

Supreme Court of Florida

No. SC95087

STATE OF FLORIDA,
Petitioner,

vs.

ESTEVAN FIGUEROA,
Respondent.

[August 17, 2000]

PER CURIAM.

We initially accepted review of the opinion in State v. Figueroa, 728 So. 2d 787 (Fla. 4th DCA 1999), based on alleged express and direct conflict with the opinion in State v. Gitto, 731 So. 2d 686 (Fla. 5th DCA 1998). Upon further consideration, we find that jurisdiction was improvidently granted. Accordingly, we hereby dismiss review of this cause.

It is so ordered.

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

QUINCE, J., dissents.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fourth District - Case No. 4D98-3025

(Broward County)

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for Petitioner

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