

Supreme Court of Florida

No. SC11-259

FRANK MONTE,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[November 1, 2012]

PER CURIAM.

We initially accepted jurisdiction to review the decision of the Fourth District Court of Appeal in Monte v. State, 51 So. 3d 1196 (Fla. 4th DCA 2011), pursuant to article V, section 3(b)(3), of the Florida Constitution. See Monte v. State, 68 So. 3d 235 (Fla. 2011) (table). Upon further consideration, we conclude that jurisdiction was improvidently granted. Accordingly, we hereby discharge jurisdiction and dismiss this review proceeding.

It is so ordered.

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

Fourth District - Case Nos. 4D08-1437 and 4D08-1461

(Broward County)

Carol Stafford Haughwout, Public Defender and Ellen Anne Griffin, Assistant
Public Defender, Fifteenth Judicial Circuit, West Palm Beach, Florida,

for Petitioner

Pamela Jo Bondi, Attorney General, Tallahassee, Florida, and Heidi Lynn
Bettendorf and Consiglia Terenzio, Assistant Attorneys General, West Palm
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for Respondent