

# Supreme Court of Florida

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No. 66,405  
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STATE OF FLORIDA, Petitioner,

v.

ROBERT LEE DIXON, Respondent.

[October 24, 1985]

ADKINS J.

We have for review the decision of Dixon v. State, 463 So.2d 342 (Fla. 2d DCA 1985), in which the Second District Court of Appeal certified the exact same question it previously certified to us in State v. Enmund, No. 66,264 (Fla. Aug. 29, 1985). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

In Enmund, we held that a defendant can be convicted of and sentenced for both felony murder and the underlying felony.

Accordingly, we quash the opinion of the district court.

It is so ordered.

BOYD, C.J., and McDONALD, EHRLICH and SHAW, JJ., Concur  
OVERTON, J., Dissents with an opinion

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

OVERTON, J., dissenting.

I dissent for the reasons expressed in my concurring and dissenting opinion in State v. Edmund, No. 66,264 (Fla. Aug. 29, 1985).

Application for Review of the Decision of the District Court of  
Appeal - Certified Great Public Importance

Second District - Case No. 84-477

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