

Supreme Court of Florida

ORIGINAL 6

No. 80,488

BENNIE LEE PEARSON,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

[April 8, 1993]

PER CURIAM.

We have for review Pearson v. State, 603 So. 2d 676 (Fla. 3d DCA 1992), based on express and direct conflict with Lamont v. State, 610 So. 2d 435 (Fla. 1992). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. The opinion below is quashed to the extent it is inconsistent with Lamont and remanded for reconsideration.

It is so ordered.

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

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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

Third District - Case No. 90-2148

(Dade County)

Bennett H. Brummer, Public Defender and Sheryl J. Lowenthal,
Special Appointed Public Defender, Coral Gables, Florida,

for Petitioner

Robert A. Butterworth, Attorney General and Charles M. Fahlbusch,
Assistant Attorney General, Hollywood, Florida,

for Respondent