

Supreme Court of Florida

No. SC01-1123

ANTHONY B. BOYKINS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[May 16, 2002]

PER CURIAM.

We initially accepted review of the decision in Boykins v. State, 783 So. 2d 317 (Fla. 5th DCA 2001), based on alleged express and direct conflict with a decision of another district court of appeal. Upon further consideration, we find that jurisdiction was improvidently granted. Accordingly, this review proceeding is dismissed.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fifth District - Case No. 5D00-1768

(Seminole County)

James B. Gibson, Public Defender, and Linda L. Gaustad, Assistant Public Defender,
Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Kellie A. Nielan and Pamela J. Koller,
Assistant Attorneys General, Daytona Beach, Florida,

for Respondent