

Supreme Court of Florida

No. SC06-1800

WILLIE EARL LUTON,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[January 24, 2008]

PER CURIAM.

We initially accepted review of the decision in Luton v. State, 934 So. 2d 7 (Fla. 3d DCA 2006), pursuant to article V, section 3(b)(3) of the Florida Constitution. See Luton v. State, 944 So. 2d 345 (Fla. 2006) (granting review). However, we have determined that jurisdiction was improvidently granted. Accordingly, we hereby discharge jurisdiction and dismiss this review proceeding.

It is so ordered.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, 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 - Direct
Conflict of Decisions

Third District - Case No. 3D03-2956

(Dade County)

Bennett H. Brummer, Public Defender, Eleventh Judicial Circuit, Miami, Florida,
and Anthony C. Musto, Special Assistant Public Defender, Seventh Judicial
Circuit, Hallandale Beach, Florida,

for Petitioner

Bill McCollum, Attorney General, Tallahassee, Florida, Richard L. Polin, Bureau
Chief, and Linda S. Katz, Assistant Attorneys General, Miami, Florida,

for Respondent