

Supreme Court of Florida

No. SC04-490

STATE OF FLORIDA,
Petitioner,

vs.

GARY ALAN MATHESON,
Respondent.

[March 3, 2005]

PER CURIAM.

We initially accepted jurisdiction pursuant to article V, section 3(b)(3), Florida Constitution, to review Matheson v. State, 870 So. 2d 8 (Fla. 2d DCA 2003), based on express and direct conflict with Vetter v. State, 395 So. 2d 1199 (Fla. 3d DCA 1981). Upon further consideration, we have determined that we should exercise our discretion and discharge jurisdiction. Accordingly, this review proceeding is hereby dismissed.

It is so ordered.

PARIENTE, C.J., and WELLS, ANSTEAD, LEWIS, QUINCE, and BELL, JJ.,
concur.

CANTERO, 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

Second District - Case No. 2D00-1611

(Hillsborough County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida, Robert J. Krauss,
Bureau Chief Criminal Appeals and Susan M. Shanahan, Assistant Attorney
General, Tampa, Florida,

for Petitioner

James Marion Moorman, Public Defender and Celene Humphries, Special
Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Respondent