

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

October 20, 2004

CARL W. SMITH,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D02-5097
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Upon consideration of appellant's notice of voluntary dismissal filed September 20, 2004, it is

ORDERED that the prior opinion filed September 3, 2004, is withdrawn.

The court acknowledges the receipt of and accepts appellant's notice of voluntary dismissal. Accordingly, this appeal is dismissed.

I HEREBY CERTIFY THE FOREGOING IS A TRUE COPY OF THE ORIGINAL COURT ORDER.

JAMES R. BIRK HOLD, CLERK

c: Cynthia J. Dodge  
Cerese Crawford Taylor  
Carl W. Smith