

# Supreme Court of Florida

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No. SC00-2350

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**JOHN EARL HUBBARD,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[March 13, 2003]

PER CURIAM.

We originally accepted review of Hubbard v. State, 773 So. 2d 87 (Fla. 2d DCA 2000), pursuant to article V, section 3(b)(3), of the Florida Constitution. After further consideration, and in light of our recent decision in Burgess v. State, 831 So. 2d 137 (Fla. 2002), we have determined that jurisdiction was improvidently granted.

Accordingly, this case is hereby dismissed.

It is so ordered.

ANSTEAD, C.J., and WELLS, PARIENTE, LEWIS, QUINCE, CANTERO, and BELL, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal -  
Constitutional Construction

Second District - Case No. 2D00-2403

(Pinellas County)

R. Mitchell Prugh of Middleton & Prugh, P.A., Melrose, Florida,

for Petitioner

Charles J. Crist, Jr., Attorney General, Robert J. Krauss, Senior Assistant Attorney General, Chief of Criminal Law, and Ronald Napolitano, Assistant Attorney General, Tampa, Florida,

for Respondent