

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

CAREY HAYNES, )  
 )  
Appellant, )  
 )  
v. )  
 )  
STATE OF FLORIDA, )  
 )  
Appellee. )  
\_\_\_\_\_ )

Case No. 2D19-1336

Opinion filed December 30, 2020.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Lee County; Bruce E. Kyle, Judge

Howard L. Dimmig, II Public Defender  
and Maureen E. Surber, Assistant  
Public Defender, Bartow for Appellant.

Ashley Moody, Attorney General and  
Chelsea N. Simms, Assistant Attorney  
General, Tampa for Appellee.

VILLANTI, Judge.

For the reasons expressed in Morgan v. State, 293 So. 3d 1081 (Fla. 2d  
DCA), review granted, No. SC20-641, 2020 WL 3494396 (Fla. June 29, 2020), we  
affirm. As in Morgan, we certify conflict with the Fourth and Fifth District Courts of

Appeal in Jones v. State, 279 So. 3d 172 (Fla. 4th DCA 2019), and Magill v. State, 287 So. 3d 1262 (Fla. 5th DCA 2019).<sup>1</sup>

MORRIS and ATKINSON, JJ., Concur.

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<sup>1</sup>In Morgan we also certified conflict with the First District Court of Appeal in Simmons v. State, 274 So. 3d 468 (Fla. 1st DCA 2019), and Jordan v. State, 81 So. 3d 595 (Fla. 1st DCA 2012). However, as the First District has since receded from Simmons and Jordan, see Rogers v. State, 296 So. 3d 500, 505 (Fla. 1st DCA 2020) (en banc), we do not repeat that part of our certification in the present case.