

# Supreme Court of Florida

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No. SC03-179

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**CHRISTOPHER BRYANT MOSLEY,**  
Respondent.

[May 27, 2004]

PER CURIAM.

We originally accepted jurisdiction to review Mosley v. State, 842 So. 2d 855 (Fla. 1st DCA 2002), pursuant to article V, section 3(b)(4), Florida Constitution. Upon further consideration, we have now determined that we should exercise our discretion and discharge jurisdiction. Accordingly, this review proceeding is hereby dismissed.

It is so ordered.

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

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. 1D00-3819

(Columbia County)

Charles J. Crist, Jr., Attorney General, Robert R. Wheeler, Tallahassee Bureau  
Chief, Criminal Appeals, and Thomas H. Duffy, Assistant Attorney General,  
Tallahassee, Florida,

for Petitioner

Nancy A. Daniels, Public Defender, and Nancy L. Showalter, Assistant Public  
Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent