

Supreme Court of Florida

COPY

No. 93,543

STATE OF FLORIDA,
Petitioner,

vs.

JOHN H. FESSENDEN,
Respondent.

[June 17, 1999]

PER CURIAM.

We originally accepted jurisdiction to review Fessenden v. State, 713 So. 2d 1093 (Fla. 2d DCA 1998), pursuant to article V, section 3(b)(4), of the Florida Constitution. After further consideration, we have determined that jurisdiction was improvidently granted.

Accordingly, this case is hereby dismissed.

It is so ordered.

HARDING, C.J., and SHAW, WELLS, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal - Certified
Great Public Importance

Second District - Case No. 96-00129

(Pinellas County)

Robert A. Butterworth, Attorney General, Robert J. Krauss, Senior Assistant Attorney
General, and Ann Pfeiffer Howe, Assistant Attorney General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Megan Olson, Assistant Public
Defender, Tenth Judicial Circuit, Clearwater, Florida,

for Respondent

Daniel Y. Sumner, General Counsel, and S. Marc Herskovitz and Jeffrey W. Joseph,
Senior Attorneys, Division of Legal Services, Tallahassee, Florida,

for the Florida Department of Insurance, Amicus Curiae