

Supreme Court of Florida

No. 66,919

RAYMOND EUGENE JOHNSON, Petitioner,

v.

STATE OF FLORIDA, Respondent.

[February 20, 1986]

ADKINS J.

We have for review Johnson v. State, 473 So.2d 690 (Fla. 2d DCA 1984), which relies on State v. Akers, 367 So.2d 700 (Fla. 2d DCA 1979), and expressly and directly conflicts with Ramsey v. State, 442 So.2d 303 (Fla. 5th DCA 1983), rev'd 475 So.2d 671 (Fla. 1985). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

Our recent reversal of Ramsey, and approval of Akers, warrants approval of the decision below.

It is so ordered.

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

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

Second District - Case No. 84-2037

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for Petitioner

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