Supreme Court of Florida

THURSDAY, JANUARY 27, 2005

CASE NOS.: SC00-2248; SC01-1460

Lower Tribunal No.: F83-435

HARRY FRANKLIN PHILLIPS

vs. STATE OF FLORIDA

HARRY FRANKLIN PHILLIPS

vs. JAMES V. CROSBY., JR., ETC.

Appellant/Petitioner

Appellee/Respondent

In light of the revised opinion, the Appellant's Motion for Rehearing filed in SC00-2248 is hereby denied.

WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO, AND BELL, JJ., concur. PARIENTE, C.J., dissents.

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In light of the revised opinion, the Appellee's Motion for Rehearing filed in SC00-2248 is hereby denied.

PARIENTE, C.J., AND WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO, AND BELL, JJ., concur.

A True Copy

Test:

Thomas D. Hall

Clerk, Supreme Court

jn

Served:

WILLIAM M. HENNIS, III

LEOR VELEANU

SANDRA A. JAGGARD

PENNY H. BRILL

HON. HARVEY RUVIN, CLERK

HON. ALEX FERRER, JUDGE