

# Supreme Court of Florida

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No. SC04-873

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**DEMETRIUS MITCHELL,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[September 1, 2005]

PER CURIAM.

Consistent with our decision in Woodson v. State, 889 So. 2d 823 (Fla. 2004), we conclude that review herein was improvidently granted, and we hereby dismiss this review proceeding.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Second District - Case No. 2D03-3787

(Hillsborough County)

James Marion Moorman, Public Defender, Pamela H. Izakowitz, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Robert J. Krauss, Senior Assistant Attorney General, Chief of Criminal Law and Ronald Napolitano, Assistant Attorney General, Tampa, Florida,

for Respondent