

Supreme Court of Florida

No. 85,324

STATE OF FLORIDA,

Petitioner,

vs.

RICHARD EVERSOLE,

Respondent.

[August 24, 1995]
CORRECTED OPINION

SHAW, J.

We have for review Eversole v. State, 651 So. 2d 240 (Fla. 5th DCA 1995), based on conflict with Ashley v. State, 614 So. 2d 486 (Fla. 1994). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. We recently addressed this issue in Blackwell v. State, 20 Fla. L. Weekly S354 (Fla. July 20, 1995). We quash Eversole 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. 94-551

(Volusia County)

Robert A. Butterworth, Attorney General and Bonnie Jean Parrish,
Assistant Attorney General, Daytona Beach, Florida,

for Petitioner

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

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