

# Supreme Court of Florida

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No. SC06-589

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**CHAVIS ZEIGLER, et al.,**  
Petitioners,

vs.

**STATE OF FLORIDA,**  
Respondent.

[April 5, 2007]

PER CURIAM.

We initially accepted review of the decision in Zeigler v. State, 922 So. 2d 384 (Fla. 1st DCA 2006), based on alleged express and direct conflict with State v. Diaz, 850 So. 2d 435 (Fla. 2003), Moody v. State, 842 So. 2d 754 (Fla. 2003), and Fitzpatrick v. State, 900 So. 2d 495 (Fla. 2005). Upon further consideration, we conclude 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

First District - Case Nos. 1D05-314 and 1D05-315

(Columbia County)

Nancy A. Daniels, Public Defender and Phil Patterson and Robert D. Baker,  
Assistant Public Defenders, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Bill McCollum, Attorney General, Robert R. Wheeler, Bureau Chief Criminal  
Appeals, and Daniel A. David, Assistant Attorney General, Tallahassee, Florida,

for Respondent