

Supreme Court of Florida

No. 84,885

STATE OF FLORIDA,

Petitioner,

vs.

RAYMOND HORTON,

Respondent.

[July 20, 1995]

SHAW, J.

We have for review Horton v. State, 644 So. 2d 1036 (Fla. 5th DCA 1994), based on conflict with Ashley v. State, 644 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 Horton and remand for proceedings consistent with Blackwell.

It is so ordered.

GRIMES, C.J., 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. 93-2344

(Volusia County)

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for Petitioner

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