

# Supreme Court of Florida

CORRECTED COPY

---

No. 86,082

---

BOBBY GLEN WASHINGTON,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[February 1, 1961]

SHAW, J.

We have for review Washington v. State, 655 so. 2d 239 (Fla. 4th DCA 1995), wherein the court certified conflict with Bell v. State, 624 So. 2d 821 (Fla. 2d DCA 1993), review denied, 634 So. 2d 622 (Fla. 1994). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We find the two cases distinguishable. We approve Washington.

It is so ordered.

GRIMES, C.J., and OVERTON, KOGAN, WELLS and ANSTEAD, JJ., concur.  
HARDING, J., concurs in the result.

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 - Certified Direct Conflict of Decisions  
Fourth District - Case No. 94-1709

(St. Lucie County)

Richard L. Jorandby, Public Defender and Cherry Grant, Assistant  
Public Defender, Fifteenth Judicial Circuit, West Palm Beach,  
Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Melynda L. Melear,  
Assistant Attorney General, West Palm Beach, Florida,

for Respondent