

K.W., a juvenile, Petitioner, vs. STATE OF FLORIDA, Respondent.

No. **87,235**

SUPREME COURT OF FLORIDA

**October** 31, 1996, Decided

**SUBSEQUENT HISTORY:** [\*\*1] As Corrected.

**PRIOR HISTORY:** Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions Third District - Case No. 95-1573 (Dade County).

**DISPOSITION:** Decision below approved, opinions in A.J.H. and M.P.C. disapproved.

**COUNSEL:** Bennett H. Brummer, Public Defender and Amy D. Ronner, Special Assistant Public Defender, Eleventh Judicial Circuit, Miami, Florida; and Dana M. Scarrillo and Regina Tsombanakis, Certified Legal Interns, St. Thomas University School of Law, Miami, Florida, for Petitioner.

Robert A. Butterworth, Attorney General and Richard L. Polin, Assistant Attorney General, Miami, Florida, for Respondent.

**JUDGES:** KOGAN, C.J., and OVERTON, SHAW, GRIMES, HARDING, WELLS and ANSTEAD, JJ., concur.

**OPINION:** [\*144]

CORRECTED OPINION

PER CURIAM.

We have for review the decision in *K.W. v. State*, 665 So. 2d 383 (Fla. 3d DCA 1996), in which the Third District Court of Appeal certified conflict with the opinions in *M.P.C. v. State*, 659 So. 2d 1293 (Fla. 5th DCA 1995), and *A.J.H. v. State*, 652 So. 2d 1279 (Fla. 1st DCA 1995). We have jurisdiction pursuant to article V, section 3(b)(4) of [\*\*2] the Florida Constitution.

K.W. was found to have committed the offenses of carrying a concealed firearm, illegal possession of a firearm by a minor, and resisting arrest without violence. However, the court withheld adjudication of delinquency. On appeal, the district court affirmed the trial court, finding no violation of K.W.'s constitutional protection against double jeopardy based upon the dual offenses of carrying a concealed weapon and illegal possession of a firearm by a minor. However, the district court certified the same conflict that it certified in *M.P. v. State*, 662 So. 2d 1359 (Fla. 3d DCA 1995). *K.W.*, 665 So. 2d at 384.

In *M.P.*, the district court certified conflict with the opinions in *A.J.H.* and *M.P.C.* on the double jeopardy issue. *M.P.*, 662 So. 2d at 1360. After reviewing *M.P.*, we concluded that dual adjudications for the offenses of carrying a concealed weapon and illegal possession of a firearm by a minor did not violate the constitutional prohibition against double jeopardy. *M.P. v. State*, 682 So. 2d 79, 21 [\*\*3] Fla. L. Weekly S433 (Fla. 1996).

Accordingly, we approve the decision below n1 and, as we did in *M.P.*, disapprove the opinions in *A.J.H.* and *M.P.C.*

-----Footnotes-----

n1 We decline to address the other issue raised by *K.W.*

-----End Footnotes-----

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW, GRIMES, HARDING, WELLS and ANSTEAD, JJ., concur.