

Supreme Court of Florida

ORIGINAL

No. 80,458

EARL JOHNSON CREWS, Petitioner,

vs .

STATE OF FLORIDA, Respondent.

[April 15, 1993]

OVERTON, J.

We have for review Crews v. State, 603 So. 2d 690 (Fla. 2d DCA 1992), in which the district court addressed the same question we recently answered in Johnson v. State, Nos. 79,150 & 79,204 (Fla. Apr. 8, 1993).¹ In accordance with our decision in

¹ We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

Johnson, we quash the **decision** of the district court in the instant case and remand **this cause for** resentencing.

It is so ordered.

BARKETT, C.J., and 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 - Direct Conflict of Decisions

Second District - Case No. 91-03212

(Polk County)

James Marion Moorman, Public Defender; Cynthia J. Dodge,
Assistant Public Defender, Bartow, Florida,

for Petitioner

Robert A. Butterworth, Attorney General; Peggy A. Quince and
Susan D. Dunlevy, Assistant Attorney Generals, Tampa, Florida,

for Respondent