

# Supreme Court of Florida

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No. SC03-828

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**MARILYN HOLMES HERNDON,**  
Respondent.

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No. SC03-912

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**THOMAS P. MCCABE,**  
Respondent.

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No. SC03-928

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**JOE ALAN GOLAN.**  
Respondent.

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No. SC03-929

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**ERNEST LEE HARDY,**  
Respondent.

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No. SC03-930

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**STEPHEN MURPHY,**  
Respondent.

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No. SC03-937

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**DOMINGO SANCHEZ,**  
Respondent.

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No. SC03-941

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**JOHN BOOREAM,**  
Respondent.

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No. SC03-962

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**JEANNE BARBER,**  
Respondent.

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No. SC03-972

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**SCOTT W. KARO,**  
Respondent.

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No. SC03-993

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**WILLIAM F. GILBERT,**  
Respondent.

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No. SC03-994

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**THOMAS MILLS,**  
Respondent.

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No. SC03-1015

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**ALEC RICARDO REEVES,**  
Respondent.

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No. SC03-1163

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**PHILLIP WRIGHT,**  
Respondent.

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No. SC03-1189

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**CATHERINE W. GREGORY,**  
Respondent.

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No. SC03-1386

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**MICHAL KEINZ,**  
Respondent.

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No. SC03-1404

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**LAWRENCE STALEY,**  
Respondent.

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No. SC03-1406

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**ALFREDO PADILLA, JR.,**  
Respondent.

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No. SC03-1407

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**MICHAEL WARREN TRUMBOWER,**  
Respondent.

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No. SC03-1807

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**RAYMOND LYNN,**  
Respondent.

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No. SC03-1910

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**REGINALD HENRY,**  
Respondent.

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No. SC03-2036

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**JOSEPH JONES,**  
Respondent.

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No. SC03-2051

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**MELISSA J. SMILEY,**  
Respondent.

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No. SC03-2284

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**JUSTIN MURRAY,**  
Respondent.



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No. SC03-2293

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**ORLANDO ADAMS,**  
Respondent.

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No. SC04-585

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**RICHARD WILLIAMS,**  
Respondent.

[February 17, 2005]

PARIENTE, C.J.

We have the decisions in each of these cases for review, based on express and direct conflict or certified conflict with a decision of this Court or another district court. We have jurisdiction. See art. V, § 3(b)(3), (4), Fla. Const. We accept jurisdiction, consolidate these cases for purposes of this opinion, summarily quash the decisions of the Second District Court of Appeal, and remand for reconsideration in light of our decisions in Franklin v. State, 887 So. 2d 1063 (Fla.

2004), and State v. Green, 887 So. 2d 1089 (Fla. 2004). We decline to address the additional issues, including those relating to resentencing, raised in several of these cases.

It is so ordered.

WELLS, ANSTEAD, LEWIS, CANTERO, and BELL, JJ., concur.  
QUINCE, J., dissents with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND  
IF FILED, DETERMINED.

QUINCE, J., dissenting.

I dissent for the same reasons expressed in my dissenting opinions in Franklin v. State, 887 So. 2d 1063, 1086-88 (Fla. 2004), and State v. Green, 887 So. 2d 1089, 1090 (Fla. 2004).

Twenty-five cases consolidated:

SC03-828:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict

Second District - Case No. 2D02-3204  
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco, Senior Assistant Attorney General, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

Marilyn Holmes Herndon, Pro se, Riverview, Florida,

for Respondent

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SC03-912:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict

Second District - Case No. 2D02-2608  
(Pasco County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco, Senior Assistant Attorney General, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

Douglas E. Walker of Holland and Knight, LLP, Orlando, Florida,

for Respondent

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SC03-928:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict

Second District - Case No. 2D02-4073  
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, and Katherine V. Blanco, Senior Assistant Attorney General, Tampa, Florida,

for Petitioner

Joe Alan Golan, Pro se, Lakeland, Florida,

for Respondent

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SC03-929:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict

Second District - Case No. 2D02-3320  
(Pasco County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco, Senior Assistant Attorney General Tampa, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

Ernest L. Hardy, Pro se, Belle Glade, Florida,

for Respondent

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SC03-930:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict

Second District - Case No. 2D02-2953  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, and Katherine V. Blanco, Senior Assistant Attorney General, Tampa, Florida,

for Petitioner

Stephen Murphy, Pro se, Avon Park, Florida,

for Respondent

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SC03-937:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict

Second District - Case No. 2D03-170  
(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, and Katherine V. Blanco, Senior Assistant Attorney General and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

Domingo Sanchez, Pro se, Pensacola, Florida,

for Respondent

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SC03-941:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

Second District - Case No. 2D01-5230  
(Polk County)

Charles, J. Crist, Jr., Attorney General, Tallahassee, Florida and C. Suzanne Bechard, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Allyn M. Giambalvo, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-962:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-4986  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco,  
Senior Assistant Attorney General and Tonja Rene Vickers, Assistant Attorney  
General, Tampa, Florida,

for Petitioner

Jeanne Barber, Pro se, Clearwater, Florida,

for Respondent

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SC03-972:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-3324  
(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine V.  
Blanco, Senior Assistant Attorney General, Tampa, Florida,

for Petitioner

Scott W. Karo, Pro se, Arcadia, Florida

for Respondent

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SC03-993:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-3610  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco,  
Senior Assistant Attorney General and Tonja Rene Vickers, Assistant Attorney  
General, Tampa, Florida,

for Petitioner

William F. Gilbert, Pro se, St. Petersburg, Florida,

for Respondent

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SC03-994:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-3664  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine V.  
Blanco, Senior Assistant Attorney General, Tampa, Florida

for Petitioner

Thomas Mills, Pro se, Largo, Florida,

for Respondent

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SC03-1015:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

Second District - Case No. 2D01-4808  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Robert J. Krauss, Chief Assistant Attorney General and Susan D. Dunlevy, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and William L. Sharwell, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1163:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

Second District - Case No. 2D02-1592  
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and William K. Sharwell, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent



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SC03-1189:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-783  
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Dale E. Tarpley,  
Assistant Attorney General, Tampa, Florida,

for Petitioner

David R. Carmichael of Franklin and Carmichael, Bartow, Florida,

for Respondent

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SC03-1386:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D01-2969  
(Lee County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,  
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Timothy J. Ferreri, Assistant Public  
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1404:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

Second District - Case No. 2D02-5099  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Deena DeGenova, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Timothy J. Ferreri, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1406:

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

Second District - Case No. 2D02-5319  
(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine V. Blanco, Senior Assistant Attorney General, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida

for Petitioner

Alfredo Padilla, Jr., Pro se, Bowling Green, Florida

for Respondent

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SC03-1407:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-1719  
(Lee County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Deena DeGenova,  
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Allyn M. Giambalvo, Assistant  
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1807:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-4972  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,  
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Megan Olson, Assistant Public  
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1910:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-182  
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,  
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Judith Ellis, Assistant Public  
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-2036:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D03-276  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine V.  
Blanco, Senior Assistant Attorney General, and Tonja Rene Vickers, Assistant  
Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Steven L. Bolotin, Assistant Public  
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-2051:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D01-5228  
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine Coombs  
Cline, Assistant Attorney General, Tampa, Florida,

for Petitioner

John S. Lynch, Bartow, Florida,

for Respondent

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SC03-2284:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-3514  
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,  
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Robert D. Rosen, Assistant Public  
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-2293:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D02-4925  
(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,  
Assistant Attorney General, Tampa, Florida

for Petitioner

James Marion Moorman, Public Defender, James C. Banks, Special Assistant  
Public Defenders, Tenth Judicial Circuit, Bartow, Florida, and Alexander  
Dombrowsky, Tallahassee, Florida,

for Respondent

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SC04-585:

Application for Review of the Decision of the District Court of Appeal - Certified  
Direct Conflict of Decisions

Second District - Case No. 2D03-4305  
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine Coombs  
Cline, Assistant Attorney General, Tampa, Florida,

for Petitioner

Richard Williams, Pro se, Bellview, Florida,

for Respondent