

# Supreme Court of Florida

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No. SC16-1031

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**DENEAL O. BROWN,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

October 15, 2018

PER CURIAM.

We initially accepted jurisdiction to review the decision of the Second District Court of Appeal in *Brown v. State*, 197 So. 3d 69 (Fla. 2d DCA 2016), on the grounds of express and direct conflict with *Griffin v. State*, 160 So. 3d 63 (Fla. 2015), *Stinson v. State*, 69 So. 3d 291 (Fla. 1st DCA 2009), and *Ward v. State*, 12 So. 3d 920 (Fla. 1st DCA 2009). *See* art. V, § 3(b)(3), Fla. Const.

Having considered the Second District's opinion and the briefs of the parties, upon further review, we have determined that we should exercise our discretion and discharge jurisdiction. Accordingly, we dismiss review.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal – Direct  
Conflict of Decisions

Second District - Case No. 2D14-1166

(Pinellas County)

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for Petitioner

Pamela Jo Bondi, Attorney General, Suzanne Beschard, Bureau Chief, and Donna  
S. Koch, Assistant Attorney General, Tampa, Florida,

for Respondent