

Supreme Court of Florida

Nos. SC01-1006, SC01-1007

ANN ELLIOT BARBER,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[October 10, 2002]

PER CURIAM.

We initially accepted jurisdiction to review Barber v. State, 781 So. 2d 425 (Fla. 5th DCA 2001), and State v. Barber, 783 So. 2d 293 (Fla. 5th DCA 2001), based on misapplication of this Court's opinion in State v. Norris, 168 So. 2d 541, 543 (Fla. 1964), and express and direct conflict with Smith v. State, 700 So. 2d 446, 446-47 (Fla. 1st DCA 1997), Audano v. State, 641 So. 2d 1356, 1358-59 (Fla. 2d DCA 1994), Dibble v. State, 347 So. 2d 1096, 1097 (Fla. 2d DCA 1977), Malcolm v. State, 415 So. 2d 891, 892 (Fla. 3d DCA 1982), and Smith v. State,

743 So. 2d 141, 143 (Fla. 4th DCA 1999). Upon reflection and further consideration, we now conclude that review was improvidently granted.

Accordingly, these review proceedings are dismissed.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

Two Applications for Review of the Decision of the District Court of Appeal -
Direct Conflict

Fifth District - Case Nos. 5D00-2797 & 5D99-218

(Brevard County)

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