

Supreme Court of Florida

No. SC01-2094

NATHANIEL POOLE, JR.,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[May 29, 2003]

PER CURIAM.

We originally accepted jurisdiction to review Poole v. State, 791 So. 2d 1232 (Fla. 5th DCA 2001), pursuant to article V, section 3(b)(3), 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.

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

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. 5D00-3604

(Volusia County)

James B. Gibson, Public Defender, and Christopher S. Quarles, Assistant Public
Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Charles J. Crist, Jr., Attorney General, and Kellie A. Nielan and Bonnie Jean
Parrish, Assistant Attorneys General, Daytona Beach, Florida,

for Respondent