

Supreme Court of Florida

No. SC08-2116

STATE OF FLORIDA,
Petitioner,

vs.

EDDIE RILEY,
Respondent.

[December 10, 2009]

PER CURIAM.

This Court initially accepted jurisdiction to review Riley v. State, 33 Fla. L. Weekly D2481 (Fla. 1st DCA Oct. 22, 2008), a decision in which the First District Court of Appeal certified the following question to be of great public importance:

BASED ON THE REASONING OF GALINDEZ V. STATE, 955 So. 2d 517 (Fla. 2007), MAY A COURT FIND THAT THE FAILURE TO INSTRUCT THE JURY ON THE NEXT LESSER INCLUDED OFFENSE CONSTITUTES HARMLESS ERROR?

Id. at D2482. After further consideration, this Court concludes that it should decline to exercise its discretionary jurisdiction. Accordingly, this review proceeding is dismissed.

It is so ordered.

QUINCE, C.J., and PARIENTE, LEWIS, CANADY, POLSTON, LABARGA,
and PERRY, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal - Certified
Great Public Importance

First District - Case No. 1D08-802

(Leon County)

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