

# *Supreme Court of Florida*

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No. SC01-1

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**J. PATRICK SWETT,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[October 10, 2002]

PER CURIAM.

We initially accepted review of the decision in State v. Swett, 772 So. 2d 48 (Fla. 5th DCA 2000), based on alleged express and direct conflict with Frazier v. State, 766 So. 2d 459 (Fla. 1st DCA 2000), and Daniels v. State, 568 So. 2d 63 (Fla. 1st DCA 1990). Upon further consideration, we find that jurisdiction was improvidently granted. Accordingly, we hereby dismiss this case.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fifth District - Case No. 5D00-84

(Orange County)

Terrence E. Kehoe and Donald R. West, Orlando, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Carmen F. Corrente, Assistant  
Attorney General, Daytona Beach, Florida,

for Respondent