

STATE OF FLORIDA

Appellant,

v.

KEITH DWAYNE HEAD,

Appellee.

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D04-3982

Opinion filed October 25, 2004.

An appeal from the Circuit Court for Alachua County.
Larry Gibbs Turner, Judge.

Charlie Crist, Attorney General; Thomas H. Duffy, Assistant Attorney General,
Pamela K. Brockaway, Assistant Attorney General, Tallahassee, for Appellant.

George F. Schaefer, Gainesville, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the court's order of September 14, 2004, the Court has determined that review of the Order Granting Respondent's Motion to Vacate Stay of the Court's Judgment of Dismissal and Respondent's Request for Immediate Release from Further Detention, is properly sought by motion in the related appeal of State of Florida v. Keith Dwayne Head, No.

1D04-1936. Accordingly, the instant appeal is hereby dismissed for lack of jurisdiction.

DISMISSED.

DAVIS, BROWNING and HAWKES, JJ., CONCUR.