

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

June 6, 2003

STATE OF FLORIDA,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D02-783
	)	
CATHERINE W. GREGORY,	)	
	)	
Appellee.	)	
_____	)	

BY ORDER OF THE COURT:

Appellant's motion for certification of conflict is granted to the extent that the opinion dated April 11, 2003, is withdrawn and the attached opinion is substituted therefor. No motions for rehearing will be entertained in this appeal.

I HERBY CERTIFY THE FOREGOING IS A  
TRUE COPY OF THE ORIGINAL COURT ORDER.

JAMES BIRK HOLD, CLERK

c: Dale E. Tarpley, Assistant Attorney General  
David R. Carmichael, Esquire

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

STATE OF FLORIDA, )  
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 Appellant, )  
 )  
 v. ) Case No. 2D02-783  
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 CATHERINE W. GREGORY, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Opinion filed June 6, 2003.

Appeal from the Circuit Court  
for Polk County;  
Susan W. Roberts, Judge.

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

David R. Carmichael, Bartow,  
for Appellee.

PER CURIAM.

We affirm based on this court's decision in Green v. State, 839 So. 2d 748  
(Fla. 2d DCA 2003). As we did in Green, we certify conflict with Carlson v. State, 27  
Fla. L. Weekly D2162 (Fla. 5th DCA Oct. 4, 2002), and Hearsey v. State, 831 So. 2d  
679 (Fla. 5th DCA 2002).

Affirmed.

CASANUEVA, KELLY, and CANADY, JJ., Concur.