

Supreme Court of Florida

No. 64,268

DEPARTMENT OF CORRECTIONS,
Petitioner,

vs.

IVIA JEAN NEWSOME, Respondent.

[November 8, 1984]

PER CURIAM.

We originally accepted jurisdiction in this cause, reported below as Newsome v. Department of Corrections, 435 So. 2d 887 (Fla. 1st DCA 1983), on the basis of conflict with Mastrandrea v. J. Mann, Inc., 128 So. 2d 146 (Fla. 3d DCA), cert. denied, 133 So. 2d 320 (Fla. 1961). After hearing oral argument, however, we find that there is no express and direct conflict and, consequently, there is no basis for this Court to accept jurisdiction in this cause. The petition for review is denied.

It is so ordered.

OVERTON, ALDERMAN, McDONALD, EHRLICH and SHAW, JJ., Concur
BOYD, C.J. and ADKINS, J., Dissent

NO MOTION FOR REHEARING WILL BE ENTERTAINED BY THE COURT.
SEE FLA. R. APP. P. 9.330(d).

Application for Review of the Decision of the District Court of
Appeal - Direct Conflict of Decisions

First District - Case No. AO-320

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for Petitioner

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