

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

SAMUEL FASON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NO. 2D20-1444

October 20, 2021

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Polk County; J. Kevin Abdoney, Judge.

Jonathan Edwin Mills, Orlando, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and Suzanne C. Bechard, Assistant Attorney General, Tampa, for Appellee.

KELLY, 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).

Affirmed; conflict certified.

MORRIS, C.J., and SMITH, J., Concur.

Opinion subject to revision prior to official publication.