

Supreme Court of Florida

No. SC02-1679

TONY HOBBS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[September 18, 2003]

PER CURIAM.

We initially accepted for review the decision of the First District Court of Appeal in Hobbs v. State, 820 So. 2d 347 (Fla. 1st DCA 2002), which certified conflict with Whitson v. State, 791 So. 2d 544 (Fla. 2d DCA 2001). Upon further consideration, we find that review was improvidently granted. Accordingly, this review proceeding is dismissed.

It is so ordered.

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

QUINCE, 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

First District - Case No. 1D00-2224

(Gadsden County)

Nancy A. Daniels, Public Defender, and Jamie Spivey, Assistant Public Defender,
Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Charles J. Crist, Jr., Attorney General, James W. Rogers, Tallahassee Bureau
Chief, Criminal Appeals, and Kenneth D. Pratt, Assistant Attorney General,
Tallahassee, Florida,

for Respondent