

Supreme Court of Florida

No. SC11-2470

TONY BROWN,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[October 3, 2013]

PER CURIAM.

We initially accepted jurisdiction to review the decision of the Third District Court of Appeal in State v. Brown, 77 So. 3d 693 (Fla. 3d DCA 2011). After further consideration, we have determined that we should exercise our discretion and discharge jurisdiction. Accordingly, we dismiss this review proceeding.

It is so ordered.

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

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND
IF FILED, DETERMINED.

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

Third District – Case No. 3D10-1633

(Miami-Dade County)

Carlos J. Martinez, Public Defender, and Howard K. Blumberg, Assistant Public
Defender, Miami, Florida,

for Petitioner

Pamela Jo Bondi, Attorney General, Tallahassee, Florida; Richard L. Polin, Bureau
Chief, and Douglas J. Glead, Senior Assistant Attorney General, Miami, Florida;

for Respondent