

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

| | | |
|------------------------|---|--------------------|
| JOHN ANTHONY SHERIDAN, |) | |
| |) | |
| Appellant, |) | |
| v. |) | Case No. 2D02-3837 |
| |) | |
| STATE OF FLORIDA, |) | |
| |) | |
| Appellee. |) | |
| _____ |) | |

Opinion filed May 28, 2004.

Appeals from the Circuit Court for Pinellas
County; Mark I. Shames and Linda R. Allan,
Judges.

James Marion Moorman, Public Defender,
and Carol J. Y. Wilson, Assistant Public
Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Marilyn Muir Beccue,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

We affirm John Anthony Sheridan's conviction and sentence for third-
degree murder. However, we certify that, as to the predicate offenses for habitual

offender sentencing, this decision conflicts with the Fourth District's opinion in Richardson v. State, 28 Fla. L. Weekly D1716 (Fla. 4th DCA July 23, 2003).

Affirmed; conflict certified.

CASANUEVA, DAVIS, and SILBERMAN, JJ., Concur.