

Supreme Court of Florida

No. 73,821

STATE OF FLORIDA,
Petitioner,
vs.
ANTHONY F. PAYNE,
Respondent.

[November 2, 1989]

PER CURIAM.

We accepted jurisdiction of Payne v. State, 538 So.2d 1302 (Fla. 1st DCA 1989), based on apparent conflict with Carawan v. State, 515 So.2d 161 (Fla. 1987). Upon examination of the record and argument of counsel, we have determined that the opinion below is not in conflict with Carawan. Accordingly, we dismiss this cause on the ground that jurisdiction was granted improvidently.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, BARKETT, GRIMES and KOGAN, JJ., Concur

NO MOTION FOR REHEARING WILL BE ENTERTAINED BY THIS COURT.

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

First District - Case No. 88-266
(Duval County)

Robert A. Butterworth, Attorney General and Edward C. Hill, Jr.,
Assistant Attorney General, Tallahassee, Florida,

for Petitioner

Michael E. Allen, Public Defender and Michael J. Minerva,
Assistant Public Defender, Second Judicial Circuit, Tallahassee,
Florida,

for Respondent