

# Supreme Court of Florida

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No. SC00-2441

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**STATE OF FLORIDA,**  
Petitioner,

vs.

**JAMES CLARK,**  
Respondent.

[December 20, 2001]

PER CURIAM.

We initially accepted for review the decision of the Fourth District Court of Appeal in State v. Clark, 770 So. 2d 237 (Fla. 4th DCA 2000), which certified conflict with the Second District's decision in State v. Barnes, 753 So. 2d 605 (Fla. 2d DCA 2000). Upon further consideration, we find that review was improvidently granted. Accordingly, this review proceeding is dismissed.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fourth District - Case No. 4D99-2673

(Broward County)

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for Petitioner

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for Respondent