

Supreme Court of Florida

No. 64,682

ALTHA B. GILLESPIE, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[August 30, 1985]

PER CURIAM.

We accepted jurisdiction over this case, Gillespie v. State, 440 So.2d 8 (Fla. 1st DCA 1983), based on asserted conflict with decisions of other district courts of appeal. Upon further consideration, we find no direct and express conflict sufficient to confer jurisdiction pursuant to article V, section 3(b)(3), Florida Constitution, and so deny the petition for review.

It is so ordered.

BOYD, C.J., OVERTON, ALDERMAN, McDONALD, EHRLICH and SHAW, JJ.,
Concur
ADKINS, J., Dissents

NO MOTION FOR REHEARING WILL BE ENTERTAINED BY THE COURT.
SEE FLA.R.APP.P. 9.330(d).

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

First District - Case No. AK-364

Michael E. Allen, Public Defender, and Glenna Joyce Reeves,
Assistant Public Defender, Second Judicial Circuit, Tallahassee,
Florida,

for Petitioner

Jim Smith, Attorney General, and Lawrence A. Kaden, Assistant
Attorney General, Tallahassee, Florida,

for Respondent