

Supreme Court of Florida

No. SC03-828

STATE OF FLORIDA,
Petitioner,

vs.

MARILYN HOLMES HERNDON,
Respondent.

No. SC03-912

STATE OF FLORIDA,
Petitioner,

vs.

THOMAS P. MCCABE,
Respondent.

No. SC03-928

STATE OF FLORIDA,
Petitioner,

vs.

JOE ALAN GOLAN.
Respondent.

No. SC03-929

STATE OF FLORIDA,
Petitioner,

vs.

ERNEST LEE HARDY,
Respondent.

No. SC03-930

STATE OF FLORIDA,
Petitioner,

vs.

STEPHEN MURPHY,
Respondent.

No. SC03-937

STATE OF FLORIDA,
Petitioner,

vs.

DOMINGO SANCHEZ,
Respondent.

No. SC03-941

STATE OF FLORIDA,
Petitioner,

vs.

JOHN BOOREAM,
Respondent.

No. SC03-962

STATE OF FLORIDA,
Petitioner,

vs.

JEANNE BARBER,
Respondent.

No. SC03-972

STATE OF FLORIDA,
Petitioner,

vs.

SCOTT W. KARO,
Respondent.

No. SC03-993

STATE OF FLORIDA,
Petitioner,

vs.

WILLIAM F. GILBERT,
Respondent.

No. SC03-994

STATE OF FLORIDA,
Petitioner,

vs.

THOMAS MILLS,
Respondent.

No. SC03-1015

STATE OF FLORIDA,
Petitioner,

vs.

ALEC RICARDO REEVES,
Respondent.

No. SC03-1163

STATE OF FLORIDA,
Petitioner,

vs.

PHILLIP WRIGHT,
Respondent.

No. SC03-1189

STATE OF FLORIDA,
Petitioner,

vs.

CATHERINE W. GREGORY,
Respondent.

No. SC03-1386

STATE OF FLORIDA,
Petitioner,

vs.

MICHAL KEINZ,
Respondent.

No. SC03-1404

STATE OF FLORIDA,
Petitioner,

vs.

LAWRENCE STALEY,
Respondent.

No. SC03-1406

STATE OF FLORIDA,
Petitioner,

vs.

ALFREDO PADILLA, JR.,
Respondent.

No. SC03-1407

STATE OF FLORIDA,
Petitioner,

vs.

MICHAEL WARREN TRUMBOWER,
Respondent.

No. SC03-1807

STATE OF FLORIDA,
Petitioner,

vs.

RAYMOND LYNN,
Respondent.

No. SC03-1910

STATE OF FLORIDA,
Petitioner,

vs.

REGINALD HENRY,
Respondent.

No. SC03-2036

STATE OF FLORIDA,
Petitioner,

vs.

JOSEPH JONES,
Respondent.

No. SC03-2051

STATE OF FLORIDA,
Petitioner,

vs.

MELISSA J. SMILEY,
Respondent.

No. SC03-2284

STATE OF FLORIDA,
Petitioner,

vs.

JUSTIN MURRAY,
Respondent.

No. SC03-2293

STATE OF FLORIDA,
Petitioner,

vs.

ORLANDO ADAMS,
Respondent.

No. SC04-585

STATE OF FLORIDA,
Petitioner,

vs.

RICHARD WILLIAMS,
Respondent.

[February 17, 2005]

PARIENTE, C.J.

We have the decisions in each of these cases for review, based on express and direct conflict or certified conflict with a decision of this Court or another district court. We have jurisdiction. See art. V, § 3(b)(3), (4), Fla. Const. We accept jurisdiction, consolidate these cases for purposes of this opinion, summarily quash the decisions of the Second District Court of Appeal, and remand for reconsideration in light of our decisions in Franklin v. State, 887 So. 2d 1063 (Fla.

2004), and State v. Green, 887 So. 2d 1089 (Fla. 2004). We decline to address the additional issues, including those relating to resentencing, raised in several of these cases.

It is so ordered.

WELLS, ANSTEAD, LEWIS, CANTERO, and BELL, JJ., concur.
QUINCE, J., dissents with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND
IF FILED, DETERMINED.

QUINCE, J., dissenting.

I dissent for the same reasons expressed in my dissenting opinions in Franklin v. State, 887 So. 2d 1063, 1086-88 (Fla. 2004), and State v. Green, 887 So. 2d 1089, 1090 (Fla. 2004).

Twenty-five cases consolidated:

SC03-828:

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

Second District - Case No. 2D02-3204
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco, Senior Assistant Attorney General, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

Marilyn Holmes Herndon, Pro se, Riverview, Florida,

for Respondent

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SC03-912:

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

Second District - Case No. 2D02-2608
(Pasco County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco, Senior Assistant Attorney General, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

Douglas E. Walker of Holland and Knight, LLP, Orlando, Florida,

for Respondent

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SC03-928:

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

Second District - Case No. 2D02-4073
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, and Katherine V. Blanco, Senior Assistant Attorney General, Tampa, Florida,

for Petitioner

Joe Alan Golan, Pro se, Lakeland, Florida,

for Respondent

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SC03-929:

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

Second District - Case No. 2D02-3320
(Pasco County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco, Senior Assistant Attorney General Tampa, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

Ernest L. Hardy, Pro se, Belle Glade, Florida,

for Respondent

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SC03-930:

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

Second District - Case No. 2D02-2953
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, and Katherine V. Blanco, Senior Assistant Attorney General, Tampa, Florida,

for Petitioner

Stephen Murphy, Pro se, Avon Park, Florida,

for Respondent

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SC03-937:

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

Second District - Case No. 2D03-170
(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, and Katherine V. Blanco, Senior Assistant Attorney General and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

Domingo Sanchez, Pro se, Pensacola, Florida,

for Respondent

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SC03-941:

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

Second District - Case No. 2D01-5230
(Polk County)

Charles, J. Crist, Jr., Attorney General, Tallahassee, Florida and C. Suzanne Bechard, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Allyn M. Giambalvo, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-962:

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

Second District - Case No. 2D02-4986
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco,
Senior Assistant Attorney General and Tonja Rene Vickers, Assistant Attorney
General, Tampa, Florida,

for Petitioner

Jeanne Barber, Pro se, Clearwater, Florida,

for Respondent

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SC03-972:

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

Second District - Case No. 2D02-3324
(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine V.
Blanco, Senior Assistant Attorney General, Tampa, Florida,

for Petitioner

Scott W. Karo, Pro se, Arcadia, Florida

for Respondent

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SC03-993:

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

Second District - Case No. 2D02-3610
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Katherine V. Blanco,
Senior Assistant Attorney General and Tonja Rene Vickers, Assistant Attorney
General, Tampa, Florida,

for Petitioner

William F. Gilbert, Pro se, St. Petersburg, Florida,

for Respondent

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SC03-994:

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

Second District - Case No. 2D02-3664
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine V.
Blanco, Senior Assistant Attorney General, Tampa, Florida

for Petitioner

Thomas Mills, Pro se, Largo, Florida,

for Respondent

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SC03-1015:

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

Second District - Case No. 2D01-4808
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Robert J. Krauss,
Chief Assistant Attorney General and Susan D. Dunlevy, Assistant Attorney
General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and William L. Sharwell, Assistant
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1163:

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

Second District - Case No. 2D02-1592
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and William K. Sharwell, Assistant
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1189:

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

Second District - Case No. 2D02-783
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Dale E. Tarpley,
Assistant Attorney General, Tampa, Florida,

for Petitioner

David R. Carmichael of Franklin and Carmichael, Bartow, Florida,

for Respondent

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SC03-1386:

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

Second District - Case No. 2D01-2969
(Lee County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Timothy J. Ferreri, Assistant Public
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1404:

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

Second District - Case No. 2D02-5099
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Deena DeGenova, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Timothy J. Ferreri, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1406:

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

Second District - Case No. 2D02-5319
(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine V. Blanco, Senior Assistant Attorney General, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida

for Petitioner

Alfredo Padilla, Jr., Pro se, Bowling Green, Florida

for Respondent

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SC03-1407:

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

Second District - Case No. 2D02-1719
(Lee County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Deena DeGenova,
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Allyn M. Giambalvo, Assistant
Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1807:

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

Second District - Case No. 2D02-4972
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Megan Olson, Assistant Public
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-1910:

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

Second District - Case No. 2D02-182
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Judith Ellis, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-2036:

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

Second District - Case No. 2D03-276
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine V. Blanco, Senior Assistant Attorney General, and Tonja Rene Vickers, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Steven L. Bolotin, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-2051:

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

Second District - Case No. 2D01-5228
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine Coombs
Cline, Assistant Attorney General, Tampa, Florida,

for Petitioner

John S. Lynch, Bartow, Florida,

for Respondent

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SC03-2284:

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

Second District - Case No. 2D02-3514
(Pinellas County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,
Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Robert D. Rosen, Assistant Public
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent

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SC03-2293:

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

Second District - Case No. 2D02-4925
(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Ronald Napolitano,
Assistant Attorney General, Tampa, Florida

for Petitioner

James Marion Moorman, Public Defender, James C. Banks, Special Assistant
Public Defenders, Tenth Judicial Circuit, Bartow, Florida, and Alexander
Dombrowsky, Tallahassee, Florida,

for Respondent

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SC04-585:

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

Second District - Case No. 2D03-4305
(Polk County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Katherine Coombs
Cline, Assistant Attorney General, Tampa, Florida,

for Petitioner

Richard Williams, Pro se, Bellview, Florida,

for Respondent