

Supreme Court of Florida

JAMES RUSSO, etc.,
Petitioner,

vs.

GARY ALAN MOCK,
Respondent.

No. 91,954

[November 25, 1998]

SHAW, J.

We have for review Russo v. Mock, 701 So. 2d 898 (Fla. 5th DCA 1997) (hereinafter Mock), wherein the district court cited for support Russo v. Akers, 701 So. 2d 366 (Fla. 5th DCA 1997) (hereinafter Akers), which was pending in this Court. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

We have since approved the district court decision in Akers. See Russo v. Akers, No. 91,943 (Fla. Nov. 25, 1998) (holding that a trial court can appoint a public defender to represent an indigent defendant in a noncapital proceeding under Florida Rule of Criminal Procedure 3.850). Accordingly we approve the result in Mock.

It is so ordered.

HARDING, C.J., and OVERTON,
KOGAN, WELLS, ANSTEAD and
PARIENTE, 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. 97-2687
(Brevard County)

Blaise Trettis, Executive Assistant
Public Defender, Melbourne, Florida,

for Petitioner

No appearance,

for Respondent