

Supreme Court of Florida

No. 85,921

STATE OF FLORIDA,

Petitioner,

vs.

ROY PHANEUF,

Respondent.

[January 4, 1996]

SHAW, J.

We have for review Phaneuf v. State, 655 So. 2d 1300 (Fla. 5th DCA 1995), based on conflict with State v. Blackwell, 661 So. 2d 282 (Fla. 1995). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. We quash Phaneuf 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. 94-1580

(Volusia County)

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for Petitioner

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