

Supreme Court of Florida

No. 80,040

STATE OF FLORIDA, Petitioner,

vs.

DARRIN O'NEILL MCCLAIN, Respondent.

[March 4, 1993]

PER CURIAM.

We originally accepted for review McClain v. State, 596 So. 2d 800 (Fla. 1st DCA 1992), based upon conflict jurisdiction. See art. V, § 3(b)(3), Fla. Const. After further consideration, we have determined that jurisdiction was improvidently granted.

Accordingly, this Court is without jurisdiction to hear this cause and the case is hereby dismissed.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, SHAW, GRIMES, KOGAN and HARDING, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

First District - Case No. 91-1469

(Escamiba County)

Robert A. Butterworth, Attorney General: James W. Rogers, Bureau
Chief, Criminal Law, and Edward C. Hill, Jr., Assistant Attorney
General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender and Jamie Spivey, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent