

Supreme Court of Florida

No. 87,425

ROBERT CARLTON BEMIS,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[November 14, 1996]

SHAW, J.

We have for review Bemis v. State, 667 So. 2d 779 (Fla. 2d DCA 1995), based on conflict with Salazar v. State, 665 So. 2d 1066 (Fla. 4th DCA 1995), quashed, 21 Fla. L. Weekly S399 (Fla. Sept. 26, 1996). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. We approve the result in Bemis based on Melbourne v. State, 679 So. 2d 759 (Fla. 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. 94-04171

(Polk County)

James Marion Moorman, Public Defender and John T. Kilcrease, Jr.,
Assistant Public Defender, Tenth Judicial Circuit, Bartow,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General; Robert J. Krauss, Senior
Assistant Attorney General, Chief, Criminal Appeals and Patricia
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