

Supreme Court of Florida

No. SC08-1396

PEGGY ALLEN LUTTRELL,
Petitioner,

vs.

**FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES,**
Respondent.

[June 11, 2009]

PER CURIAM.

We initially accepted jurisdiction to review the decision of the Fifth District Court of Appeal in Department of Highway Safety and Motor Vehicles v. Luttrell, 983 So. 2d 1215 (Fla. 5th DCA), review granted, 1 So. 3d 172 (Fla. 2008) (table), based on express and direct conflict with the decision of this Court in Brannen v. State, 114 So. 429 (Fla. 1927). See art. V, § 3(b)(3), Fla. Const. After further, full consideration, we have determined that we should exercise our discretion and discharge jurisdiction. Accordingly, this review proceeding is dismissed.

It is so ordered.

QUINCE, C.J., and PARIENTE, LEWIS, CANADY, POLSTON, LABARGA,
and PERRY, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fifth District - Case No. 5D07-2384

(Volusia County)

Flem K. Whited, III of Whited Law Firm, Daytona Beach, Florida,

for Petitioner

Robin F. Lotane, General Counsel and Heather Rose Cramer, Assistant General
Counsel, Department of Highway Safety and Motor Vehicles, Lake Worth,
Florida,

for Respondent