

Supreme Court of Florida

No. 84,884

STATE OF FLORIDA,

Petitioner,

vs.

ANTHONY FRAZIER,

Respondent.

[July 20, 1995]

SHAW, J.

We have for review Frazier v. State, 645 So. 2d 572 (Fla. 5th 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 Frazier 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. 93-2400

(Volusia County)

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

for Petitioner

James B. Gibson, Public Defender, M. A. Lucas and Nancy Ryan,
Assistant Public Defenders, Daytona Beach, Florida,

for Respondent