

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2003

**JEROME MORANCY,**

**Appellant,**

**v.**

**CASE NO. 5D03-2614**

**STATE OF FLORIDA,**

**Appellee.**

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**Opinion filed October 3, 2003**

**3.800 Appeal from the Circuit  
Court for Osceola County,  
Margaret T. Waller, Judge.**

**Jerome Morancy, Orlando, Pro se.**

**No Appearance for Appellee.**

**PER CURIAM.**

**AFFIRMED.** See *Jackson v. State*, 847 So. 2d 1038 (Fla. 5th DCA 2003). We disagree with *Green v. State*, 839 So. 2d 748 (Fla. 2d DCA 2003), and certify conflict.

**SHARP, W., and TORPY, JJ., concur.**  
**GRIFFIN, J., concurring specially, with opinion.**

GRIFFIN, J., concurring specially.

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Actually, I do not disagree with *Green*. My own view, like that of Judge Sawaya, is that *Hersey v. State*, 831 So. 2d 679 (Fla. 5th DCA 2002), was wrongly decided, but since it is the law of this district, we must follow it. *Pena v. State*, 28 Fla. L. Weekly D2135 (Fla. 5th DCA 2003); *Fillyaw v. State*, 28 Fla. L. Weekly D2102 (Fla. 5th DCA 2003).