

Supreme Court of Florida

No. 86,670

GREGORY R. LAMOUREUX,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[September 26, 1996]

SHAW, J.

We have for review State v. Lamoureux, 660 So. 2d 1063 (Fla. 2d DCA 1995), which expressly and directly conflicts with Salazar v. State, 665 So. 2d 1066 (Fla. 4th DCA 1995). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. We approve the result in Lamoureux based on Melbourne v. State, 21 Fla. L. Weekly S358 (Fla. Sept. 5, 1996).

It is so ordered.

KOGAN, C.J., and OVERTON, GRIMES, 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
Second District - Case No. 94-02984

(Charlotte County)

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for Petitioner

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Assistant Attorney General, Chief of Criminal Law and Patricia E.
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for Respondent