

# Supreme Court of Florida

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No. 80,439

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DONALD RHUE HEIDBREDER,

Petitioner,

vs .

STATE OF FLORIDA,

Respondent.

[March 4, 1993]

PER CURIAM.

We have for review Heidbreder v. State, 603 So. 2d 674 (Fla. 1st DCA 1992), based on certified conflict with Tarawneh v. State, 588 So. 2d 1006 (Fla. 4th DCA 1991), disapproved, Hayles v. State 608 So. 2d 13 (Fla. 1992). We have jurisdiction. Art. V, § 3(b (4), Fla. Const. On the authority of Hayles, the decision below is approved. We will not address the issue lying beyond the scope of conflict jurisdiction.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, SHAW, GRIMES, KOGAN and HARDING, 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

First District - Case No, 91-1930

(Escambia County)

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Judicial Circuit, Tallahassee, Florida,

for Petitioner

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