

# Supreme Court of Florida

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No. 94,801

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**RICARDO JOHNSON,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[December 16, 1999]

PARIENTE, J.

We have for review the opinion in Johnson v. State, 23 Fla. L. Weekly D2419 (Fla 4th DCA Oct. 28, 1998), which certified conflict with the opinions in State v. Holland, 689 So. 2d 1268 (Fla. 1st DCA 1997), and State v. Perry, 716 So. 2d 327 (Fla. 2d DCA 1998). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const. For the reasons expressed in our opinion in Hayes v. State, 24 Fla. L. Weekly S467 (Fla. Oct. 7, 1999), the decision of the Fourth District is hereby quashed. We remand to the district court for proceedings consistent with this

opinion.

It is so ordered.

HARDING, C.J., and SHAW, WELLS, ANSTEAD, LEWIS and QUINCE, 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 - Certified  
Direct Conflict of Decisions

Fourth District - Case No. 97-3013

(Broward County)

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