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Meshell v. State, 33 Fla. L. Weekly D1010 (Fla. 5th DCA 2008):

Double jeopardy prevented defendant from being convicted of two counts of lewd or lascivious battery based upon one count of penis to vagina sex and one count of penis to mouth sex during the same episode.

Conflict certified to Florida Supreme Court.

Discussion: The 5th DCA notes that it is in conflict with every DCA that has addressed this issue and therefore requests the Florida Supreme Court to clarify the issue. Until the Florida Supreme Court addresses the issue, this opinion is only relevant to the cases in that district.