

# Supreme Court of Florida

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No. SC12-226

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**KEVIN BRANTLEY,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[May 23, 2013]

PER CURIAM.

We initially accepted review of the decision in Brantley v. State, 76 So. 3d 345 (Fla. 3d DCA 2011), review granted, 88 So. 3d 148 (Fla. 2012) (table), based on express and direct conflict. See art. V, § 3(b)(3), Fla. Const. Upon further consideration, we conclude that jurisdiction was improvidently granted.

Accordingly, we hereby discharge jurisdiction and dismiss the review proceeding.

It is so ordered.

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

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. 3D11-2746

(Dade County)

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for Petitioner

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