

Supreme Court of Florida

No. 71,895

STATE OF FLORIDA, Petitioner,

vs.

DARYL DAVID BODINE, Respondent.

[March 31, 1988]

OVERTON, J.

In accordance with our decision in State v. Van Kooten, No. 71,170 (Fla. Mar. 31, 1988), we approve the decision of the Fifth District Court of Appeal in Bodine v. State, 517 So. 2d 782 (Fla. 5th DCA 1988).*

It is so ordered.

McDONALD, C.J., and EHRLICH, SHAW, BARKETT and KOGAN, JJ., Concur

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

* We have jurisdiction based on conflict with Francis v. State, 487 So. 2d 348 (Fla. 2d DCA 1986). Art. V, § 3(b)(4), Fla. Const.

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

Fifth District - Case Nos. 87-319, 87-335

Robert A. Butterworth, Attorney General and Ellen D. Phillips,
Assistant Attorney General, Daytona Beach, Florida,

for Petitioner

James B. Gibson, Public Defender and Michael Becker, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Respondent