

Supreme Court of Florida

ORIGINAL

No. 80,239

MICHAEL ADAMS,
Petitioner,
vs.
STATE OF FLORIDA,
Respondent.

[May 20, 1993]

PER CURIAM.

We initially accepted jurisdiction of State v. Adams, 600 So. 2d 1302 (Fla. 5th DCA 1992), based on apparent conflict with State v. Hunter, 586 So. 2d 319, 322 (Fla. 1991). See art. V, § 3(b)(3), Fla. Const. Upon further review of the record and after hearing argument of counsel, we perceive that no actual conflict exists. Accordingly, this review is dismissed.

It is so ordered.

OVERTON, McDONALD, SHAW, GRIMES, KOGAN and HARDING, JJ., concur.
BARKETT, C.J., concurs specially with an opinion.

NO MOTION FOR REHEARING WILL BE ALLOWED.

BARCKETT, C.J., concurring specially.

I agree there is no conflict jurisdiction, but I strongly adhere to my view that the State has no legal or moral authority to force a defendant to "make" new crimes, either directly or through a middleman. State v. Hunter, 586 So. 2d 319, 322-24 (Fla. 1991) (Barkett, J., concurring in part, dissenting in part). I also agree with the eloquent dissent of Judge Cowart in the decision below. State v. Adams, 600 So. 2d 1302, 1304-06 (Fla. 5th DCA 1992) (Cowart, J., dissenting).

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

Fifth District - Case No. 91-2280

(Osceola County)

James B. Gibson, Public Defender; and Anne Moorman Reeves and
Larry B. Henderson, Assistant Public Defenders, Seventh Judicial
Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; and Anthony J. Golden
and Laura Rush, Assistant Attorney General, Tallahassee, Florida,

for Respondent