

Supreme Court of Florida

No. SC02-1305

DAVID FAMIGLIETTI,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[January 23, 2003]

PER CURIAM.

We originally accepted review of State v. Famiglietti, 817 So. 2d 901 (Fla. 3d DCA 2002), in which the Third District Court of Appeal certified direct conflict with the Fourth District Court of Appeal's decision in State v. Pinder, 678 So. 2d 410 (Fla. 4th DCA 1996), pursuant to article V, section 3(b)(4) of the Florida Constitution. Upon closer examination, however, we find that jurisdiction was improvidently granted in this case. Therefore, we dismiss review of this cause.

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 - Certified
Direct Conflict of Decisions

Third District - Case No. 3D01-1158

(Dade County)

Eric M. Cohen, Miami, Florida,

for Petitioner

Charles J. Crist, Jr., Attorney General, Michael J. Neimand, Bureau Chief, and
Paulette R. Taylor, Assistant Attorney General, Miami, Florida,

for Respondent

H. Scott Fingerhut, Miami, Florida; and Benedict P. Kuehne of Sale & Kuehne,
P.A., Miami, Florida,

for Florida Association of Criminal Defense Lawyers and Florida
Association of Criminal Defense Lawyers - Miami Chapter,
Amicus Curiae