

Supreme Court of Florida

ERIC KAPLAN,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

No. 89,445

[July 17, 1997]

PER CURIAM.

We granted review of Kaplan v. State, 681 So. 2d 1166 (Fla. 5th DCA 1996), based upon express and direct conflict with other decisions of this Court and courts in this state. See Art. V, § 3(b)(3), Fla. Const. However, after closer examination of the cases, we have determined that there is no express and direct conflict. Jurisdiction was therefore improvidently granted and the petition for review is accordingly dismissed.

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW,
GRIMES, HARDING, WELLS and
ANSTEAD, 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

Fifth District - Case No. 95-1118

(Seminole County)

Terrence E. Kehoe of the Law Offices of
Terrence E. Kehoe, Orlando, Florida; and
Chandler R. Muller of the Law Offices of
Chandler R. Muller, P.A., Winter Park,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General and
Kristen L. Davenport, Assistant Attorney
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for Respondent