

Supreme Court of Florida

TUESDAY, DECEMBER 23, 2008

CASE NOS.: SC06-474 and SC07-729
Lower Tribunal No.: 91-1932- CF

HARRY JONES

vs. STATE OF FLORIDA

HARRY JONES

vs. WALTER A. MCNEIL, ETC.

Appellant/Petitioner

Appellee/Respondent

We deny the Appellant/Petitioner's Motion for Rehearing but the opinion dated September 4, 2008, is withdrawn and the revised opinion dated December 23, 2008, is substituted in its place.

QUINCE, C.J., and WELLS, PARIENTE, and LEWIS, JJ., concur.

ANSTEAD, J., dissents.

CANADY and POLSTON, JJ., did not participate.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



jn

Served:

EDDIE D. EVANS
HARRY P. BRODY
JEFFREY M. HAZEN
STEPHEN R. WHITE
HON. BOB INZER, CLERK
HON. WILLIAM L. GARY, JUDGE