based on conflict with Ashley v. State, 614 So. 2d 486 (Fla. 1995). 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 Coleman 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. 93-2403

(Volusia County)

Robert A. Butterworth, Attorney General, Robin Compton Jones and  
Bonnie Jean Parrish, Assistant Attorneys General, Daytona Beach,  
Florida,

for Petitioner

James B. Gibson, Public Defender, and Nancy Ryan, Assistant  
Public Defender, Daytona Beach, Florida,

for Respondent