

Supreme Court of Florida

No. 74,212

STATE OF FLORIDA, Petitioner,

vs .

SYLVESTER MA" WARREN, Respondent.

[May 3, 1990]

BARKETT, J.

We have for review Wren v. State, 542 So.2d 429 (Fla. 3d DCA 1989). We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution, because the Third District Court in Cole v. State, 550 So.2d 1129 (Fla. 3d DCA 1989), review granted, No. 74,299 (Fla. Jan. 16, 1990), certified a conflict between its opinions in Cole and Warren with the Fifth District Court's opinion in Franklin v. State, 526 So.2d 159 (Fla. 5th DCA 1988), approved in part, 545 So.2d 851 (Fla. 1989), disapproved in part, State v. Watts, No. 74,117 (Fla. Mar. 15, 1990).

The state raises only one issue for our review. That issue is identical to the one we decided in Watts. For the

reasons we stated in Watts, we approve the decision of the district court below.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, GRIMES and KOGAN, JJ.,
Concur

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 - Certified Direct Conflict of Decisions

Third District - Case No. 87-721
(Dade County)

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