

Supreme Court of Florida

No. SC95799

SHERRIE LLEO ABRAHAM,
Petitioner,

vs.

GEORGE ABRAHAM,
Respondent.

[November 16, 2000]

PER CURIAM.

We initially accepted review of the decision in Abraham v. Abraham, 730 So. 2d 746 (Fla. 3d DCA 1999), based on alleged express and direct conflict under article V, section 3(b)(3) of the Florida Constitution. 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 and QUINCE, JJ., concur.
ANSTEAD, J., dissents with an opinion, in which PARIENTE and LEWIS, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

ANSTEAD, J., dissenting.

Because I conclude that we properly accepted jurisdiction on the basis of a conflict between the decision rendered below, Abraham v. Abraham, 730 So. 2d 746 (Fla. 3d DCA 1999), and the decisions in Wall v. Johnson, 80 So. 2d 362 (Fla. 1955), and Martin v. Lenahan, 658 So. 2d 119 (Fla. 4th DCA 1995), I would not discharge jurisdiction. Indeed, the majority opinion below candidly acknowledges “contrary authority for requiring restitution,” Abraham, 730 So. 2d at 747, placing this case in the unique and limited category of cases demonstrating conflict on the face of the opinion.

PARIENTE and LEWIS, JJ., concur.

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

Third District - Case No. 3D98-1939

(Dade County)

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for Respondent

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