

# Supreme Court of Florida

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No. 64,621

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ANTHONY DUMAS, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

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[January 31, 1985]

PER CURIAM.

We originally accepted jurisdiction in this cause, reported below as Dumas v. State, 439 So. 2d 246 (Fla. 3d DCA 1983), on the basis of conflict with Cirio v. State, 440 So. 2d 650 (Fla. 2d DCA 1983), and Johnson v. State, 411 So. 2d 1023 (Fla. 2d DCA 1982). Upon further review, we find that there is no conflict because of the distinctive factual circumstances in the instant case, and, consequently, no basis for this Court to accept jurisdiction. The petition for review is denied.

It is so ordered.

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

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

Third District - Case No. 81-2293

Bennett H. Brummer, Public Defender, and Howard K. Blumberg,  
Assistant Public Defender, Eleventh Judicial Circuit, Miami,  
Florida,

for Petitioner

Jim Smith, Attorney General and Michael J. Neimand, Assistant  
Attorney General, Miami, Florida,

for Respondent